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**VOLUME III**



NOTE: The third volume continues with Journal proceedings proper (page 2635) of March 11 through March 15, the date of final adjournment; followed by the Appendix consisting of remarks of members during the Regular and Extended Session, 2016; 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 Journal proceedings proper of the First Extraordinary Session of 2016 start in Volume III and are concluded in Volume IV.



(f) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section one, article ten-d, chapter five, of this code, modified by the Consolidated Public Retirement Board to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on November 5, 2015, relating to the Consolidated Public Retirement Board (West Virginia State Police, 162 CSR 9), is authorized.

(g) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section one, article ten-d, chapter five, of this code, modified by the Consolidated Public Retirement Board to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on November 5, 2015, relating to the Consolidated Public Retirement Board (Deputy Sheriff Retirement System, 162 CSR 10), is authorized.

### **§64-2-3. Ethics Commission.**

(a) The legislative rule filed in the State Register on June 30, 2015, authorized under the authority of section five-c, article two, chapter six-b, of this code, relating to the Ethics Commission (public use of names or likenesses, 158 CSR 21), is authorized with the amendment set forth below:

On page one, following section one, by striking out the remainder of the proposed rule, and inserting in lieu thereof the following:

### **§158-21-1. Definitions.**

As used in this article:

(a) "Advertising" means publishing, distributing, disseminating, communicating or displaying information to the general public through audio, visual or other media tools. It includes, but is not limited to, billboard, radio, television, mail, electronic mail, publications, banners, table skirts, magazines, social media, websites and other forms of publication, dissemination, display or communication.

(b) “Agent” means any volunteer or employee, contractual or permanent, serving at the discretion of a public official or public employee.

(c) “Educational materials” means publications, guides, calendars, handouts, pamphlets, reports or booklets intended to provide information about the public official or governmental office. It includes information or details about the office, services the office provides to the public, updates on laws and services and other informational items that are intended to educate the public.

(d) “Instructional material” means written instructions explaining or detailing steps for completion of a governmental agency document or form.

(e) “Likeness” means a photograph, drawing or other depiction of an individual.

(f) “Mass media communication” means communication through audio, visual, or other media tools, including U.S. mail, electronic mail, and social media, intended for general dissemination to the public. Examples include mass mailing by U.S. mail, list-serve emails and streaming clips on websites. It does not include (i) regular responses to constituent requests or questions during the normal course of business or (ii) communications that are authorized or required by law to be publicly disseminated, such as legal notices.

(g) “Public employee” means any full-time or part-time employee of any state, or political subdivision of the state, and their respective boards, agencies, departments and commissions, or in any other regional or local governmental agency.

(h) “Public official” means any person who is elected or appointed to any state, county or municipal office or position, including boards, agencies, departments and commissions, or in any other regional or local governmental agency.

(i) “Public payroll” means payment of public monies as a wage or salary from the state, or political subdivision of the state, or any

other regional or local governmental agency, whether accepted or not.

(j) “Social media” means forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content. It includes web and mobile-based technologies which are used to turn communication to interactive dialogue among organizations, communities and individuals. Examples include, but are not limited to, Facebook, MySpace, Twitter and YouTube.

(k) “Trinkets” means items of tangible personal property that are not vital or necessary to the duties of the public official’s or public employee’s office, including, but not limited to, the following: magnets, mugs, cups, key chains, pill holders, band-aid dispensers, fans, nail files, matches and bags.

**§158-21-2. Limitations on a public official from using his or her name or likeness.**

(a) *Trinkets* — Public officials, their agents, or anyone on public payroll may not place the public official's name or likeness on trinkets paid for with public funds: *Provided*, That when appropriate and reasonable, public officials may expend a minimal amount of public funds for the purchase of pens, pencils or other markers to be used during ceremonial signings.

(b) *Advertising* — (1) Public officials, their agents, or anyone on public payroll may not use public funds, including funds of the office held by the public official, public employees, or public resources to distribute, disseminate, publish or display the public official's name or likeness for the purpose of advertising to the general public.

(2) Notwithstanding the prohibitions in subdivision (1) of this subsection, the following conduct is not prohibited:

(A) A public official’s name and likeness may be used in a public announcement or mass media communication when necessary, reasonable and appropriate to relay specific public safety, health or emergency information.

(B) A public official's name and likeness may appear on an agency's social media and website provided it complies with section three of this article.

(C) Dissemination of office press releases or agency information via email, social media or other public media tools for official purposes is not considered advertising or prohibited under this subsection, if it (i) is intended for a legitimate news or informational purpose, (ii) is not intended as a means of promotion of the public official, and (iii) is not being used as educational material.

(3) Banners and table skirts are considered advertising and may not include the public official's name or likeness.

(4) Nothing in this article shall be interpreted as prohibiting public officials from using public funds to communicate with constituents in the normal course of their duties as public officials if the communications do not include any reference to voting in favor of the public official in an election.

(c) *Vehicles* — Public officials, their agents, or any person on public payroll may not use or place the public official's name or likeness on any publicly-owned vehicles.

(d) *Educational Materials* — A public official's name or likeness may not be placed on any educational material that is paid for with public funds: *Provided*, That this prohibition does not apply to the submission of a report required to be issued by law.

### **§158-21-3. Limitations on promotion through social media.**

(a) A public official's name and likeness may appear on a public agency's website and social media subject to the following restrictions:

(1) The public official's name may appear throughout the website if it is reasonable, incidental, appropriate and has a primary purpose to promote the agency's mission and services rather than to promote the public official.

(2) The public official's likeness may only appear on the agency's website home page and on any pages or sections devoted to biographical information regarding the public official.

(3) The public official's name and likeness may appear on the agency's social media if it is reasonable, incidental, appropriate and has a primary purpose to promote the agency's mission and services rather than to promote the public official.

(b) This section does not apply to personal or non-public agency social media accounts.

(c) A public agency's website or social media may not provide links or reference to a public official's or public employee's personal or campaign social media or website.

#### **§158-21-4. Use of public resources to display or distribute.**

(a) Unless otherwise permitted under section two of this article, a public official and public employee may not use public resources to display or distribute trinkets, educational material or advertising with his or her name or likeness. This prohibition includes:

(1) Trinkets, educational material or advertising paid for with non-public funds, personal funds, third-party funds, campaign funds and those that have been provided through an in-kind gift to the public agency or official; and

(2) Use of offices, counters, vehicles and other public spaces maintained or controlled by the public official's or public employee's agency;

(b) Notwithstanding any other provisions of this section, public officials or public employees, having a separate personal office or workspace in a public space may, inside that office or workspace;

(1) Display political or non-political awards, certificates, plaques, photographs and other similar materials; or

(2) Display or distribute trinkets of de minimus value to visitors, provided the trinkets are not paid for with public funds, do

not advocate for or against any political candidate or political cause, do not promote any private business in which the public official or public employee has a financial interest and contain only general personal information including, but not limited to the public official or public employee's title, name, address, telephone number and email address.

**§158-21-5. Exceptions to use of name or likeness.**

(a) A public official may use his or her name or likeness on any official record or report, letterhead, document or certificate or instructional material issued in the course of his or her duties as a public official: *Provided*, That other official documents used in the normal course of the agency, including but not limited to, facsimile cover sheets, press release headers, office signage and envelopes may include the public official's name: *Provided, however*, If the official documents are reproduced for distribution or dissemination to the public as educational material, the items are subject to the prohibitions in subsection (d), section two of this article.

(b) When appropriate and reasonable, the West Virginia Division of Tourism may use a public official's name and likeness on material used for tourism promotion.

(c) The prohibitions contained in this article do not apply to any person who is employed as a member of the faculty, staff, administration or president of a public institution of higher education and who is engaged in teaching, research, consulting or publication activities in his or her field of expertise with public or private entities who derive private benefits from the activities: *Provided*, The activity is approved as a part of an employment contract with the governing board of the institution of higher education or has been approved by the employee's department supervisor or the president of the institution by which the faculty or staff member is employed.

(d) The prohibitions contained in section two of this article do not apply to a public official's campaign-related expenditures or materials.



(e) The prohibitions contained in section two of this article do not apply to items paid for with the public official's personal money.

(f) The prohibitions contained in section two of this article do not apply to items or materials required by law to contain the public official's name or likeness.

**§158-21-6. Existing items as of the effective date.**

(a) If a public official, public employee or public agency possesses items or materials in contravention of this rule or section five-c, article two, chapter six-b of the code that were purchased prior to the effective date of this rule, the public official, public employee or public agency may not continue to distribute, disseminate, communicate or display publicly these items or materials.

(b) Notwithstanding the prohibition in subsection (a) of this section,

(1) Materials may be used publicly if the public official's name or likeness are permanently removed or covered: *Provided*, That a public official's name or likeness may be covered with a sticker, be marked out or obliterated in any other manner;

(2) The public agency may use the items or materials for internal use if they are not publicly distributed, disseminated, communicated or displayed; and

(3) When appropriate and in compliance with law, a public agency may donate the items to surplus, charity or an organization serving the poor and needy.

**§158-21-7. Allowance for exemption.**

If any of the prohibitions contained in this article create an undue hardship or will cause significant financial impact upon the public agency to bring existing material, vehicles or items into compliance with this article, the public agency may seek a written exemption from the West Virginia Ethics Commission. In any

request, the Ethics Commission shall make public the name of public agency seeking the exemption, along with the affected public official, if any.

(b) The legislative rule effective on September 1, 1993, authorized under the authority of section two, article two, chapter six-b of this code, relating to Ethics Commission (advisory opinions, 158 CSR 2), is repealed.

(c) The legislative rule effective on April 10, 1995, authorized under the authority of section twenty-eight, article twenty, chapter thirty-one of this code, relating to Ethics Commission (guidelines and standards for determining the existence of disqualifying financial interests, 158 CSR 4), is repealed.

(d) The legislative rule effective on June 1, 1992, authorized under the authority of section one, article two, chapter six-b of this code, relating to Ethics Commission (contributions, 158 CSR 10), is repealed.

#### **§64-2-4. Division of Personnel.**

The legislative rule filed in the State Register on July 21, 2015, authorized under the authority of section ten, article six, chapter twenty-nine, of this code, relating to the Division of Personnel (administrative rule of the West Virginia Division of Personnel, 143 CSR 1), is authorized with the following amendment:

On page 48, by removing the strikethrough of subparagraph 14.3.f.1, and restoring the original language, with modification, to read as follows:

14.3.f.1. An employee may elect to be paid in installments at his or her usual rate and frequency of pay as if employment were continuing until the pay period during which the accrued annual leave is exhausted. If the last day for which leave payment is due falls before the day on which the pay period ends, terminal annual leave payment for those days within that pay period shall be calculated using the daily rate for pay period in which the last day on payroll occurs. Employees in positions allocated to job classes assigned to an hourly pay schedule or per diem pay schedule

approved by the Board shall be paid according to those standard procedures;

And renumbering the subparagraphs thereafter; and

On page 50, by removing the strikethrough in subparagraph 14.4.e.2, and restoring the original language of subparagraph 14.4.e.2.

#### **§64-2-5. State Building Commission.**

The procedural rule effective on July 21, 1995, authorized under the authority of section three, article nine-a, chapter six of this code, relating to the State Building Commission (procedural rules for meetings, 159 CSR 1), is repealed.

#### **§64-2-6. Public Employees Insurance Agency.**

The procedural rule effective on June 20, 1991, authorized under the authority of section six, article sixteen, chapter five of this code, relating to the Public Employees Insurance Agency (procedural rules for the Public Employees Insurance Agency Advisory Board, 151 CSR 5), is repealed.

#### **§64-2-7. Board of Risk and Insurance Management.**

The legislative rule effective on April 14, 1992, authorized under the authority of section five, article twelve, chapter twenty-nine of this code, relating to the Board of Risk and Insurance Management (discontinuation of professional malpractice insurance, 115 CSR 4), is repealed.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. H. B. 4046) was reported by the Clerk and adopted:

On pages seven and eight, section three, by striking out all of subsection (c), section five of the proposed rule and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) The prohibitions contained in this article do not apply to any person who is employed as a member of the faculty, staff, administration, or president of a public institution of higher education and who is engaged in teaching, research, consulting, coaching, recruiting or publication activities: *Provided*, That the activity is approved as a part of an employment contract with the governing board of the institution of higher education or has been approved by the employee's department supervisor or the president of the institution by which the faculty or staff member is employed.

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

The bill (Eng. H. B. 4046), as amended, was then ordered to third reading.

**Eng. House Bill 4150**, Making a supplementary appropriation to the Department of Health and Human Resources.

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

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

**Eng. House Bill 4151**, Making a supplementary appropriation to the Department of Education.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 4152**, Making a supplementary appropriation to the Division of Environmental Protection – Protect Our Water Fund.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 4176**, Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program.

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 15A. ADDICTION TREATMENT PILOT PROGRAM.**

**§62-15A-1. Definitions.**

As used in this article:

(1) “Addiction service provider” means a person licensed by this state to provide addiction and substance abuse services to persons addicted to opioids.

(2) “Adult drug court judge” means a circuit court judge operating a drug court as defined in subsection (a), section one, article fifteen.

(3) “Adult Drug Court Program” means an adult treatment court established by the Supreme Court of Appeals of West Virginia pursuant to this article.

(4) “Authority” means the Regional Jail and Correctional Facility Authority.

~~(4)~~ (5) “Circuit court” means those courts set forth in article two, chapter fifty-one of this code.

~~(5)~~ (6) “Court” means the Supreme Court of Appeals of West Virginia.

~~(6)~~ (7) “Department” means the Department of Health and Human Resources.

~~(7)~~ (8) “Division” means the Division of Corrections.

~~(8)~~ (9) “LS/CMI assessment criteria” means the level of service/case management inventory which is an assessment tool that measures the risk and need factors of adult offenders.

~~(9)~~ (10) “Medication-assisted treatment” means the use of medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.

~~(10)~~ (11) “Prescriber” means an individual currently licensed and authorized by this state to prescribe and administer prescription drugs in the course of their professional practice.

**§62-15A-2. The Department of Health and Human Resources Pilot Program.**

(a) The secretary of the department shall conduct a pilot program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the criminal justice system, eligible to participate in a program, and selected under this section to be participants in the pilot program because of their dependence on opioids.

(b) In the case of the medication-assisted treatment provided under the pilot program, a drug may be used only if it has been approved by the United States Food and Drug Administration for use in the prevention of relapse to opioid dependence and in conjunction with psychosocial support, provided as part of the pilot program, appropriate to patient needs.

(c) The department may invite the Court, the Authority and the division to participate in the pilot program.

(d) The department may limit the number of participants.

(e) (1) If the Court's Adult Drug Court Program is selected to participate, it shall select persons who are participants in the Adult Drug Court program, who have been clinically assessed and diagnosed with opioid addiction. Participants must either be eligible for Medicaid, or eligible for a state, federal or private grant or other funding sources that provides for the full payment of the treatment necessary to participate in the pilot program. After being enrolled in the pilot program, participants shall comply with all requirements of the Adult Drug Court Program.

(2) Treatment may be provided under this subsection only by a treatment provider who is approved by the Court or Adult Drug Court Program consistent with the policies and procedures for Adult Drug Courts developed by the Court. In serving as a treatment provider, a treatment services provider shall do all of the following:

(A) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the addiction services provider;

(B) Conduct any necessary additional professional, comprehensive substance abuse and mental health diagnostic assessments of persons under consideration for selection as pilot program participants to determine whether they would benefit from substance abuse treatment and monitoring;

(C) Determine, based on the assessments described in paragraph (B), the treatment needs of the participants served by the treatment provider;

(D) Develop, for the participants served by the treatment provider, individualized goals and objectives;

(E) Provide access to the non-narcotic, long-acting antagonist therapy included in the pilot program's medication-assisted treatment; and

(F) Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders.

(f) (1) If the Division of Corrections is selected to participate, the division shall select persons, within the custody of the Division of Corrections, who are determined to be at high risk using the LS/CMI assessment criteria into the pilot program. Participants must either be eligible for Medicaid, or eligible for a state, federal or private grant or other funding sources that provide for the full payment of the treatment necessary to participate in the pilot program. After being enrolled in the pilot program, a participant shall comply with all requirements of the treatment program.

(2) A participant shall:

(A) Receive treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the addiction services provider;

(B) Submit to professional, comprehensive substance abuse and mental health diagnostic assessments of persons under consideration for selection as pilot program participants to determine whether they would benefit from substance abuse treatment and monitoring;

(C) Receive, based on the assessments described in paragraph (B), the treatment needs of the participants served by the treatment provider;

(D) Submit to the treatment provider, individualized goals and objectives;

(E) Receive the nonnarcotic, long-acting antagonist therapy included in the pilot program's medication-assisted treatment; and

(F) Participate in other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders

(g) (1) If the Regional Jail and Correctional Facility Authority is selected to participate, the authority shall select only persons who are serving a sentence for a felony or misdemeanor who are determined to be at high risk using the LS/CMI assessment criteria



for the pilot program. Participants must either be eligible for Medicaid, or eligible for a state, federal or private grant or other funding source that provides for the full payment of the treatment necessary to participate in the pilot program. After being enrolled in the pilot program, a participant shall comply with all requirements of the treatment program.

(2) A participant shall:

(A) Receive treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the addiction services provider;

(B) Submit to professional, comprehensive substance abuse and mental health diagnostic assessments of persons under consideration for selection as pilot program participants to determine whether they would benefit from substance abuse treatment and monitoring;

(C) Receive, based on the assessments described in paragraph (B), the treatment needs of the participants served by the treatment provider;

(D) Submit to the treatment provider, individualized goals and objectives;

(E) Receive the nonnarcotic, long-acting antagonist therapy included in the pilot program's medication-assisted treatment; and

(F) Participate in other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders.

(3) A participant who is incarcerated pursuant to a misdemeanor conviction or convictions and successfully completes this treatment pilot program may, at the discretion of the Authority, receive up to five days off of his or her sentence.

(4) If a participant begins participation in the treatment pilot program while in the custody of the Commissioner of Corrections,

but is confined in a regional jail, and transferred to a Division of Corrections facility before completing the pilot treatment program the Division of Corrections shall ensure that the participant's treatment under the program will continue and that upon successful completion the participant shall receive credit off his or her sentence as would have occurred had he or she remained in the authority facility until successful completion.

**§62-15A-3. Report.**

(a) The department shall prepare a report.

(b) The report shall include:

(1) Number of participants;

(2) Number of participants successfully completing the program;

(3) Offenses committed or offense convicted of;

(4) Recidivism Rate;

(5) Potential cost saving or expenditures;

(6) A statistical analysis which determines the effectiveness of the program; and

(7) Any other information the reporting entity finds pertinent.

~~(b)~~ (c) The Court and the division should provide any information necessary to the department to complete the report.

~~(c)~~ (d) The department shall submit the report to:

(1) The Governor;

(2) The Chief Justice of the Supreme Court of Appeals of West Virginia;

(3) The Joint Committee on Government and Finance; ~~and~~

(4) The Commissioner of the Division of Corrections;

(5) The Director of the Regional Jail and Correctional Facility Authority; and

(6) The Secretary of the Department of Military Affairs and Public Safety.

~~(d)~~ (e) The report shall be submitted by July 1, 2017 and shall include twelve months of data from the beginning of the administration of the program.

The bill (Eng. Com. Sub. for H. B. 4176), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4186**, Relating to additional duties of the Public Service Commission.

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 the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §24A-2-2b, to read as follows:

**CHAPTER 24A. MOTOR CARRIERS OF PASSENGERS  
AND PROPERTY FOR HIRE.**

**ARTICLE 2. COMMON CARRIERS BY MOTOR  
VEHICLES.**

**§24A-2-2b. Rule-making authority; establishing rates for recovering, towing, hauling, carrying, or storing wrecked or disabled vehicles; complaint process; and required Legislative Audit.**

(a) On or before July 1, 2016, the Commission shall promulgate rules to effectuate the provisions of this article.

(b) The rules promulgated pursuant to the provisions of this section shall describe:

(1) Factors determining the fair, effective and reasonable rates levied by a carrier for recovering, towing, hauling, carrying or storing a wrecked or disabled vehicle. The commission shall consider, but shall not be limited to:

(A) Tow vehicle(s) and special equipment required to complete recovery/tow;

(B) Total time to complete the recovery or tow;

(C) Number of regular and extra employees required to complete the recovery or tow;

(D) Location of vehicle recovered or towed;

(E) Materials or cargo involved in recovery or tow;

(F) Comparison with reasonable prices in the region;

(G) Weather conditions; and

(H) Any other relevant information having a direct effect on the pricing of the recovery, towing and storage of a recovered or towed vehicle;

(2) The process for filing a complaint, the review and investigation process to ensure it is fair, effective and timely: *Provided*, That in any formal complaint against a carrier relating to a third-party tow, the burden of proof to show that the carrier's charges are just, fair and reasonable shall be upon the carrier;

(3) The process for aggrieved parties to recover the cost, from the carrier, for the charge or charges levied by a carrier for recovering, towing, hauling, carrying or storing a wrecked or disabled vehicle where the commission determines that such charge or charges are not otherwise just, fair or reasonable; and

(4) The process to review existing maximum statewide wrecker rates and special rates for the use of special equipment in towing

and recovery work to ensure that rates are just, fair and reasonable: *Provided*, That the commission shall generally disapprove hourly and flat rates for ancillary equipment.

(c) All carriers regulated under this article shall list their approved rates, fares and charges on every invoice provided to an owner, operator or insurer of a wrecker or disabled motor vehicle.

(d) The rules promulgated pursuant to this article shall sunset on July 1, 2021, unless reauthorized.

(e) On or before December 31, 2020, the Legislative Auditor shall review the rules promulgated by the Public Service Commission under this section. The audit shall evaluate the rate-making policy for reasonableness, the complaint process for timeliness, the penalties for effectiveness and any other metrics the Legislative Auditor deems appropriate. The Legislative Auditor may recommend that the rule be reauthorized, reauthorized with amendment or repealed.

The bill (Eng. Com. Sub. for H. B. 4186), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4201**, Increasing the criminal penalties for participating in an animal fighting venture.

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 8. CRIMES AGAINST CHASTITY, MORALITY  
AND DECENCY.**

**§61-8-19a. Animal fighting ventures prohibited.**

(a) For the purpose of this article, “animal fighting venture” means any event that involves a fight conducted or to be conducted

between at least two animals for purposes of sport, wagering, or entertainment: *Provided*, That it shall not be deemed to include any lawful activity the primary purpose of which involves the use of one or more animals in racing or in hunting another animal: *Provided, however*, That “animal fighting venture” does not include the lawful use of livestock as such is defined in section two, article ten-b, chapter nineteen of this code or exotic species of animals bred or possessed for exhibition purposes when such exhibition purposes do not include animal fighting or training therefor.

(a) (b) It is unlawful for any person to conduct, finance, manage, supervise, direct, engage in, be employed at, or sell an admission to any animal fighting venture or to knowingly allow property under his care, custody or control to be so used.

(c) It is unlawful for any person to possess an animal with the intent to engage the animal in an animal fighting venture.

(b) (d) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ~~\$100~~ \$300 and not more than ~~\$1,000~~ \$2,000, or confined in the county jail not exceeding one year, or both so fined and confined, and may be divested of ownership and control of such animals, ~~and be liable for all costs for their care and maintenance:~~ *Provided*, That if the animal is a wild animal, game animal or fur-bearing animal, as defined in section two, article one, chapter twenty of this code, or wildlife not indigenous to West Virginia, or of a canine, feline, porcine, bovine, or equine species whether wild or domesticated, the person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than ~~\$1,000~~ \$2,500 and not more than ~~\$5,000~~ \$5,000, and imprisoned in a state correctional facility for not less than ~~one~~ two nor more than five years, or both fined and imprisoned.

(e) Any person convicted of a violation of this section shall be divested of ownership and control of such animals and liable for all costs of their care and maintenance.

**§61-8-19b. Attendance at animal fighting ventures prohibited; penalty.**

(a) It is unlawful for any person to knowingly attend or knowingly cause an individual who has not attained the age of eighteen to attend, an animal fighting venture involving animals as provided defined in subsections (a) and (b); section nineteen-a, article eight of this chapter.

(b) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ~~\$100~~ \$300 and not more than ~~\$1,000~~ \$2,000, or confined in the county or regional jail not more than one year, or both fined and imprisoned.

(c) Notwithstanding the provisions of subsection (b) of this section, any person convicted of a third or subsequent violation of subsection (a) of this section is guilty of a felony and, shall be fined not less than \$2,500 and not more than \$5,000, imprisoned in a state correctional facility not less than one year nor more than five years, or both fined and imprisoned.

**§61-8-19c. Wagering at animal fighting venture prohibited; penalty.**

(a) It is unlawful for any person to bet or wager money or any other thing of value in any location or place where an animal fighting venture occurs.

(b) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 and not more than \$2,000, or confined in jail not more than one year, or both fined and imprisoned.

(c) Notwithstanding the provisions of subsection (b) of this section, any person who is convicted of a third or subsequent violation of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$2,500 and not more than \$5,000, or imprisoned in a state correctional facility not less than one year nor more than five years, or both fined and imprisoned.

The bill (Eng. Com. Sub. for H. B. 4201), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4218**, Expanding the definition of “underground facility” in the One-Call System Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 4243**, Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

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

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

**Eng. Com. Sub. for House Bill 4261**, Prohibiting the sale or transfer of student data to vendors and other profit making entities.

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 five, section five-h, lines ninety-five through one hundred one, by striking out all of paragraph (H) and inserting in lieu thereof a new paragraph, designated paragraph (H), to read as follows:

(H) In the event that the ACT or the SAT tests are adopted for use as the state summative assessment, nothing in this article prevents the ACT or the College Board from using a student’s assessment results and necessary directory or other permissible information under this Act. If information classified as confidential is required, the ACT, SAT or College Board shall obtain affirmative written consent from the student if the student is eighteen years of age or older, or from the student’s parent or



guardian if the student is under eighteen years of age. The consent shall contain a detailed list of confidential information required and the purpose of its requirement.

The bill (Eng. Com. Sub. for H. B. 4261), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4271**, Ending discretionary transfers to the Licensed Racetrack Modernization Fund.

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

At the request of Senator Carmichael, 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. House Bill 4321**, Relating to tax credits for apprenticeship training in construction trades.

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

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

On page two, section one, line twenty, after the word “less” by changing the period to a colon and adding the following proviso: *Provided*, That the total amount of tax credit under this article shall not exceed an employer’s contribution to an apprenticeship fund.

The bill (Eng. H. B. 4321), as amended, was then ordered to third reading.

**Eng. House Bill 4347**, Providing pregnant women priority to substance abuse treatment.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 4364**, Internet Privacy Protection Act.

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 article, designated §21-5G-1, to read as follows:

**ARTICLE 5G. EMPLOYEE PERSONAL SOCIAL MEDIA.**

**§21-5G-1. Employer access to employee or potential employee personal accounts prohibited.**

(a) An employer shall not do any of the following:

(1) Request, require or coerce an employee or a potential employee to disclose a username and password, password or any other authentication information that allows access to the employee or potential employee's personal account;

(2) Request, require or coerce an employee or a potential employee to access the employee or the potential employee's personal account in the presence of the employer; or

(3) Compel an employee or potential employee to add the employer or an employment agency to their list of contacts that enable the contacts to access a personal account.

(b) Nothing in this section prevents an employer from:

(1) Accessing information about an employee or potential employee that is publicly available;

(2) Complying with applicable laws, rules or regulations;

(3) Requiring an employee to disclose a username or password or similar authentication information for the purpose of accessing;

(A) An employer-issued electronic device; or

(B) An account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the employer's business purposes;

(4) Conducting an investigation or requiring an employee to cooperate in an investigation. The employer may require an employee to share the content that has been reported to make a factual determination, if the employer has specific information about an unauthorized transfer of the employer's proprietary information, confidential information or financial data, to an employee's personal account;

(5) Prohibiting an employee or potential employee from using a personal account during employment hours, while on employer time or for business purposes; or

(6) Requesting an employee to share specific content regarding a personal account for the purposes of ensuring compliance with applicable laws, regulatory requirements or prohibitions against work-related employee misconduct.

(c) If an employer inadvertently receives the username, password or any other authentication information that would enable the employer to gain access to the employee or potential employee's personal account through the use of an otherwise lawful technology that monitors the employer's network or employer-provided electronic devices for network security or data confidentiality purposes, then the employer is not liable for having that information, unless the employer:

(1) Uses that information, or enables a third party to use that information, to access the employee or potential employee's personal account;

(2) After the employer becomes aware that that information was received, does not delete the information as soon as is reasonably practicable, unless that information is being retained by the employer in connection with an ongoing investigation of an actual or suspected breach of the computer, network or data

security. Where an employer knows or, through reasonable efforts, should be aware that its network monitoring technology is likely inadvertently to receive such information, the employer shall make reasonable efforts to secure that information.

(d) Nothing in this section diminishes the authority and obligation of an employer to investigate complaints, allegations or the occurrence of sexual, racial, or other harassment as provided in this code.

(e) As used in this section, “personal account” means an account, service or profile on a social networking website that is used by an employee or potential employee exclusively for personal communications unrelated to any business purposes of the employer.

The bill (Eng. H. B. 4364), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4380**, Adding the spouse of an indigent person as a possible individual who may be liable for the funeral service expenses.

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

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

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

## **ARTICLE 5. MISCELLANEOUS PROVISIONS.**

### **§9-5-9. Liability of relatives for support.**

(a) The relatives of an indigent person, who are of sufficient ability, shall be liable to support such person in the manner required by the Department of welfare and to pay for the expenses of burial

when he dies any funeral services provided for the indigent person and paid for by the department, in the following order:

(1) The spouse.

~~(1)~~ (2) The children.

~~(2)~~ (3) The father.

~~(3)~~ (4) The brothers and sisters.

~~(4)~~ (5) The mother.

(b) The commissioner department may proceed by motion in the circuit court of the county in which the indigent person may be, against one or more of the relatives liable.

(c) If a relative so liable does not reside in this state and has no estate or debts due him or her within the state by means of which the liability can be enforced against him or her, the other relatives shall be liable as provided by this section, but a relative shall not be compelled to receive the indigent person in his own home.

~~If it appears that a relative liable for the support funeral expenses of an indigent person is unable wholly to support him, but is able to contribute toward his support, the court may assess upon the relative the proportion which he shall be required to contribute either to the past expense incurred by the Department of welfare or to the future support. The court may assess the residue upon the relatives in the order of their liability.~~

~~Payment with interest and costs may be enforced by execution.~~

(d) The liability of the relative of an indigent person for funeral service expenses created by this section is limited to the amount paid by the department pursuant to the provisions of section eighteen of this article.

(e) For purposes of this section, "spouse" means the person to whom the decedent was legally married or not legally separated at the time of the decedent's death and who survived the decedent.

**§9-5-18. Funeral service expenses for indigent persons; filing of affidavit and other financial information to certify indigency; penalties for false swearing; payment by ~~division~~ department.**

(a) The Department of Health and Human Resources ~~shall~~ may pay for ~~reasonable~~ funeral service expenses for indigent persons who are cremated or buried in an amount not to exceed \$1,250.

(b) ~~For purposes of this section,~~ Prior to paying for funeral services, the department shall determine the indigency of a deceased person, is determined by the filing of and whether or not the deceased's estate or any of family member who is liable for the funeral service expenses pursuant to section nine of this article is financially able to pay, alone or in conjunction, for the funeral service expenses. The department shall require that an affidavit be filed with the department, in a form provided by and determined in accordance with the income guidelines as set forth by the department, as well as any other supporting financial information the department may require, including, but not limited to, bank statements and income tax information of the deceased person and the relatives of the deceased person who are liable for the funeral service expenses pursuant to section nine of this article. The affidavit must be: (1) Signed by the heir or heirs at law which states relatives liable for the funeral service expenses and state that the estate of the deceased person is pecuniarily unable to pay the costs associated with a funeral, funeral service expenses and that the sole or combined assets of the relatives liable for the funeral service expenses are not sufficient to pay for the funeral service expenses; or (2) signed by the county coroner or the county health officer, the attending physician or other person signing the death certificate or the state medical examiner stating that the deceased person has no heirs or that heirs have not been located after a reasonable search and that the deceased person had no estate or the estate is pecuniarily unable to pay the costs associated with a funeral.

(c) Payment shall be made by the department to the person or persons who have furnished the services and supplies for the indigent persons funeral service expenses or to the persons who

have advanced payment for same, as the department may determine, pursuant to appropriations for expenditures made by the Legislature for such purpose: Provided, That, the department may not pay for more than two thousand indigent funeral services in any fiscal year.

(d) For purposes of this section, ~~reasonable~~ “funeral service expenses” means expenses for cremation services provided by a funeral director for the disposition of human remains: Provided, That, funeral service expense may also include an alternative funeral service if the family member otherwise responsible for reimbursement pursuant to subsection (a), section nine of this article if he or she had not been deemed indigent determines that cremation would have been objectionable to the decedent because of his or her religion or is otherwise prohibited by federal or state law or regulation.

(e) For purposes of this section, “alternate funeral expenses” means expenses for services provided by a funeral director for the disposition of human remains other than by cremation.

~~(e)~~ (f) Any person who knowingly swears falsely in an affidavit required by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in ~~the county or regional~~ jail for a period of not more than six months, or both.

The bill (Eng. Com. Sub. for H. B. 4380), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4388**, Relating to stroke centers.

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

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

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

**ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.**

**§16-5B-18. Designation of comprehensive, primary and acute stroke-ready hospitals; reporting requirements; rulemaking.**

(a) A hospital, as that term is defined in section one of this article, may apply to the Department of Health and Human Resources to be recognized and certified as a comprehensive stroke center, a primary stroke center or an acute stroke-ready hospital. The appropriate designation shall be granted by the Department of Health and Human Resources based upon criteria recognized by the American Heart Association, the Joint Commission or other nationally recognized organization as set forth in legislative rules as provided in subsection (d) of this section.

(b) The Department of Health and Human Resources shall provide annually, by June 1, a list of all hospitals they have designated pursuant to the provisions of subsection (a) of this section to the medical director of each licensed emergency medical service agency in this state. This list shall be maintained by the Department of Health and Human Resources and shall be updated annually on its website.

(c) The Secretary of the Department of Health and Human Resources shall establish by legislative rule, as set forth in subsection (d) of this section, prehospital care protocols related to assessment, treatment and transport of patients identified as stroke patients. These protocols shall be applicable to all emergency medical service agencies, as defined in section three, article four-c of this chapter. These protocols shall include development and implementation of plans for the triage and transport within specified timeframes of onset of symptoms of acute stroke patients to the nearest comprehensive, primary or acute stroke ready hospital.



(d) The Secretary of the Department of Health and Human Resources shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to accomplish the goals of this section. These rules shall be proposed after consultation with an advisory committee selected by the Secretary of the Department of Health and Human Resources. The advisory committee shall consist of representatives of the Department of Health and Human Resources, an association with the primary purpose of promoting better heart health, a registered emergency medical technician, hospitals located in rural areas of the state and hospitals located in urban areas of this state.

These rules shall include:

(1) An application process;

(2) The criteria for designation and certification as a comprehensive stroke center, a primary stroke center or an acute stroke ready center;

(3) A means for providing a list of designated hospitals to emergency medical service agencies;

(4) Protocols for assessment, treatment and transport of stroke patients by licensed emergency medical service agencies; and

(5) Any other requirements necessary to accomplish the intent of this section.

The bill (Eng. Com. Sub. for H. B. 4388), as amended, was then ordered to third reading.

**Eng. House Bill 4428**, Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 4542**, Allowing persons with property within rural fire protection districts to opt out of fire protection coverage.

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:

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

**ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**

**§8-15-3. Municipalities empowered and authorized to contract for prevention and extinguishment of fires beyond the corporate limits.**

(a) Any municipality that does not have an established fire protection fee may contract to render services in the prevention and extinguishment of fires upon property located within the state. A municipality may contract beyond its immediate boundary limit within its fire department's first due area as defined in title eighty seven, series six, of the Legislative Rules, for fire service protection if fire protection is provided in accordance with and under a rural fire protection district plan based upon the fire suppression rating schedule approved by the State Insurance Commissioner. All rural fire protection district plans shall be approved by the State Fire Commission. No rural fire protection district plan providing for a municipality to contract beyond its boundary may infringe upon an existing fire department's ~~response~~ first due area without the written consent of the fire department providing fire services for that area.

No contract entered into under the authority of this section may operate to impose any greater obligation or liability upon the municipality than that with respect to property within its corporate limits. Nothing contained in this section may be construed as

requiring any municipality to contract to render such services. A municipality providing fire services under contract to any property outside its corporate limits under an approved rural fire protection district plan may offer fire service under contract to any property within the county if the property owner requests the protection and obtains written consent of the fire department providing fire services for that area.

Any contract entered into under the authority of this section, on or after July 1, 1969, shall require the ~~property~~ owner of served property located outside the corporate limits of the serving municipality to pay as consideration for said services an annual payment, determined as provided in the remainder of this subsection. If the municipality does not impose a fire service fee on the users of such service within the municipality as authorized in section thirteen, article thirteen of this chapter, the annual payment shall be equivalent to ~~eighty~~ thirty-three percent of the annual tax levied for current municipal purposes upon property within said municipality of like assessed valuation to the property under contract. ~~If the municipality does impose a fire service fee on the users of such service within the municipality, as authorized in said section, the annual payment shall be equivalent to the amount of fire service fee which would be imposed if the property under contract were located within the municipality plus at least fifty percent of the annual tax levied for current municipal purposes upon property within said municipality of like assessed valuation to the property under contract.~~ Provided, That the annual payment shall not include charges exceeding five percent of annual tax levied for buildings used or intended to be used for the production, storage or housing of agricultural products, as defined in article one (b), section two, chapter nineteen of this code. No contract entered into under the authority of this section, and nothing herein contained, may be construed as requiring or permitting any municipality to install or maintain any special additional apparatus or equipment beyond that necessary for the protection of property within its corporate limits.

(b) The annual payments due under any such contract are payable on or before October 1, of each calendar year in which such

~~contract remains in effect, or upon such day as may be hereinafter provided as the due date of the first installment of ad valorem taxes. If any annual payment is in default for a period of more than thirty days, it shall bear interest at the same rate as that provided for delinquent property taxes and shall be a lien upon the property under contract if a notice of such lien is recorded in the proper deed of trust book in the office of the clerk of the county commission of the county in which such property or the major portion thereof is located. Such lien is void at the expiration of two years after such defaulted annual payment became due, unless within such two year period a civil action seeking equitable relief to enforce the lien was instituted by the municipality. The municipality may by civil action collect any annual payment and the interest thereon at any time within five years after such payment became due; and upon default in any annual payment, the municipality may cancel the contract involved the contract shall expire and any response following the expiration of the contract shall be assessed as provided for in this subsection (c) hereinafter.~~

(c) Reimbursement fees for services rendered by the fire company or fire department must be reasonable. The total fee for responding to any incident or accident may not exceed \$5,000, except: (1) an incident or accident involving hazardous materials; or (2) a fire incident at properties or structures that are not single family dwellings.

The municipality shall require that any fees charged pursuant to the authority conferred by this section must be in writing and be itemized by specific services rendered; and the rate for each service and may include fees of equipment and personnel responding with the first due fire company or fire department by any and all mutual aid fire companies or fire departments.

Reimbursement rates and fees authorized in this section shall be calculated as follows:

(1) The fee rate per hour, or one-half hour portion thereof, for a motor-powered firefighting apparatus shall be based upon the fully equipped apparatus based upon the type of motor powered firefighting apparatus including future anticipated replacement cost

of the motor powered apparatus on a twenty-year replacement basis and a reasonable allowance for accounting.

(2) The fee rate per hour, or one-half hour increment portion thereof, for firefighters shall be based upon a firefighter fully equipped with personal protective equipment consisting of helmet, hood, gloves, bunker coat, bunker pants, boots, personal light and personal self-contained breathing apparatus and spare bottle, including future anticipated replacement cost on a ten-year basis, and may include cost of remuneration, insurance, workers' compensation protection and a reasonable allowance for accounting.

(3) The actual cost of replacing hose, tools, equipment, sustenance provisions or dispensable supplies used, damaged or lost in the course of answering the call for assistance. Hose, tools or equipment damaged in the course of answering the call for assistance shall be retained for a period of not less than six months following the date of loss, to permit review, appraisal and adjustment by possible insurers answering the claim for reimbursement.

(4) The time basis for calculating the total fee for a specific motor powered firefighting apparatus commences at the time the apparatus initiates response, as recorded by the emergency dispatch center, and concludes at the time the apparatus leaves, or clears, from the scene of the accident or incident.

(5) The time basis for calculating the total fee for firefighters responding to the incident scene commences at the time the first apparatus for the respective fire company or fire department initiates response to the call for assistance and concludes at the time the last firefighting apparatus leaves, or clears, from the scene of the accident or incident as reported to and recorded by the emergency dispatch center of the county.

(d) The municipality may not authorize, and the fire company or fire department may not assess, reimbursement for any services rendered in response to a call for assistance to a property previously assessed for fire service fees or fire levy, or under a fire protection

contract as provided for in this chapter by the municipality and the assessed fire service fees or fire levy assessments are not delinquent. Reimbursement fees for services rendered by the fire department or fire company shall be due and payable within thirty days following date of invoice. Payments in default on the thirty-first day following date of invoice shall bear interest at the same rate as that provided for delinquent property taxes and shall be a lien upon the property.

~~(e)~~(e) Any contract made under the authority of this section shall inure to the benefit of and be binding upon the successors in title of the person making the same contract; and such person, upon conveying the property subject to such contract, is no longer liable under such contract, except as to annual payments which were due prior to the conveyance and which remain unpaid.

~~(d)~~(f) Any property owner may cancel any such contract with respect to the property of such owner upon giving a thirty-day written notice to the municipality, if the owner is not in default with respect to any annual payment due thereunder, except that if such notice is given subsequent to July 1, of any calendar year, the next succeeding annual payment shall be made by the property owner as soon as the amount thereof is ascertainable. Upon cancellation as aforesaid, the municipality shall deliver to the property owner a recordable release discharging such owner and such property from any further lien or obligation with respect to the annual payments. The annual payments due under any such contract shall be made to the officials as the municipality, in the contract, designates to receive them, who likewise may receive notice of cancellation and execute upon behalf of the municipality the release for which provision is hereinbefore made.

Following discussion,

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4542) was advanced to third reading with the Government Organization committee amendment pending and the right reserved to consider other amendments to the bill on that reading.

**Eng. Com. Sub. for House Bill 4566**, Relating to school personnel.

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 thirty-two, section eight-e, lines one hundred five through one hundred seven, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision, designated subdivision (5), to read as follows:

(5) The state board shall promulgate, in accordance with article three-b, chapter twenty-nine-a of this code, revised rules in compliance with this subsection.

The bill (Eng. Com. Sub. for H. B. 4566), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4605**, Prohibiting contracting with a state agency unless business entity submits disclosure of interested parties.

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 article, designated §6B-4-1, to read as follows:

#### **ARTICLE 4. CONTRACTS FOR STATE PURCHASES.**

##### **§6B-4-1. Disclosure of interested parties to contract.**

(a) Definitions. — For purposes of this section:

(1) “Applicable contract” means a contract, including a series of contracts or orders, of a state agency that:

(A) Requires an action or vote by the governing body of the entity or agency before the contract may be signed; or

(B) Has a value of at least \$100,000.

(2) “Business entity” means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership or corporation.

(3) “Interested party” means a person who has a controlling interest in a business entity with whom a state agency contracts.

(4) “State agency” means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government.

(b) Any state agency entering into an applicable contract shall include in the contract a requirement that the business entity awarded the applicable contract, by signing or accepting the applicable contract, certifies, under oath, that no interested party has a conflict that had any effect on the award of the contract or that would impair the business entity’s performance of the applicable contract.

The bill (Eng. Com. Sub. for H. B. 4605), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4633**, 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.

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 §49-4-720 of the Code of West Virginia, 1931, as amended, be amended to read as follows:

#### ARTICLE 4. COURT ACTIONS.

**§49-4-720. Prohibition on committing juveniles to adult facilities; requiring Division of Juvenile Services to house persons incarcerated age appropriately; disposition of transferred juveniles; copy provided to juvenile.**

(a) No juvenile, ~~including one who has been transferred to criminal jurisdiction of the court,~~ shall be detained or confined in any institution in which he or she has contact with or comes within sight or sound of any adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the security staff ~~(including management)~~ or direct-care staff of a an adult correctional facility, jail or locked facility ~~for adults~~.

(b) ~~No child who has been convicted of an offense under the adult jurisdiction of the circuit court shall be held in custody in a correctional facility of this. The Division of Juvenile Services shall be responsible for notifying the sentencing court within forty five days of the child's eighteenth birthday that the child will be turning eighteen years of age. Within ten days of the child's eighteenth birthday, the court shall transfer the offender to an adult correctional facility or to any other disposition the court deems appropriate for adult offenders. Notwithstanding any other provision of this code to the contrary, prior to the transfer the child shall be returned to the sentencing court for the purpose of reconsideration and modification of the imposed sentence, which shall be based upon a review of all records and relevant information relating to the child's rehabilitation since his or her conviction under the adult jurisdiction of the court. The Division of Juvenile Services shall, no later than June 30, 2016, begin operation and maintenance of a facility or unit of a facility to house and detain~~

persons eighteen years of age and older who are court-ordered into the Division's custody which facility or unit shall comply with the provisions on subsection (a) of this section and the provisions of the federal Juvenile Justice and Delinquency Act provisions related to contact between incarcerated juvenile and adult offenders.

(c) No later than sixty days prior to the eighteenth birthday of a juvenile placed in the custody of the Division of Juvenile Services pursuant to the criminal jurisdiction of a circuit court, the Division shall notify the sentencing court of the juvenile's date of reaching adult status. Upon such notice the sentencing court shall determine if the offender should be transferred to an adult correctional facility, returned to the custody of the Division of Juvenile Services or be subject to any other disposition the court deems appropriate.

(d) The amendments to subsection (b) of this section enacted during the 2016 Regular Session of the Legislature shall be effective on June 30, 2016.

The bill (Eng. Com. Sub. for H. B. 4633), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4659**, Authorizing local health departments to bill health insurance plans for services.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 4660**, Relating to the information required to be included in support of an application to the Public Service Commission for a certificate of convenience and necessity for a water, sewer and/or stormwater service project.

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

At the request of Senator Carmichael, 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 4662**, Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers.

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

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

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

That §17A-2-13 of said code be amended and reenacted; that §17A-3-4 of said code be amended and reenacted; that §17A-4-1 and §17A-4-10 of said code be amended and reenacted; that §17A-4A-10 of said code be amended and reenacted; that §17A-10-3, §17A-10-10 and §17A-10-11 of said code be amended and reenacted; that §17B-2-1, §17B-2-3a, §17B-2-8 and §17B-2-11 of said code be amended and reenacted; that §17C-16-5 and §17C-16-6 of said code be amended and reenacted; and that §17D-2-2 of said code be amended and reenacted, all to read as follows:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,  
REGISTRATION, CERTIFICATE OF TITLE, AND  
ANTITHEFT PROVISIONS.**

**ARTICLE 2. DIVISION OF MOTOR VEHICLES.**

**§17A-2-13. Authority to administer oaths and certify copies of records; information as to registration.**

(a) Officers and employees of the division designated by the commissioner are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(b) The commissioner and such officers of the division as he or she may designate are hereby authorized to prepare under the seal of the division and deliver upon request in conformance with article two-a of this chapter a certified copy of any record of the division,

charging a fee of ~~one dollar~~ \$3 for each document so authenticated, in addition to any applicable fee required by this code for issuance, modification or duplication of a title, registration, operator's license, vehicle history, or driving record, and every such certified copy is admissible in any proceeding in any court in like manner as the original thereof.

(c) Subject to the provisions of article two-a of this chapter, the commissioner and such officers of the division as he or she may designate may furnish the requested information to any person making a written request for information regarding the registration of any vehicle at a fee of ~~one dollar~~ \$7 for each registration about which information is furnished.

### **ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.**

#### **§17A-3-4. Application for certificate of title; fees; abolishing privilege tax; prohibition of issuance of certificate of title without compliance with consumer sales and service tax provisions; exceptions.**

(a) Certificates of registration of any vehicle or registration plates for the vehicle, whether original issues or duplicates, may not be issued or furnished by the Division of Motor Vehicles or any other officer or agent charged with the duty, unless the applicant already has received, or at the same time makes application for and is granted, an official certificate of title of the vehicle in either an electronic or paper format. The application shall be upon a blank form to be furnished by the Division of Motor Vehicles and shall contain a full description of the vehicle, which description shall contain a manufacturer's serial or identification number or other number as determined by the commissioner and any distinguishing marks, together with a statement of the applicant's title and of any liens or encumbrances upon the vehicle, the names and addresses of the holders of the liens and any other information as the Division of Motor Vehicles may require. The application shall be signed and sworn to by the applicant. A duly certified copy of the division's electronic record of a certificate of title is admissible in any civil,

criminal or administrative proceeding in this state as evidence of ownership.

(b) A tax is imposed upon the privilege of effecting the certification of title of each vehicle in the amount equal to five percent of the value of the motor vehicle at the time of the certification, to be assessed as follows:

(1) If the vehicle is new, the actual purchase price or consideration to the purchaser of the vehicle is the value of the vehicle. If the vehicle is a used or secondhand vehicle, the present market value at time of transfer or purchase is the value of the vehicle for the purposes of this section: *Provided*, That so much of the purchase price or consideration as is represented by the exchange of other vehicles on which the tax imposed by this section has been paid by the purchaser shall be deducted from the total actual price or consideration paid for the vehicle, whether the vehicle be new or secondhand. If the vehicle is acquired through gift or by any manner whatsoever, unless specifically exempted in this section, the present market value of the vehicle at the time of the gift or transfer is the value of the vehicle for the purposes of this section.

(2) No certificate of title for any vehicle may be issued to any applicant unless the applicant has paid to the Division of Motor Vehicles the tax imposed by this section which is five percent of the true and actual value of the vehicle whether the vehicle is acquired through purchase, by gift or by any other manner whatsoever, except gifts between husband and wife or between parents and children: *Provided*, That the husband or wife, or the parents or children, previously have paid the tax on the vehicles transferred to the State of West Virginia.

(3) The Division of Motor Vehicles may issue a certificate of registration and title to an applicant if the applicant provides sufficient proof to the Division of Motor Vehicles that the applicant has paid the taxes and fees required by this section to a motor vehicle dealership that has gone out of business or has filed bankruptcy proceedings in the United States bankruptcy court and the taxes and fees so required to be paid by the applicant have not

been sent to the division by the motor vehicle dealership or have been impounded due to the bankruptcy proceedings: *Provided*, That the applicant makes an affidavit of the same and assigns all rights to claims for money the applicant may have against the motor vehicle dealership to the Division of Motor Vehicles.

(4) The Division of Motor Vehicles shall issue a certificate of registration and title to an applicant without payment of the tax imposed by this section if the applicant is a corporation, partnership or limited liability company transferring the vehicle to another corporation, partnership or limited liability company when the entities involved in the transfer are members of the same controlled group and the transferring entity has previously paid the tax on the vehicle transferred. For the purposes of this section, control means ownership, directly or indirectly, of stock or equity interests possessing fifty percent or more of the total combined voting power of all classes of the stock of a corporation or equity interests of a partnership or limited liability company entitled to vote or ownership, directly or indirectly, of stock or equity interests possessing fifty percent or more of the value of the corporation, partnership or limited liability company.

(5) The tax imposed by this section does not apply to vehicles to be registered as Class H vehicles or Class M vehicles, as defined in section one, article ten of this chapter, which are used or to be used in interstate commerce. Nor does the tax imposed by this section apply to the titling of Class B vehicles registered at a gross weight of fifty-five thousand pounds or more, or to the titling of Class C semitrailers, full trailers, pole trailers and converter gear: *Provided*, That if an owner of a vehicle has previously titled the vehicle at a declared gross weight of fifty-five thousand pounds or more and the title was issued without the payment of the tax imposed by this section, then before the owner may obtain registration for the vehicle at a gross weight less than fifty-five thousand pounds, the owner shall surrender to the commissioner the exempted registration, the exempted certificate of title and pay the tax imposed by this section based upon the current market value of the vehicle: *Provided, however*, That notwithstanding the provisions of section nine, article fifteen, chapter eleven of this

code, the exemption from tax under this section for Class B vehicles in excess of fifty-five thousand pounds and Class C semitrailers, full trailers, pole trailers and converter gear does not subject the sale or purchase of the vehicles to the consumers sales and service tax.

(6) The tax imposed by this section does not apply to titling of vehicles leased by residents of West Virginia. A tax is imposed upon the monthly payments for the lease of any motor vehicle leased by a resident of West Virginia, which tax is equal to five percent of the amount of the monthly payment, applied to each payment, and continuing for the entire term of the initial lease period. The tax shall be remitted to the Division of Motor Vehicles on a monthly basis by the lessor of the vehicle.

(7) The tax imposed by this section does not apply to titling of vehicles by a registered dealer of this state for resale only, nor does the tax imposed by this section apply to titling of vehicles by this state or any political subdivision thereof, or by any volunteer fire department or duly chartered rescue or ambulance squad organized and incorporated under the laws of this state as a nonprofit corporation for protection of life or property. The total amount of revenue collected by reason of this tax shall be paid into the State Road Fund and expended by the Commissioner of Highways for matching federal funds allocated for West Virginia. In addition to the tax, there is a charge of ~~\$5~~ \$40 for each original certificate of title ~~or~~ and \$35 for each duplicate certificate of title so issued: *Provided*, That this state or any political subdivision of this state or any volunteer fire department or duly chartered rescue squad is exempt from payment of the charge.

(8) The certificate is good for the life of the vehicle, so long as the vehicle is owned or held by the original holder of the certificate and need not be renewed annually, or any other time, except as provided in this section.

(9) If, by will or direct inheritance, a person becomes the owner of a motor vehicle and the tax imposed by this section previously has been paid to the Division of Motor Vehicles on that vehicle, he or she is not required to pay the tax.

(10) A person who has paid the tax imposed by this section is not required to pay the tax a second time for the same motor vehicle, but is required to pay a charge of ~~\$5~~ \$40 for the certificate of retitling of that motor vehicle, except that the tax shall be paid by the person when the title to the vehicle has been transferred either in this or another state from the person to another person and transferred back to the person.

(11) The tax imposed by this section does not apply to any passenger vehicle offered for rent in the normal course of business by a daily passenger rental car business as licensed under the provisions of article six-d of this chapter. For purposes of this section, a daily passenger car means a Class A motor vehicle having a gross weight of eight thousand pounds or less and is registered in this state or any other state. In lieu of the tax imposed by this section, there is hereby imposed a tax of not less than \$1 nor more than \$1.50 for each day or part of the rental period. The commissioner shall propose an emergency rule in accordance with the provisions of article three, chapter twenty-nine-a of this code to establish this tax.

(12) The tax imposed by this article does not apply to the titling of any vehicle purchased by a senior citizen service organization which is exempt from the payment of income taxes under the United States Internal Revenue Code, Title 26 U.S.C. §501(c)(3) and which is recognized to be a bona fide senior citizen service organization by the senior services bureau existing under the provisions of article five, chapter sixteen of this code.

(13) The tax imposed by this section does not apply to the titling of any vehicle operated by an urban mass transit authority as defined in article twenty-seven, chapter eight of this code or a nonprofit entity exempt from federal and state income tax under the Internal Revenue Code and whose purpose is to provide mass transportation to the public at large designed for the transportation of persons and being operated for the transportation of persons in the public interest.

(14) The tax imposed by this section does not apply to the transfer of a title to a vehicle owned and titled in the name of a resident of this state if the applicant:



(A) Was not a resident of this state at the time the applicant purchased or otherwise acquired ownership of the vehicle;

(B) Presents evidence as the commissioner may require of having titled the vehicle in the applicant's previous state of residence;

(C) Has relocated to this state and can present such evidence as the commissioner may require to show bona-fide residency in this state;

(D) Presents an affidavit, completed by the assessor of the applicant's county of residence, establishing that the vehicle has been properly reported and is on record in the office of the assessor as personal property; and

(E) Makes application to the division for a title and registration, and pays all other fees required by this chapter within thirty days of establishing residency in this state as prescribed in subsection (a), section one-a of this article: *Provided*, That a period of amnesty of three months be established by the commissioner during the calendar year 2007, during which time any resident of this state, having titled his or her vehicle in a previous state of residence, may pay without penalty any fees required by this chapter and transfer the title of his or her vehicle in accordance with the provisions of this section.

(c) Notwithstanding any provisions of this code to the contrary, the owners of trailers, semitrailers, recreational vehicles and other vehicles not subject to the certificate of title tax prior to the enactment of this chapter are subject to the privilege tax imposed by this section: *Provided*, That the certification of title of any recreational vehicle owned by the applicant on June 30, 1989, is not subject to the tax imposed by this section: *Provided, however*, That mobile homes, manufactured homes, modular homes and similar nonmotive propelled vehicles, except recreational vehicles and house trailers, susceptible of being moved upon the highways but primarily designed for habitation and occupancy, rather than for transporting persons or property, or any vehicle operated on a nonprofit basis and used exclusively for the transportation of

intellectually disabled or physically disabled children when the application for certificate of registration for the vehicle is accompanied by an affidavit stating that the vehicle will be operated on a nonprofit basis and used exclusively for the transportation of intellectually disabled and physically disabled children, are not subject to the tax imposed by this section, but are taxable under the provisions of articles fifteen and fifteen-a, chapter eleven of this code.

(d) Beginning on July 1, 2008, the tax imposed under this subsection (b) of this section is abolished and after that date no certificate of title for any motor vehicle may be issued to any applicant unless the applicant provides sufficient proof to the Division of Motor Vehicles that the applicant has paid the fees required by this article and the tax imposed under section three-b, article fifteen, chapter eleven of this code.

(e) Any person making any affidavit required under any provision of this section who knowingly swears falsely, or any person who counsels, advises, aids or abets another in the commission of false swearing, or any person, while acting as an agent of the Division of Motor Vehicles, issues a vehicle registration without first collecting the fees and taxes or fails to perform any other duty required by this chapter or chapter eleven of this code to be performed before a vehicle registration is issued is, on the first offense, guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or be confined in jail for a period not to exceed six months or, in the discretion of the court, both fined and confined. For a second or any subsequent conviction within five years, that person is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or be imprisoned in a state correctional facility for not less than one year nor more than five years or, in the discretion of the court, both fined and imprisoned.

(f) Notwithstanding any other provisions of this section, any person in the military stationed outside West Virginia or his or her dependents who possess a motor vehicle with valid registration are exempt from the provisions of this article for a period of nine

months from the date the person returns to this state or the date his or her dependent returns to this state, whichever is later.

(g) No person may transfer, purchase or sell a factory-built home without a certificate of title issued by the commissioner in accordance with the provisions of this article:

(1) Any person who fails to provide a certificate of title upon the transfer, purchase or sale of a factory-built home is guilty of a misdemeanor and, upon conviction thereof, shall for the first offense be fined not less than \$100 nor more than \$1,000, or be confined in jail for not more than one year, or both fined and confined. For each subsequent offense, the fine may be increased to not more than \$2,000, with confinement in jail not more than one year, or both fined and confined.

(2) Failure of the seller to transfer a certificate of title upon sale or transfer of the factory-built home gives rise to a cause of action, upon prosecution thereof, and allows for the recovery of damages, costs and reasonable attorney fees.

(3) This subsection does not apply to a mobile or manufactured home for which a certificate of title has been canceled pursuant to section twelve-b of this article.

(h) Notwithstanding any other provision to the contrary, whenever reference is made to the application for or issuance of any title or the recordation or release of any lien, it includes the application, transmission, recordation, transfer of ownership and storage of information in an electronic format.

(i) Notwithstanding any other provision contained in this section, nothing herein shall be considered to include modular homes as defined in subsection (i), section two, article fifteen, chapter thirty-seven of this code and built to the state Building Code as established by legislative rules promulgated by the State Fire Commission pursuant to section five-b, article three, chapter twenty-nine of this code.

(j) A person who seeks expedited processing of an application for certificate of title or a request for a duplicate title and who

appears in person at a regional office or other Division of Motor Vehicles service area may receive same-day service of production of the certificate or duplicate after paying a fee of \$10 in addition to the regular title fees required by this chapter.

#### **ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.**

##### **§17A-4-1. Registration expires on transfer by owner; transfer, surrender or retention of plates.**

Whenever the owner of a registered vehicle transfers or assigns his or her title, or interest thereto, the registration of such vehicle shall expire: *Provided*, That such owner, if he or she has made application to the department within sixty days from the date of purchase to have said registration plates transferred to be used on another vehicle owned by said owner, may then operate the other vehicle for a period of sixty days, but in no event longer than sixty days from the date of original transfer. Upon such transfer, it shall be the duty of the original owner to retain the registration plates issued therefor and to immediately notify the commissioner of such transfer upon such form as may be provided therefor and to deliver to him or her the certificate of registration, whereupon the commissioner shall, upon the payment of a fee of ~~\$5~~ \$15, issue a new certificate showing the use to be made of such plates. Such plates may then be used by such owner on another vehicle of the same class as the vehicle for which they were originally issued if such other vehicle does not require a greater license fee than was required for such original vehicle. If such other vehicle requires a greater license fee than such original vehicle, then such plates may be used by paying such difference to the commissioner. When such transfer of ownership is made to a licensed dealer in motor vehicles it shall be the duty of such dealer to immediately execute notification of transfer, in triplicate, and to have this notification properly signed by the owner making the transfer. The dealer shall immediately forward to the ~~department~~ division the original copy of the notification of transfer. One copy of the notification of transfer shall be given to the owner and one shall be retained by the dealer. The owner shall immediately send to the ~~department~~ division the transfer fee of ~~\$5~~ \$6 with any additional fee that may be required under the terms of this chapter. The owner's copy,

properly signed by the dealer, will be the owner's identification until he or she receives a new registration card from the ~~department~~ division.

The owner of a set of registration plates may surrender them to the commissioner together with the registration card and, upon the payment of \$5 \$15 as an exchange fee and upon the payment of such additional fees as are necessary to equalize the value of the plates surrendered with the value of registration plates desired, receive in exchange a set of plates and registration card for a vehicle of a different class.

**§17A-4-10. Salvage certificates for certain wrecked or damaged vehicles; fee; penalty.**

(a) In the event a motor vehicle is determined to be a total loss or otherwise designated as totaled by an insurance company or insurer, and upon payment of a total loss claim to an insured or claimant owner for the purchase of the vehicle, the insurance company or the insurer, as a condition of the payment, shall require the owner to surrender the certificate of title: *Provided*, That an insured or claimant owner may choose to retain physical possession and ownership of a total loss vehicle. If the vehicle owner chooses to retain the vehicle and the vehicle has not been determined to be a cosmetic total loss in accordance with subsection (d) of this section, the insurance company or insurer shall also require the owner to surrender the vehicle registration certificate. The term "total loss" means a motor vehicle which has sustained damages equivalent to seventy-five percent or more of the market value as determined by a nationally accepted used car value guide or meets the definition of a flood-damaged vehicle as defined in this section.

(b) The insurance company or insurer shall, prior to the payment of the total loss claim, determine if the vehicle is repairable, cosmetically damaged or nonrepairable. Within ten days of payment of the total loss claim, the insurance company or insurer shall surrender the certificate of title, a copy of the claim settlement, a completed application on a form prescribed by the commissioner and the registration certificate if the owner has chosen to keep the vehicle to the Division of Motor Vehicles.

(c) If the insurance company or insurer determines that the vehicle is repairable, the division shall issue a salvage certificate, on a form prescribed by the commissioner, in the name of the insurance company, the insurer or the vehicle owner if the owner has chosen to retain the vehicle. The certificate shall contain, on the reverse, spaces for one successive assignment before a new certificate at an additional fee is required. Upon the sale of the vehicle, the insurance company, insurer or vehicle owner if the owner has chosen to retain the vehicle, shall complete the assignment of ownership on the salvage certificate and deliver it to the purchaser. The vehicle may not be titled or registered for operation on the streets or highways of this state unless there is compliance with subsection (g) of this section. The division shall charge a fee of \$15 for each salvage title issued.

(d) If the insurance company or insurer determines the damage to a totaled vehicle is exclusively cosmetic and no repair is necessary in order to legally and safely operate the motor vehicle on the roads and highways of this state, the insurance company or insurer shall, upon payment of the claim, submit the certificate of title to the division. Neither the insurance company nor the division may require the vehicle owner to surrender the registration certificate in the event of a cosmetic total loss settlement.

(1) The division shall, without further inspection, issue a title branded "cosmetic total loss" to the insured or claimant owner if the insured or claimant owner wishes to retain possession of the vehicle, in lieu of a salvage certificate. The division shall charge a fee of ~~\$5~~ \$40 for each cosmetic total loss title issued. The terms "cosmetically damaged" and "cosmetic total loss" do not include any vehicle which has been damaged by flood or fire. The designation "cosmetic total loss" on a title may not be removed.

(2) If the insured or claimant owner elects not to take possession of the vehicle and the insurance company or insurer retains possession, the division shall issue a cosmetic total loss salvage certificate to the insurance company or insurer. The division shall charge a fee of ~~\$15~~ \$40 for each cosmetic total loss salvage certificate issued. The division shall, upon surrender of the cosmetic total loss salvage certificate issued under the provisions

of this paragraph and payment of the five percent motor vehicle sales tax on the fair market value of the vehicle as determined by the commissioner, issue a title branded "cosmetic total loss" without further inspection.

(e) If the insurance company or insurer determines that the damage to a totaled vehicle renders it nonrepairable, incapable of safe operation for use on roads and highways and as having no resale value except as a source of parts or scrap, the insurance company or vehicle owner shall, in the manner prescribed by the commissioner, request that the division issue a nonrepairable motor vehicle certificate in lieu of a salvage certificate. The division shall issue a nonrepairable motor vehicle certificate without charge.

(f) Any owner who scraps, compresses, dismantles or destroys a vehicle without further transfer or sale for which a certificate of title, nonrepairable motor vehicle certificate or salvage certificate has been issued shall, within forty-five days, surrender the certificate of title, nonrepairable motor vehicle certificate or salvage certificate to the division for cancellation.

(g) Any person who purchases or acquires a vehicle as salvage or scrap, to be dismantled, compressed or destroyed, shall, within forty-five days, surrender to the division the certificate of title, nonrepairable motor vehicle certificate, salvage certificate or a statement of cancellation signed by the seller, on a form prescribed by the commissioner. Subsequent purchasers of salvage or scrap are not required to comply with the notification requirement.

(h) If the motor vehicle is a "reconstructed vehicle" as defined in this section or section one, article one of this chapter, it may not be titled or registered for operation until it has been inspected by an official state inspection station and by the Division of Motor Vehicles. Following an approved inspection, an application for a new certificate of title may be submitted to the division. The applicant is required to retain all receipts for component parts, equipment and materials used in the reconstruction. The salvage certificate shall also be surrendered to the division before a certificate of title may be issued with the appropriate brand.

(i) The owner or title holder of a motor vehicle titled in this state which has previously been branded in this state or another state as salvage, reconstructed, cosmetic total loss, cosmetic total loss salvage, flood, fire, an equivalent term under another state's laws or a term consistent with the intent of the National Motor Vehicle Title Information System established pursuant to 49 U. S. C. §30502 shall, upon becoming aware of the brand, apply for and receive a title from the Division of Motor Vehicles on which the brand "reconstructed", "salvage", "cosmetic total loss", "cosmetic total loss salvage", "flood", "fire" or other brand is shown. The division shall charge a fee of ~~\$5~~ \$40 for each title so issued.

(j) If application is made for title to a motor vehicle, the title to which has previously been branded reconstructed, salvage, cosmetic total loss, cosmetic total loss salvage, flood, fire or other brand by the Division of Motor Vehicles under this section and said application is accompanied by a title from another state which does not carry the brand, the division shall, before issuing the title, affix the brand "reconstructed", "cosmetic total loss", "cosmetic total loss salvage", "flood", "fire" or other brand to the title. The motor vehicle sales tax paid on a motor vehicle titled as reconstructed, cosmetic total loss, flood, fire or other brand under the provisions of this section shall be based on fifty percent of the fair market value of the vehicle as determined by a nationally accepted used car value guide to be used by the commissioner.

(k) The division shall charge a fee of ~~\$15~~ \$40 for the issuance of each salvage certificate or cosmetic total loss salvage certificate but shall not require the payment of the five percent motor vehicle sales tax. However, upon application for a certificate of title for a reconstructed, cosmetic total loss, flood or fire damaged vehicle or other brand, the division shall collect the five percent privilege tax on the fair market value of the vehicle as determined by the commissioner unless the applicant is otherwise exempt from the payment of such privilege tax. A wrecker/dismantler/rebuilder, licensed by the division, is exempt from the payment of the five percent privilege tax upon titling a reconstructed vehicle. The division shall collect a fee of \$35 per vehicle for inspections of reconstructed vehicles. These fees shall be deposited in a special



fund created in the State Treasurer's Office and may be expended by the division to carry out the provisions of this article: *Provided*, That on and after July 1, 2007, any balance in the special fund and all fees collected pursuant to this section shall be deposited in the State Road Fund. Licensed wreckers/ dismantlers/rebuilders may charge a fee not to exceed \$25 for all vehicles owned by private rebuilders which are inspected at the place of business of a wrecker/dismantler/rebuilder.

(l) As used in this section:

(1) "Reconstructed vehicle" means the vehicle was totaled under the provisions of this section or by the provisions of another state or jurisdiction and has been rebuilt in accordance with the provisions of this section or in accordance with the provisions of another state or jurisdiction or meets the provisions of subsection (m), section one, article one of this chapter.

(2) "Flood-damaged vehicle" means that the vehicle was submerged in water to the extent that water entered the passenger or trunk compartment.

(3) "Other brand" means a brand consistent with the intent of the National Motor Vehicle Title Information System established pursuant to 49 U. S. C. §30502 and rules promulgated by the United States Department of Justice to alert consumers, motor vehicle dealers or the insurance industry of the history of a vehicle.

(m) Every vehicle owner shall comply with the branding requirements for a totaled vehicle whether or not the owner receives an insurance claim settlement for a totaled vehicle.

(n) A certificate of title issued by the division for a reconstructed vehicle shall contain markings in bold print on the face of the title that it is for a reconstructed, flood- or fire damaged vehicle.

(o) Any person who knowingly provides false or fraudulent information to the division that is required by this section in an application for a title, a cosmetic total loss title, a reconstructed vehicle title or a salvage certificate or who knowingly fails to

disclose to the division information required by this section to be included in the application or who otherwise violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall for each incident be fined not less than \$1,000 nor more than \$2,500, or imprisoned in jail for not more than one year, or both fined and imprisoned.

**ARTICLE 4A. LIENS AND ENCUMBRANCES ON VEHICLES TO BE SHOWN ON CERTIFICATE OF TITLE; NOTICE TO CREDITORS AND PURCHASERS.**

**§17A-4A-10. Fee for recording and release of lien.**

The Division of Motor Vehicles is hereby authorized to charge a fee of ~~\$5~~ \$20 for the recording of any lien either in an electronic or paper format created by the voluntary act of the owner and endorsing it upon the title certificate issued pursuant to this article, and the Division of Motor Vehicles is hereby authorized to charge a fee of ~~50¢~~ \$20 for recordation of any release of a lien created by the voluntary act of the owner: *Provided*, That no charge shall be made for the endorsement and recordation of liens or releases thereof as provided under section nine of this article. No charge shall be made for the issuance of a title to the owner of a vehicle upon the receipt of an electronic release of the final lien.

**ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.**

**§17A-10-3. Registration fees for vehicles equipped with pneumatic tires.**

The following registration fees for the classes indicated shall be paid to the division for the registration of vehicles subject to registration under this chapter when equipped with pneumatic tires:

(a) Registration fees for the following classes shall be paid to the division annually:

(1) *Class A.* — The registration fee for motor vehicles of this class is ~~\$28.50~~ \$49.

~~Provided, That~~ The registration fees and any other fees required by this chapter for Class A vehicles under the optional biennial staggered registration system shall be multiplied by two and paid biennially to the division.

No license fee may be charged for vehicles owned by churches, or by trustees for churches, which are regularly used for transporting parishioners to and from church services. Notwithstanding the exemption, the certificate of registration and license plates shall be obtained the same as other cards and plates under this article.

(2) *Class B.* — The registration fee for all motor vehicles of this class is as follows:

(A) For declared gross weights of ten thousand one pounds to sixteen thousand pounds — \$28 plus \$5 for each one thousand pounds or fraction of one thousand pounds that the gross weight of the vehicle or combination of vehicles exceeds ten thousand pounds.

(B) For declared gross weights greater than sixteen thousand pounds, but less than fifty-five thousand pounds — \$78.50 plus \$10 for each one thousand or fraction of one thousand pounds that the gross weight of the vehicle or combination of vehicles exceeds sixteen thousand pounds.

(C) For declared gross weights of fifty-five thousand pounds or more — \$737.50 plus \$15.75 for each one thousand pounds or fraction of one thousand pounds that the gross weight of the vehicle or combination of vehicles exceeds fifty-five thousand pounds.

(3) *Class G.* — The registration fee for each motorcycle or parking enforcement vehicle is \$8: *Provided,* That the registration fee and any other fees required by this chapter for Class G vehicles shall be for at least one year and under an optional biennial registration system the annual fee shall be multiplied by two and paid biennially to the division.

(4) *Class H.* — The registration fee for all vehicles for this class operating entirely within the state is \$5; and for vehicles engaged

in interstate transportation of persons, the registration fee is the amount of the fees provided by this section for Class B, reduced by the amount that the mileage of the vehicles operated in states other than West Virginia bears to the total mileage operated by the vehicles in all states under a formula to be established by the Division of Motor Vehicles.

(5) *Class J.* — The registration fee for all motor vehicles of this class is \$85. Ambulances and hearses used exclusively as ambulances and hearses are exempt from the special fees set forth in this section.

(6) *Class M.* — The registration fee for all vehicles of this class is \$17.50.

(7) *Class X.* — The registration fee for all motor vehicles of this class is as follows:

(A) For farm trucks of declared gross weights of eight thousand one pounds to sixteen thousand pounds — \$30.

(B) For farm trucks of declared gross weights of sixteen thousand one pounds to twenty-two thousand pounds — \$60.

(C) For farm trucks of declared gross weights of twenty-two thousand one pounds to twenty-eight thousand pounds — \$90.

(D) For farm trucks of declared gross weights of twenty-eight thousand one pounds to thirty-four thousand pounds — \$115.

(E) For farm trucks of declared gross weights of thirty-four thousand one pounds to forty-four thousand pounds — \$160.

(F) For farm trucks of declared gross weights of forty-four thousand one pounds to fifty-four thousand pounds — \$205.

(G) For farm trucks of declared gross weights of fifty-four thousand one pounds to eighty thousand pounds — \$250: *Provided*, That the provisions of subsection (a), section eight, article one, chapter seventeen-e of this code do not apply if the vehicle exceeds sixty-four thousand pounds and is a truck tractor or road tractor.

(b) Registration fees for the following classes shall be paid to the division for a maximum period of three years, or portion of a year based on the number of years remaining in the three-year period designated by the commissioner:

(1) *Class R.* — The annual registration fee for all vehicles of this class is \$12.

(2) *Class T.* — The annual registration fee for all vehicles of this class is \$8.

(c) The fees paid to the division for a multiyear registration provided by this chapter shall be the same as the annual registration fee established by this section and any other fee required by this chapter multiplied by the number of years for which the registration is issued.

(d) The registration fee for all Class C vehicles is \$50. All Class C trailers shall be registered for the duration of the owner's interest in the trailer and do not expire until either sold or otherwise permanently removed from the service of the owner: *Provided,* That a registrant may transfer a Class C registration plate from a trailer owned less than thirty days to another Class C trailer titled in the name of the registrant upon payment of the transfer fee prescribed in section ten of this article.

**§17A-10-10. Fees upon transfer of registration and issuance of certificates of title.**

A fee of ~~\$5~~ \$15 shall be paid for a transfer of registration by an owner from one vehicle to another vehicle of the same class or for surrender of registration of one vehicle in exchange for registration of a vehicle of a different class in addition to the payment of any difference in fees as provided in section one, article four of this chapter.

A fee of ~~\$5~~ \$15 shall be paid for the transfer of registration from a deceased person to his or her legal heir or legatee as provided in section five, article four of this chapter.

A fee of \$5 ~~\$40~~ shall be paid for the issuance of a certificate of title.

**§17A-10-11. Fees for duplicate registration plates, registration cards and certificates of title.**

A fee of \$5 ~~\$15~~ shall be paid for the issuance of duplicate or substitute registration plates, registration cards or certificates of title. A fee of \$15 shall be paid for the issuance of duplicate or substitute registration plates or decals. A fee of \$35 shall be paid for the issuance of duplicate certificates of title.

**CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.**

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

**§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards.**

(a)(1) No person, except those hereinafter expressly exempted, may drive any motor vehicle upon a street or highway in this state or upon any subdivision street used by the public generally unless the person has a valid driver's license issued pursuant to this code for the type or class of vehicle being driven.

(2) Any person licensed to operate a motor vehicle pursuant to this code may exercise the privilege thereby granted in the manner provided in this code and, except as otherwise provided by law, is not required to obtain any other license to exercise the privilege by any county, municipality or local board or body having authority to adopt local police regulations.

(b) The division, upon issuing a driver's license, shall indicate on the license the type or general class or classes of vehicles the licensee may operate in accordance with this code, federal law or rule. Licenses shall be issued in different colors for those drivers under age eighteen, those drivers age eighteen to twenty-one and adult drivers. The commissioner is authorized to select and assign colors to the licenses of the various age groups.

(c) The following drivers licenses classifications are hereby established:

(1) A Class A, B or C license shall be issued to those persons eighteen years of age or older with two years of driving experience who have qualified for the commercial driver's license established by chapter seventeen-e of this code and the federal Motor Carrier Safety and Improvement Act of 1999 and subsequent rules, and have paid the required fee.

(2) A Class D license shall be issued to those persons eighteen years and older with one year of driving experience who operate motor vehicles other than those types of vehicles which require the operator to be licensed under the provisions of chapter seventeen-e of this code and federal law and rule and whose primary function or employment is the transportation of persons or property for compensation or wages and have paid the required fee. For the purpose of regulating the operation of motor vehicles, wherever the term "chauffeur's license" is used in this code, it shall be construed to mean the Class A, B, C or D license described in this section or chapter seventeen-e of this code or federal law or rule: *Provided*, That anyone not required to be licensed under the provisions of chapter seventeen-e of this code and federal law or rule and who operates a motor vehicle registered or required to be registered as a Class A motor vehicle, as that term is defined in section one, article ten, chapter seventeen-a of this code, with a gross vehicle weight rating of less than eight thousand one pounds, is not required to obtain a Class D license.

(3) A Class E license shall be issued to those persons who have qualified for a driver's license under the provisions of this chapter and who are not required to obtain a Class A, B, C or D license and who have paid the required fee. The Class E license may be endorsed under the provisions of section seven-b of this article for motorcycle operation. The Class E or (G) license for any person under the age of eighteen may also be endorsed with the appropriate graduated driver license level in accordance with the provisions of section three-a of this article.

(4) A Class F license shall be issued to those persons who successfully complete the motorcycle examination procedure provided by this chapter and have paid the required fee, but who do not possess a Class A, B, C, D or E driver's license.

(5) A Class G driver's license or instruction permit shall be issued to a person using bioptic telescopic lenses who has successfully completed an approved driver training program and complied with all other requirements of article two-b of this chapter.

(d) All licenses issued under this section may contain information designating the licensee as a diabetic, organ donor, as deaf or hard-of-hearing, or as having any other handicap or disability, or that the licensee is an honorably discharged veteran of any branch of the Armed Forces of the United States according to criteria established by the division, if the licensee requests this information on the license. An honorably discharged veteran may be issued a replacement license without charge if the request is made before the expiration date of the current license and the only purpose for receiving the replacement license is to get the veterans designation placed on the license.

(e) No person, except those hereinafter expressly exempted, may drive any motorcycle upon a street or highway in this state or upon any subdivision street used by the public generally unless the person has a valid motorcycle license, a valid license which has been endorsed under section seven-b of this article for motorcycle operation or a valid motorcycle instruction permit.

(f)(1) An identification card may be issued to any person who:

(A) Is a resident of this state in accordance with the provisions of section one-a, article three, chapter seventeen-a of this code;

(B) Has reached the age of two years. The division may also issue an identification card to a person under the age of two years for good cause shown;



(C) Has paid the required fee of ~~two dollars and fifty cents~~ \$8 per year: *Provided*, That the fee is not required if the applicant is sixty-five years or older or is legally blind; and

(D) Presents a birth certificate or other proof of age and identity acceptable to the division with a completed application on a form furnished by the division.

(2) The identification card shall contain the same information as a driver's license except that the identification card shall be clearly marked as an identification card. The division may issue an identification card with less information to persons under the age of sixteen. An identification card may be renewed annually on application and payment of the fee required by this section.

(A) Every identification card issued to a person who has attained his or her twenty-first birthday expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued for less than three years or for more than seven years and expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by five.

(B) Every identification card issued to a person who has not attained his or her twenty-first birthday expires thirty days after the licensee's twenty-first birthday.

(C) Every identification card issued to persons under the age of sixteen shall be issued for a period of two years and shall expire on the last day of the month in which the applicant's birthday occurs.

(3) The division may issue an identification card to an applicant whose privilege to operate a motor vehicle has been refused, canceled, suspended or revoked under the provisions of this code.

(g) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500; and upon a second or subsequent conviction, shall be fined not more than \$500 or confined in jail not more than six months, or both fined and confined.

**§17B-2-3a. Graduated driver's licenses license.**

(a) Any person under the age of eighteen may not operate a motor vehicle unless he or she has obtained a graduated driver's license in accordance with the three-level graduated driver's license system described in the following provisions.

(b) Any person under the age of twenty-one, regardless of class or level of licensure, who operates a motor vehicle with any measurable alcohol in his or her system is subject to the provisions of section two, article five, chapter seventeen-c of this code and section two, article five-a of said chapter. Any person under the age of eighteen, regardless of class or licensure level, is subject to the mandatory school attendance and satisfactory academic progress provisions of section eleven, article eight, chapter eighteen of this code.

(c) *Level one instruction permit.* — An applicant who is fifteen years or older meeting all other requirements prescribed in this code may be issued a level one instruction permit.

(1) *Eligibility.* — The division shall not issue a level one instruction permit unless the applicant:

(A) Presents a completed application, as prescribed by the provisions of section six of this article, and which is accompanied by a writing, duly acknowledged, consenting to the issuance of the graduated driver's license and executed by a parent or guardian entitled to custody of the applicant;

(B) Presents a certified copy of a birth certificate issued by a state or other governmental entity responsible for vital records unexpired, or a valid passport issued by the United States government evidencing that the applicant meets the minimum age requirement and is of verifiable identity;

(C) Passes the vision and written knowledge examination and completes the driving under the influence awareness program, as prescribed in section seven of this article;

(D) Presents a driver's eligibility certificate or otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of this code; and

(E) Pays a fee of \$5, which shall permit the applicant two attempts at the written knowledge test.

(2) *Terms and conditions of instruction permit.* — A level one instruction permit issued under the provisions of this section is valid until thirty days after the date the applicant attains the age of eighteen and is not renewable. However, any permit holder who allows his or her permit to expire prior to successfully passing the road skills portion of the driver examination, and who has not committed any offense which requires the suspension, revocation or cancellation of the instruction permit, may reapply for a new instruction permit under the provisions of section six of this article. The division shall immediately revoke the permit upon receipt of a second conviction for a moving violation of traffic regulations and laws of the road or violation of the terms and conditions of a level one instruction permit, which convictions have become final unless a greater penalty is required by this section or any other provision of this code. Any person whose instruction permit has been revoked is disqualified from retesting for a period of ninety days. However, after the expiration of ninety days, the person may retest if otherwise eligible. In addition to all other provisions of this code for which a driver's license may be restricted, suspended, revoked or canceled, the holder of a level one instruction permit may only operate a motor vehicle under the following conditions:

(A) Under the direct supervision of a licensed driver, twenty-one years of age or older, or a driver's education or driving school instructor who is acting in an official capacity as an instructor, who is fully alert and unimpaired, and the only other occupant of the front seat. The vehicle may be operated with no more than two additional passengers, unless the passengers are family members;

(B) Between the hours of five a.m. and ten p.m.;

(C) All occupants must use safety belts in accordance with the provisions of section forty-nine, article fifteen, chapter seventeen-c of this code;

(D) Without any measurable blood alcohol content, in accordance with the provisions of subsection (h), section two, article five, chapter seventeen-c of this code; and

(E) Maintains current school enrollment and is making satisfactory academic progress or otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of this code.

(F) A holder of a level one instruction permit who is under the age of eighteen years shall be prohibited from using a wireless communication device while operating a motor vehicle, unless the use of the wireless communication device is for contacting a 9-1-1 system. A person violating the provisions of this paragraph is guilty of a misdemeanor and, upon conviction thereof, shall for the first offense be fined \$25; for a second offense be fined \$50; and for a third or subsequent offense be fined \$75.

(d) *Level two intermediate driver's license.* — An applicant sixteen years of age or older, meeting all other requirements of the code, may be issued a level two intermediate driver's license.

(1) *Eligibility.* — The division shall not issue a level two intermediate driver's license unless the applicant:

(A) Presents a completed application as prescribed in section six of this article;

(B) Has held the level one instruction permit conviction-free for the one hundred eighty days immediately preceding the date of application for a level two intermediate license;

(C) Has completed either a driver's education course approved by the state Department of Education or fifty hours of behind-the-wheel driving experience, including a minimum of ten hours of nighttime driving, certified by a parent or legal guardian or other responsible adult over the age of twenty-one as indicated on the form prescribed by the division: *Provided*, That nothing in this paragraph shall be construed to require any school or any county board of education to provide any particular number of driver's

education courses or to provide driver's education training to any student;

(D) Presents a driver's eligibility certificate or otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of this code;

(E) Passes the road skills examination as prescribed by section seven of this article; and

(F) Pays a fee of \$5.

(2) *Terms and conditions of a level two intermediate driver's license.* — A level two intermediate driver's license issued under the provisions of this section shall expire thirty days after the applicant attains the age of eighteen, or until the licensee qualifies for a level three full Class E license, whichever comes first. In addition to all other provisions of this code for which a driver's license may be restricted, suspended, revoked or canceled, the holder of a level two intermediate driver's license may only operate a motor vehicle under the following conditions:

(A) Unsupervised between the hours of five a.m. and ten p.m.;

(B) Only under the direct supervision of a licensed driver, age twenty-one years or older, between the hours of ten p.m. and five a.m. except when the licensee is going to or returning from:

(i) Lawful employment;

(ii) A school-sanctioned activity;

(iii) A religious event; or

(iv) An emergency situation that requires the licensee to operate a motor vehicle to prevent bodily injury or death of another;

(C) All occupants shall use safety belts in accordance with the provisions of section forty-nine, article fifteen, chapter seventeen-c of this code;

(D) For the first six months after issuance of a level two intermediate driver's license, the licensee may not operate a motor vehicle carrying any passengers less than twenty years old, unless these passengers are family members of the licensee; for the second six months after issuance of a level two intermediate driver's license, the licensee may not operate a motor vehicle carrying more than one passenger less than twenty years old, unless these passengers are family members of the licensee;

(E) Without any measurable blood alcohol content in accordance with the provisions of subsection (h), section two, article five, chapter seventeen-c of this code;

(F) Maintains current school enrollment and is making satisfactory academic progress or otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of this code;

(G) A holder of a level two intermediate driver's license who is under the age of eighteen years shall be prohibited from using a wireless communication device while operating a motor vehicle, unless the use of the wireless communication device is for contacting a 9-1-1 system. A person violating the provisions of this paragraph is guilty of a misdemeanor and, upon conviction thereof, shall for the first offense be fined \$25; for a second offense be fined \$50; and for a third or subsequent offense be fined \$75.

(H) Upon the first conviction for a moving traffic violation or a violation of paragraph (A), (B), (C), (D) or (G), subdivision (1), subsection (d) of this section of the terms and conditions of a level two intermediate driver's license, the licensee shall enroll in an approved driver improvement program unless a greater penalty is required by this section or by any other provision of this code; and

At the discretion of the commissioner, completion of an approved driver improvement program may be used to negate the effect of a minor traffic violation as defined by the commissioner against the one year conviction-free driving criteria for early eligibility for a level three driver's license and may also negate the

effect of one minor traffic violation for purposes of avoiding a second conviction under paragraph (I) of this subdivision; and

(I) Upon the second conviction for a moving traffic violation or a violation of the terms and conditions of the level two intermediate driver's license, the licensee's privilege to operate a motor vehicle shall be revoked or suspended for the applicable statutory period or until the licensee's eighteenth birthday, whichever is longer unless a greater penalty is required by this section or any other provision of this code. Any person whose driver's license has been revoked as a level two intermediate driver, upon reaching the age of eighteen years and if otherwise eligible may reapply for an instruction permit, then a driver's license in accordance with the provisions of sections five, six and seven of this article.

(e) *Level three, full Class E license.* — The level three license is valid until thirty days after the date the licensee attains his or her twenty-first birthday. Unless otherwise provided in this section or any other section of this code, the holder of a level three full Class E license is subject to the same terms and conditions as the holder of a regular Class E driver's license.

A level two intermediate licensee whose privilege to operate a motor vehicle has not been suspended, revoked or otherwise canceled and who meets all other requirements of the code may be issued a level three full Class E license without further examination or road skills testing if the licensee:

(1) Has reached the age of seventeen years; and

(A) Presents a completed application as prescribed by the provisions of section six of this article;

(B) Has held the level two intermediate license conviction free for the twelve-month period immediately preceding the date of the application;

(C) Has completed any driver improvement program required under paragraph (G), subdivision (2), subsection (d) of this section; and

(D) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is valid. An additional fee of \$.50 shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund established in section twelve, article two, chapter three of this code;

(E) Presents a driver's eligibility certificate or otherwise shows compliance with the provisions of section eleven, article eight, chapter eighteen of this code; or

(2) Reaches the age of eighteen years; and

(A) Presents a completed application as prescribed by the provisions of section six of this article; and

(B) Pays a fee of ~~\$2.50~~ \$6.50 for each year the license is valid. An additional fee of \$.50 shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund established in section twelve, article two, chapter three of this code.

(f) A person violating the provisions of the terms and conditions of a level one or level two intermediate driver's license is guilty of a misdemeanor and, upon conviction thereof, shall for the first offense be fined \$25; for a second offense be fined \$50; and for a third or subsequent offense be fined \$75.

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

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



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

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

(d) The fee for the issuance of a Class E driver's license is ~~\$2.50~~ \$8 per year for each year the license is valid. The fee for issuance of a Class D driver's license is ~~\$6.25~~ \$6.50 per year for each year the license is valid. An additional fee of \$0.50 shall be collected from the applicant at the time of original issuance or each renewal and the additional fee shall be deposited in the Combined Voter Registration and Driver's Licensing Fund established pursuant to the provisions of section twelve, article two, chapter three of this code. The additional fee for adding a motorcycle endorsement to a driver's license is \$1 per year for each year the license is issued.

(e) The fee for issuance of a motorcycle-only license is \$2.50 for each year for which the motorcycle license is valid. The fees for the motorcycle endorsement or motorcycle-only license shall be paid into a special fund in the State Treasury known as the Motorcycle Safety Fund as established in section seven, article one-d of this chapter.

(f) The fee for the issuance of either the level one or level two graduated driver's license as prescribed in section three-a of this article is \$5.

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

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

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

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

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

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

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

#### **§17B-2-11. Duplicate permits and licenses.**

In the event that an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed, or if the information contained on the license has changed, the person to whom the permit or license was issued may upon making proper application and upon payment of a fee of \$5 \$20 obtain a duplicate thereof upon furnishing proof satisfactory to the division that the permit or license has been lost or destroyed.

### **CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**

#### **ARTICLE 16. INSPECTION OF VEHICLES.**

**§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.**

(a) The Superintendent of the State Police is responsible for the inspection as provided in this article and shall prescribe requirements and qualifications for official inspection stations. He or she shall select and designate the stations and shall issue permits for official inspection stations and furnish instructions and all necessary forms for the inspection of vehicles as required in this article and the issuance of official certificates of inspection and approval. The certificate of inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall be serially numbered and shall properly identify the official inspection station which issued it. A charge of ~~\$1~~ \$3 per sticker shall be charged by the State Police to the inspection station, and the funds received shall be deposited into the State Treasury and credited to the account of the State Police for application in the administration and enforcement of the provisions of this article and for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles. ~~Any balance remaining in the fund on the last day of June of each fiscal year, not required for the administration and enforcement of the provisions of this article, shall be transferred to the state road fund.~~ The superintendent may exchange stickers or make refunds to official inspection stations for stickers on hand when permits are revoked or when, for any reason, the stickers become obsolete.

(b) A person shall apply for a permit upon an official form prescribed by the superintendent and the superintendent shall grant permits only when the superintendent is satisfied that the station is properly equipped and has competent personnel to make the inspections and adjustments and that the inspections and adjustments will be properly conducted. The superintendent, before issuing a permit, may require the applicant to file a bond with surety approved by the superintendent, conditioned that such applicant, as a station operator, will make compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of the station operator or employees thereof.

(c) The superintendent shall properly supervise and cause inspections to be made of the stations. Upon finding that a station is not properly equipped or conducted, the superintendent may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or subsequent finding that a station is not properly equipped or conducted, the superintendent shall permanently revoke and require the surrender of the permit. The superintendent may reinstate the permit of any person whose permit was permanently revoked prior to the effective date of this section upon a first finding that a station was not properly equipped or conducted, upon application, at any time after the expiration of six months from the time of revocation and shall reinstate the permit, upon application, after the expiration of one year. He or she shall maintain and post at his or her office and at any other places as he or she may select lists of all stations holding permits and of those whose permits have been suspended or revoked.

**§17C-16-6. Assignment, transfer and posting of official inspection station permit; issuance and record of certificate of inspection; inspection fee.**

(a) No permit for an official inspection station shall be assigned or transferred or used at any location other than designated in the permit and every permit shall be posted in a conspicuous place at the station location designated in the permit.

(b) The person operating the station shall issue a certificate of inspection and approval, upon an official form, to the owner of a vehicle upon inspecting the vehicle and determining that its equipment required under this article is in good condition and proper adjustment, but otherwise no certificate shall be issued, except one issued pursuant to section two of this article. When required by the superintendent, a record and report shall be made of every inspection and every certificate issued.

(c) A fee of not more than ~~\$12~~ \$14 may be charged for an inspection and any necessary headlight adjustment to proper focus, not including any replacement parts required, and the issuance of the certificate, but the imposition of the charge is not mandatory.

**CHAPTER 17D. MOTOR VEHICLE SAFETY  
RESPONSIBILITY LAW.**

**ARTICLE 2. ADMINISTRATION OF LAW.**

**§17D-2-2. Commissioner to furnish abstract of operating record; fee for abstract.**

The commissioner shall upon request and subject to the provisions of article two-a, chapter seventeen-a of this code, furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, and if there is no record of any conviction of the person of a violation of any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the commissioner shall so certify. The commissioner shall collect ~~\$5~~ \$25 for each abstract.

The following amendments to the Transportation and Infrastructure committee amendment to the bill (Eng. Com. Sub. for H. B. 4662), from the Committee on Finance, was reported by the Clerk, considered simultaneously, and adopted:

On pages one through nineteen, by striking out all of chapter seventeen-a;

On pages nineteen through thirty-one, by striking out all of chapter seventeen-b;

On page thirty-one, section five, subsection (a), after the words "of this article" by striking out the comma;

On page thirty-three, by striking out all of chapter seventeen-d;

And,

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

That §17C-16-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §17C-16-6 of said code be amended and reenacted, all to read as follows:.

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

The bill (Eng. Com. Sub. for H. B. 4662), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4668**, Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 4724**, Relating to adding a requirement for the likelihood of imminent lawless action to the prerequisites for the crime of intimidation and retaliation.

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 5. CRIMES AGAINST PUBLIC JUSTICE.**

**§61-5-27. Intimidation of and retaliation against public officers and employees, jurors and witnesses; fraudulent official proceedings and legal processes against public officials and employees; penalties.**

(a) *Definitions.* — As used in this section:

(1) “Fraudulent” means not legally issued or sanctioned under the laws of this state or of the United States, including forged, false and materially misstated;

(2) “Legal process” means an action, appeal, document instrument or other writing issued, filed or recorded to pursue a

claim against person or property, exercise jurisdiction, enforce a judgment, fine a person, put a lien on property, authorize a search and seizure, arrest a person, incarcerate a person or direct a person to appear, perform or refrain from performing a specified act. “Legal process” includes, but is not limited to, a complaint, decree, demand, indictment, injunction, judgment, lien, motion, notice, order, petition, pleading, sentence, subpoena, summons, warrant or writ;

(3) “Official proceeding” means a proceeding involving a legal process or other process of a tribunal of this state or of the United States;

(4) “Person” means an individual, group, association, corporation or any other entity;

(5) “Public official or employee” means an elected or appointed official or employee, of a state or federal court, commission, department, agency, political subdivision or any governmental instrumentality;

(6) “Recorder” means a clerk or other employee in charge of recording instruments in a court, commission or other tribunal of this state or of the United States; and

(7) “Tribunal” means a court or other judicial or quasi-judicial entity, or an administrative, legislative or executive body, or that of a political subdivision, created or authorized under the constitution or laws of this state or of the United States.

(b) *Intimidation; harassment.* — It is unlawful for a person to use intimidation, physical force, harassment or a fraudulent legal process or official proceeding, or to threaten to do so where such threat is directed at inciting or producing imminent lawless action of a violent nature that could cause bodily harm and is likely to incite or produce such action or to attempt to do so, with the intent to:

(1) Impede or obstruct a public official or employee from performing his or her official duties;

(2) Impede or obstruct a juror or witness from performing his or her official duties in an official proceeding;

(3) Influence, delay or prevent the testimony of any person in an official proceeding; or

(4) Cause or induce a person to: (A) Withhold testimony, or withhold a record, document or other object from an official proceeding; (B) alter, destroy, mutilate or conceal a record, document or other object impairing its integrity or availability for use in an official proceeding; (C) evade an official proceeding summoning a person to appear as a witness or produce a record, document or other object for an official proceeding; or (D) be absent from an official proceeding to which such person has been summoned.

(c) *Retaliation.* — It is unlawful for a person to cause injury or loss to person or property, or to threaten to do so where such threat is directed at inciting or producing imminent lawless action of a violent nature that could cause bodily harm and is likely to incite or produce such action or to attempt to do so, with the intent to:

(1) Retaliate against a public official or employee for the performance or nonperformance of an official duty;

(2) Retaliate against a juror or witness for performing his or her official duties in an official proceeding; or

(3) Retaliate against any other person for attending, testifying or participating in an official proceeding, or for the production of any record, document or other object produced by a person in an official proceeding.

(d) *Subsection (b) offense.* — A person who is convicted of an offense under subsection (b) is guilty of a misdemeanor and shall be confined in jail for not more than one year or fined not more than \$1,000, or both.

(e) *Subsection (c) or subsequent offense.* — A person convicted of an offense under subsection (c) or a second offense under subsection (b) is guilty of a felony and, shall be confined in ~~the~~



~~penitentiary~~ a correctional facility not less than one nor more than ten years or fined not more than \$2,000, or both.

(f) *Civil cause of action.* — A person who violates this section is liable in a civil action to any person harmed by the violation for injury or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs and other expenses incurred as a result of prosecuting a civil action commenced under this subsection, which is not the exclusive remedy of a person who suffers injury or loss to person or property as a result of a violation of this section.

(g) *Civil sanctions.* — In addition to the criminal and civil penalties set forth in this section, any fraudulent official proceeding or legal process brought in a tribunal of this state in violation of this section shall be dismissed by the tribunal and the person may be ordered to reimburse the aggravated person for reasonable attorney's fees, court costs and other expenses incurred in defending or dismissing such action.

(1) *Refusal to record.* — A recorder may refuse to record a clearly fraudulent lien or other legal process against a public official or employee or his or her property. The recorder does not have a duty to inspect or investigate whether a lien or other legal process is fraudulent nor is the recorder liable for refusing to record a lien or other legal process that the recorder believes is in violation of this section.

(2) If a fraudulent lien or other legal process against a public official or employee or his or her property is recorded then:

(A) *Request to release lien.* — The public official or employee may send a written request by certified mail to the person who filed the fraudulent lien or legal process, requesting the person to release or dismiss the lien or legal process. If such lien or legal process is not properly released or dismissed within twenty-one days, then it shall be inferred that the person intended to harass the public official or employee in violation of subsection (b) of this section and shall be subject to the criminal penalties in subsection (d) of this section and any other remedies provided ~~for~~ in this section; or

(B) *Notice of fraudulent lien.* — A government attorney on behalf of the public official or employee may record a notice of fraudulent lien or legal process with the recorder who accepted the lien or legal process for filing. Such notice shall invalidate the fraudulent lien or legal process and cause it to be removed from the records. No filing fee shall be charged for the filing of the notice.

(h) A person's lack of belief in the jurisdiction or authority of this state or of the United States is no defense to prosecution of a civil or criminal action under this section.

(i)(1) Nothing in this section prohibits or in any way limits the lawful acts of legitimate public officials or employees.

(2) Nothing in this section prohibits or in any way limits a person's lawful and legitimate right to freely assemble, express opinions or designate group affiliation.

(3) Nothing in this section prohibits or in any way limits a person's lawful and legitimate access to a tribunal of this state or prevents a person from instituting or responding to a lawful action.

The bill (Eng. H. B. 4724), as amended, was then ordered to third reading.

**Eng. House Bill 4730**, Relating to computer science courses of instruction.

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 two, section twelve, line thirty-five, by striking out the word "Increase" and inserting in lieu thereof the word "Increasing".

The bill (Eng. H. B. 4730), 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. House Bill 4150**, Making a supplementary appropriation to the Department of Health and Human Resources.

On second reading, coming up in deferred order, was read a second time and ordered to third reading.

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

### **Executive Communications**

The Clerk then presented communications from His Excellency, the Governor, advising that on March 10, 2016, he had approved **Enr. Senate Bill 379**, **Enr. House Bill 4157**, **Enr. House Bill 4159**, **Enr. Committee Substitute for House Bill 4279**, **Enr. House Bill 4324**, **Enr. Committee Substitute for House Bill 4540**, **Enr. House Bill 4654**, **Enr. House Bill 4674** and **Enr. House Bill 4735**.

The Senate again proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 11th day of March, 2016, 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. 29)**, Tolling statute of limitations in certain cases.

**(Com. Sub. for S. B. 102)**, Conforming to federal Law-Enforcement Officers Safety Act.

**(S. B. 271)**, Conforming definition of attest services to Uniform Accountancy Act.

**(Com. Sub. for S. B. 274)**, Relating to increasing civil jurisdictional amount in magistrate courts.

**(Com. Sub. for Com. Sub. for S. B. 303)**, Providing for 5-day resident fishing license.

**(S. B. 483)**, Marshall County LSIC waiver.

**(Com. Sub. for S. B. 500)**, Authorizing Superintendent of State Police hold training classes to use West Virginia Automated Police Network.

**(S. B. 507)**, Exempting motor vehicles engaged in nonemergency transport of Medicaid recipients from PSC permit requirements.

**(Com. Sub. for H. B. 2122)**, Making it illegal for first responders to photograph a corpse; Jonathan's Law.

**(Com. Sub. for H. B. 2801)**, Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas.

**(Com. Sub. for H. B. 2823)**, Eliminating the street and interurban and electric railways tax.

**(H. B. 4160)**, Making a supplementary appropriation to the Department of Revenue, Tax Division.

**(Com. Sub. for H. B. 4209)**, Relating generally to health care provider taxes.

**(Com. Sub. for H. B. 4225)**, Relating to patriotic displays at public buildings.

**(Com. Sub. for H. B. 4322)**, Expanding the Learn and Earn Program.

**(Com. Sub. for H. B. 4377)**, Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days.

**(Com. Sub. for H. B. 4433)**, Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees.

**(Com. Sub. for H. B. 4520)**, Clarifying that certain hospitals have only one governing body whose meetings shall be open to the public.

And,

**(H. B. 4617)**, Authorizing legislative rules of the Higher Education Policy Commission regarding the Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*Chair, House Committee.*

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

Your Committee on Finance has had under consideration

**Eng. House Bill 4155**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 10, 2016;

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

Respectfully submitted,

Mike Hall,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. 4155) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

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

After line seven, 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 January 13, 2016, which included a Statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2015, and further included the estimate of revenues for the fiscal year 2016, less net appropriation balances forwarded and regular appropriations for the fiscal year 2016; and

Whereas, The Secretary of the Department of Revenue has submitted a monthly General Revenue Fund Collections Report for the first eight months of fiscal year 2016 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 \$176 million for the first eight months of fiscal year 2016, as compared to the monthly revenue estimates for the first eight months of the fiscal year 2016; and

Whereas, Current economic and fiscal trends are anticipated to result in projected year-end revenue deficits, including potential significant shortfalls in Severance Tax revenue collections, and shortfalls in Personal Income Tax and Consumers Sales and Use Tax revenue collections; 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 \$354 million; and

Whereas, On October 22, 2015, the Governor issued Executive Order 7-15 which directed a spending reduction for General Revenue appropriations for fiscal year 2016 totaling \$93,379,526; and

Whereas, The Legislature agreed to take voluntary action to effect a four percent spending reduction of its General Revenue appropriation for fiscal year 2016 totaling \$938,067; and

Whereas, The Governor has established that there now remains an unappropriated balance in the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2016, organization 0506, and in the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund, fund 5185, fiscal year 2016, organization 0511, that is available for expenditure during the fiscal year ending June 30, 2016 which is hereby appropriated by the terms of this supplementary appropriation bill; and

Whereas, the Legislature finds it necessary to expire funds to the balance of the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund, fund 5185, organization 0511, to be available during the fiscal year ending June 30, 2016; and

Whereas, The Legislature finds that the account balances in the Attorney General – Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; the Secretary of State, Motor Voter Registration Fund, fund 1606, fiscal year 2016, organization 1600; the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2016, organization 0218; the Department of Health and Human Resources, Division of Health – Infectious Medical Waste Program Fund, fund 5117, fiscal year 2016, organization 0506; the Department of Health and Human Resources, Division of Human Services – Medicaid Fraud Control Fund, fund 5141, fiscal year 2016, organization 0511; the

Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2016, organization 0506; the Department of Health and Human Resources, Division of Health – Tobacco Control Special Fund, fund 5218, fiscal year 2016, organization 0506; the Department of Health and Human Resources, Division of Health - Department of Health and Human Resources Safety and Treatment Fund, fund 5228, fiscal year 2016, organization 0506; the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Authority Fund, fund 5375, fiscal year 2016, organization 0507; the Department of Health and Human Resources, Division of Human Services – Marriage Education Fund, fund 5490, fiscal year 2016, organization 0511; Miscellaneous Boards and Commissions - Public Service Commission – Public Service Commission Fund, fund 8623, fiscal year 2016, organization 0926; and the West Virginia Economic Development Authority - Economic Development Project Bridge Loan Fund, fund 9066, fiscal year 2016, organization 0944 exceed that which is necessary for the purposes for which the accounts were established; therefore

*Be it enacted by the Legislature of West Virginia:*

That the total appropriation for the fiscal year ending June 30, 2016, to fund 5214, fiscal year 2016, organization 0506, be supplemented and amended by increasing an existing item of appropriation as follows:

## **TITLE II – APPROPRIATIONS.**

### **Sec. 3. Appropriations from other funds.**

#### **DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*206 – Division of Health –*

*West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)



Fund 5214 FY 2016 Org 0506

	<b>Appro- p-riation</b>	<b>Other Funds</b>
4 Current Expenses .....	13000	\$ 3,200,000

And, That the total appropriation for the fiscal year ending June 30, 2016, to fund 5185, fiscal year 2016, organization 0511, be supplemented and amended by increasing an existing item of appropriation as follows:

**TITLE II – APPROPRIATIONS.**

**Sec. 3. Appropriations from other funds.**

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*213 – Division of Human Services –*

*Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2016 Org 0511

	<b>Appro- p-riation</b>	<b>Other Funds</b>
1 Medical Services .....	18900	\$ 4,000,000

And, That the balance of the funds available for expenditure in the fiscal year ending June 30, 2016, in the Attorney General – Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500, be decreased by expiring the amount of \$5,000,000; the Secretary of State, Motor Voter Registration Fund, fund 1606, fiscal year 2016, organization 1600, be decreased by expiring the amount of \$500,000; the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2016, organization 0218, be decreased by expiring the amount of \$2,527,991.87; the Department of Health and Human Resources, Division of Health –

Infectious Medical Waste Program Fund, fund 5117, fiscal year 2016, organization 0506, be decreased by expiring the amount of \$500,000; the Department of Health and Human Resources, Division of Human Services, Medicaid Fraud Control Fund, fund 5141, fiscal year 2016, organization 0511, be decreased by expiring the amount of \$500,000; the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2016, organization 0506, be decreased by expiring the amount of \$4,000,000; the Department of Health and Human Resources, Division of Health – Tobacco Control Special Fund, fund 5218, fiscal year 2016, organization 0506, be decreased by expiring the amount of \$50,000; the Department of Health and Human Resources, Division of Health - Department of Health and Human Resources Safety and Treatment Fund, fund 5228, fiscal year 2016, organization 0506, be decreased by expiring the amount of \$500,000; the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Authority Fund, fund 5375, fiscal year 2016, organization 0507, be decreased by expiring the amount of \$5,000,000; the Department of Health and Human Resources, Division of Human Services – Marriage Education Fund, fund 5490, fiscal year 2016, organization 0511, be decreased by expiring the amount of \$50,000; Miscellaneous Boards and Commissions - Public Service Commission – Public Service Commission Fund, fund 8623, fiscal year 2016, organization 0926, be decreased by expiring the amount of \$3,000,000 and the West Virginia Economic Development Authority - Economic Development Project Bridge Loan Fund, fund 9066, fiscal year 2016, organization 0944, be decreased by expiring the amount of \$1,361,384.62 all to the balance of the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund, fund 5185, organization 0511, to be available during the fiscal year ending June 30, 2016.

The bill (Eng. H. B. 4155), as amended, was then ordered to third reading.

The Senate proceeded to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 4:44 p.m. today:

**Eng. Senate Bill 13**, Increasing penalties for overtaking and passing stopped school buses.

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

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

**Eng. Senate Bill 107**, Uniform Interstate Depositions and Discovery Act.

On motion of Senator Carmichael, 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, line seventeen, after the word “premises” by inserting the words “which is”;

On page two, section three, line five, after the words “the clerk,” by striking out the words “in the accordance with that court’s procedure” and inserting in lieu thereof the words “shall file the subpoena as a miscellaneous action, charging a filing fee therefore, and”;

And,

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

**Eng. Senate Bill 107**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new

article, designated §56-12-1, §56-12-2, §56-12-3, §56-12-4, §56-12-5, §56-12-6, §56-12-7, and §56-12-8, all relating to creating and adopting the Uniform Interstate Depositions and Discovery Act; establishing a short title of the act; defining terms; creating the procedure governing issuance of subpoenas by clerks of the court in this state; requiring foreign subpoenas to be filed as miscellaneous actions; requiring a filing fee to be charged; clarifying the rules governing service of such subpoenas; establishing application of the West Virginia Rules of Civil Procedure to subpoenas issued under the act; requiring that any application for a protective order or to enforce, quash or modify a subpoena issued under the act comply with the rules and statutes of this state including where to file any such application; encouraging consideration of uniformity of the law with respect to the act whenever it is applied and construed; and establishing the application of the effective date of the act.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. 107) 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.

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

Pending announcement of a minority party caucus,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Saturday, March 12, 2016, at 10 a.m.

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## SATURDAY, MARCH 12, 2016

The Senate met at 10 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Dave Sypolt, a senator from the fourteenth district.

Pending the reading of the Journal of Friday, March 11, 2016,

At the request of Senator Williams, 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.

On motion of Senator Carmichael, the Senate recessed for five minutes to permit Jamie Messer to address the Senate on behalf of the Legislative Information Journalism Internship Program and Samantha Holiskey to address the Senate on behalf of the Judith A. Herndon Fellowship Program.

Upon expiration of the recess, the Senate reconvened and resumed business under the second order.

At the request of Senator Carmichael, and by unanimous consent, the Senate proceeded to the sixth order of business.

Senator Takubo offered the following resolution:

**Senate Concurrent Resolution 70**—Requesting the Joint Committee on Government and Finance to study the economic impact of allowing hunting on Sundays and how doing so would affect the economy in West Virginia.

Whereas, The Joint Committee on Government and Finance is hereby requested to conduct a study on the economic impact of permitting Sunday hunting on private property with a landowner's written permission and on state and national forests and wildlife management areas; and

Whereas, Sunday hunting is a personal property rights issue, as permitting Sunday hunting allows for individual property owners to choose whether to allow Sunday hunting on their property rather than the voters of a county; and

Whereas, West Virginia is one of only eight states left in the nation that doesn't allow Sunday hunting in all counties; and

Whereas, West Virginia seeks to attract families and sportsmen to our wonderful state; and

Whereas, The surrounding states of Ohio, Kentucky and Virginia currently allow for Sunday hunting, incentivizing most sportsmen and women who have limited time to hunt during the week to visit these surrounding states instead of West Virginia; and

Whereas, Removing the ban on Sunday hunting would add approximately twenty-five total weekend days for both resident and nonresidents to hunt all types of wild game and allow an extra weekend day on which to hunt, allowing nonresidents to make full weekend hunting trips to West Virginia; and

Whereas, Lifting the ban on Sunday hunting would make West Virginia a destination hunting state; and

Whereas, West Virginia could see a real economic impact from removing the ban on Sunday hunting in all counties. It is estimated that allowing Sunday hunting in all counties could result in millions of dollars of increased payrolls and tax revenue; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the economic impact of allowing hunting on Sundays and how doing so would affect the economy in West Virginia; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2017, 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.

At the request of Senator Carmichael, and by unanimous consent, the resolution was taken up for immediate consideration and referred to the Committee on Rules.

Senator Takubo offered the following resolution:

**Senate Concurrent Resolution 71**—Requesting the Joint Committee on Government and Finance to study the specific line item reporting of TANF spending in West Virginia.

Whereas, States such as Minnesota report their TANF expenditures with more specific details than the State of West Virginia; and

Whereas, Providing specific details in regard to TANF expenditures will provide the state legislature a clearer picture of West Virginia families impacted by TANF programs; and

Whereas, It would clearly benefit public policy decisions aimed at addressing poverty for the state legislature to better understand West Virginia families impacted by the TANF program which specific reporting details will support; and

Whereas, It would clearly benefit public policy decisions aimed at addressing poverty for the state legislature to have specific details on TANF spending in all reporting areas, both Maintenance of Effort and Federal TANF dollars; therefore, be it

*Resolved by the Legislature of West Virginia:*

The Joint Committee on Government and Finance is hereby requested to study the benefits of specific and detailed reporting of TANF spending in West Virginia; and, be it

*Further Resolved*, For the study to include, but not be limited to, all areas of TANF expenditures beginning with 2014; and, be it

*Further Resolved*, The study should include information about poverty levels in West Virginia compared to historical increases

and/or decreases in West Virginia's MOE TANF contribution; and, be it

*Further Resolved*, The study should include thorough discussion about the amount of TANF expenditures supporting "Work Related Activities" and West Virginia's Work Rate under the TANF program; 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 the legislative appropriations to the Joint Committee on Government and Finance.

At the request of Senator Carmichael, and by unanimous consent, the resolution was taken up for immediate consideration and referred to the Committee on Rules.

Senators Walters, Gaunch, Palumbo, Takubo, Ashley, Beach, Blair, Boley, Boso, Carmichael, Cole (Mr. President), Cline, Facemire, Ferns, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Williams, Woelfel and Yost offered the following resolution:

**Senate Resolution 66**—Memorializing the life of the Honorable Darrell E. Holmes, former member of the West Virginia Senate, former Clerk of the Senate, former member of the West Virginia House of Delegates and dedicated public servant.

Whereas, The Honorable Darrell E. Holmes was born on October 19, 1934, in Sissonville, West Virginia, son of the late Russell and Macel Holmes; and

Whereas, The Honorable Darrell E. Holmes attended schools in Kanawha County and graduated from Sissonville High School in 1953. He later joined the United States Air Force and served in Okinawa, Japan, where he served as an MP and would return stateside to attend Morris Harvey College and West Virginia State College; and



Whereas, The Honorable Darrell E. Holmes became a millwright and worked at the Institute plant of Union Carbide for thirty years until his retirement in 1989; and

Whereas, The Honorable Darrell E. Holmes began his public service when he was elected to the West Virginia House of Delegates, serving for four consecutive terms from 1974 to 1982; and

Whereas, The Honorable Darrell E. Holmes was elected to two terms in the West Virginia Senate in 1982 and 1986; and

Whereas, The Honorable Darrell E. Holmes served as Chairman of the Committee on Labor for the 66th, 67th, 68th and 69th Legislatures. He served as a member of the Committees on Energy, Industry and Mining; Agriculture; Finance; Interstate Cooperation; and Natural Resources; and

Whereas, The Honorable Darrell E. Holmes was appointed as the 19th Clerk of the Senate on July 1, 1989, and served in that position until his retirement in January 2013; and

Whereas, The Honorable Darrell E. Holmes was married to his beloved wife, Nell Jean, with whom he shared the joy of having three sons: David (Kim), Gregory (Debbie) and Eric (Heather); and seven grandchildren: Lindsay, Andrew, Tara, Adam, Austin, Brianna and Easton; and

Whereas, Sadly, the Honorable Darrell E. Holmes passed away on January 22, 2016, leaving behind a host of family and friends, all of whom will miss his larger than life sense of humor and his ornery smile; and

Whereas, It is fitting that the Senate pay tribute to the life and legacy of the Honorable Darrell E. Holmes in the building in which he so graciously served the State of West Virginia for nearly forty years; therefore, be it

*Resolved by the Senate:*

That the Senate hereby memorializes the life of the Honorable Darrell E. Holmes, former member of the West Virginia Senate, former Clerk of the Senate, former member of the West Virginia House of Delegates and dedicated public servant; and, be it

*Further Resolved*, That the Senate extends its most sincere and heartfelt sympathies to the family of the Honorable Darrell E. Holmes; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the family of the Honorable Darrell E. Holmes.

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

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

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 resolution (S. R. 66) adopted.

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senators Miller, Prezioso, Kessler, Hall, Plymale and Carmichael regarding the adoption of Senate Resolution 66 were ordered printed in the Appendix to the Journal.

On motion of Senator Carmichael, the Senate recessed for one minute.

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 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 157**, Authorizing Department of Revenue to promulgate legislative rules.

On motion of Senator Carmichael, 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 article 7, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 7. AUTHORIZATION FOR DEPARTMENT  
OF REVENUE TO PROMULGATE  
LEGISLATIVE RULES.**

**§64-7-1. Alcohol Beverage Control Commission.**

(a) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section twenty-two, article sixteen, chapter eleven of this code, modified by the Alcohol Beverage Control Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 4, 2015, relating to the Alcohol Beverage Control Commission (nonintoxicating beer licensing and operations procedures, 176 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section ten, article seven, chapter sixty of this code, relating to the Alcohol Beverage Control Commission (private club licensing, 175 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section sixteen, article two, chapter sixty of this code, modified by the Alcohol Beverage Control Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 4, 2015, relating to the Alcohol Beverage Control Commission (distilleries and mini-distilleries, 175 CSR 10), is authorized.

#### **§64-7-2. Racing Commission.**

(a) The legislative rule filed in the State Register on July 22, 2015, authorized under the authority of section six, article twenty-three, chapter nineteen of this code, relating to the Racing Commission (thoroughbred racing, 178 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 22, 2015, authorized under the authority of section six, article twenty-three, chapter nineteen of this code, relating to the Racing Commission (pari-mutuel wagering, 178 CSR 5), is authorized.

#### **§64-7-3. Department of Tax and Revenue.**

(a) The legislative rule filed in the State Register on July 29, 2015, authorized under the authority of section five-t, article ten, chapter eleven of this code, modified by the Department of Tax and Revenue to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2015, relating to the Department of Tax and Revenue (payment of taxes by electronic funds transfer, 110 CSR 10F), is authorized.

(b) The legislative rule filed in the State Register on July 29, 2015, authorized under the authority of section five, article ten, chapter eleven of this code, relating to the Department of Tax and Revenue (exchange of information agreement between the

Commissioner of the Tax Division of the Department of Revenue and the Secretary of the Department of Commerce, the Secretary of the Department of Environmental Protection, the Director of the Division of Forestry of the Department of Commerce and the Commissioners of the Public Service Commission, 110 CSR 50H), is authorized, with the amendment set forth below:

On page one, subsection 3.1, line six, following the word “Commerce”, by inserting the words “Secretary of State”.

(c) The legislative rule effective on June 12, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (listing of interests in natural resources for purposes of first statewide appraisal, 110 CSR 1B), is repealed.

(d) The legislative rule effective on May 13, 1987, authorized under the authority of section twenty-nine-a, article one-a, chapter eleven of this code, relating to the Tax Division (guidelines for assessors to assure fair and uniform nonutility personal property values, 110 CSR 1C), is repealed.

(e) The legislative rule effective on June 12, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (review by circuit court on certiorari, 110 CSR 1D), is repealed.

(f) The legislative rule effective on June 12, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (review of appraisals by the county commission sitting as an administrative appraisal review board, 110 CSR 1E), is repealed.

(g) The legislative rule effective on May 13, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (additional review and implementation of property appraisals, 110 CSR 1F), is repealed.

(h) The legislative rule effective on May 13, 1987, authorized under the authority of section one, article one-a, chapter eleven of

this code, relating to the Tax Division (review by circuit court on certiorari, 110 CSR 1G), is repealed.

(i) The Legislature directs the State Tax Department to promulgate, effective on and after the first day of July, 2016, the amended legislative rule filed in the State Register on July 29, 2015, authorized under the authority of sections five and eleven-b, article one-c, chapter eleven of this code, as modified to conform to the recommendations of the Legislative Rule-Making Committee on November 18, 2015, but later withdrawn by the State Tax Department by notice filed in the State Register, relating to the State Tax Department (valuation of timberland and managed timberland, 110 CSR 1H), with the following amendments:”

On page four, in subsection 3.16 of the rule, by striking the second sentence, and adding at the end of the final sentence after the word “Index”, before the period, the words “(IMI) as shown on Appendix 4 of this rule.”;

On page six, in section ten of the rule, at the end of the first sentence, following the word “properties” and before the period, by inserting the following words and punctuation marks “, using, for all measures required by this rule to compute such appraised value per acre of managed timberland, real values and not nominal values.”;

On page six, in section ten of the rule, by striking the remaining language of the section, and by inserting “Except as required by the provisions of subsection 2.2 of this rule, in no case shall the appraised value per acre for any grade of managed timberland in any county be less than eighty percent of the value per acre of the comparable grade of managed timberland in the immediately preceding tax year in that same county. The appraised value is the net present worth of all revenues and costs associated with growing timber on the land in perpetuity. Net income is the difference between projected revenues, for example, harvest revenues in years 35, 55 and 80, and projected costs, including, for example, management costs.”;

On page six, in section eleven of the rule, in subsection 11.1, in the first sentence between the words “ownership” and “maps” by adding the words “data provided by the county assessors, or, in the absence of such data, shall digitize from”, and at the end of the subsection, inserting “During any period for which the application of this process to a given parcel is temporarily delayed, the Tax Commissioner, in cooperation with the Division of Forestry, shall employ such available data and methods as will reasonably approximate the assignment of a soil productivity grade to that parcel.”;

On page six, in section eleven of the rule, in subsection 11.3, following the word “be” by striking the words “determined by the accumulated periodic harvest income plus accrued interest on the net income”, inserting the words “compounded at the end of the rotation (i.e. harvest income value at year 80)”, inserting between the words “less” and “state” the word “applicable” and inserting between the word “payments” and the period, the words “if any”;

On page seven, in section eleven of the rule, in subsection 11.4, following the word “by” striking the word “the”, inserting the words “compounding the annual management costs at the end of the rotation (i.e. management cost value in year 80)”, striking the word “accumulated”, inserting the words “using the”, by inserting a comma before the word “management” and by inserting the letter “s” at the end of the word “cost.”;

On page seven, in section eleven of the rule, in subsection 11.5, between the words “the” and “end” inserting the word “cumulative”, following the word “costs” inserting the words from the cumulative end of rotation total harvest income per acre as defined in subsection 3.7 of this rule”, and between the word “difference” and the semi-colon, inserting a comma and the words “, assuming an infinite periodic income from the managed timberland”;

On page thirteen, in Appendix 4 of the rule, by striking the words “Site Index (75 or more)” and replacing them with the letters, symbol and digits “ $IMI \geq 45$ ”, by striking the words “Site Index (65-74)” and replacing them with the letters, word, symbols

and digits “IMI  $\geq 30$  and  $\leq 44.99$ ” and by striking the words “Site Index (less than 65)” and by replacing them with the letters, symbol and digits “IMI  $\leq 29.99$ ”;

On page fourteen, in Appendix 5 of the rule, after the words “For Class II Parcels:”, on line 1, following the word “Acre”, by deleting all the language preceding the words “For Class III & IV Parcels”, and by inserting the words, symbols and digits: “= ((Future Value of Harvest Revenues – Future Value of Management Costs)/((1 + Real Discount Rate)<sup>n</sup>) - 1)) less discounted property tax Class II rate.

Where:  $n = 80$  years

Future Value of Harvest Revenues – value of harvest revenues in year 80 using compounding formula below

$$V_n = V_o(1 + i)^n$$

Where:  $V_o$  = harvest revenue in the initial year (i.e. 35, 45, 55 or 80)

$i$  = capitalization rate

$n$  = rotation length

$V_n$  = future value of harvest revenues

Future Value of Management Costs – value of management costs in year 80 using the formula for calculating the future value of a terminating annual series as given below:

$$V_n = a \left[ \frac{(1+i)^n - 1}{i} \right]$$

Where:  $a$  = annual management costs

$i$  = capitalization rate

$n$  = rotation length

$V_n$  = future value of management costs”;



And,

On page fourteen, in Appendix 5 of the rule, on the final line, by striking the Roman numeral “II” and replacing it with the Roman numeral “III” and by striking the Roman numeral “III” and replacing it with the Roman numeral “IV”.

(j) The legislative rule effective on June 29, 1964, authorized under the authority of article one, chapter eleven of this code, relating to the Tax Division (revision of levy estimates, 110 CSR 8), is repealed.

(k) The legislative rule effective on September 16, 1966, authorized under the authority of article ten, chapter eleven of this code, relating to the Tax Division (inheritance and transfer tax, 110 CSR 11), is repealed.

(l) The legislative rule effective on January 1, 1974, authorized under the authority of section five-a, article ten, chapter eleven of this code, relating to the Tax Division (annual tax on incomes of certain carriers, 110 CSR 12A), is repealed.

(m) The legislative rule effective on April 4, 1988, authorized under the authority of section five, article ten, chapter eleven of this code, relating to the Tax Division (telecommunications tax, 110 CSR 13B), is repealed.

(n) The legislative rule effective on May 1, 1996, authorized under the authority of section three, article thirteen-i, chapter eleven of this code, relating to the Tax Division (tax credit for employing former members of Colin Anderson Center, 110 CSR 13I), is repealed.

(o) The legislative rule effective on May 1, 1999, authorized under the authority of section seven, article thirteen-m, chapter eleven of this code, relating to the Tax Division (tax credits for new value-added, wood manufacturing facilities, 110 CSR 13M), is repealed.

(p) The legislative rule effective on May 1, 1999, authorized under the authority of section seven, article thirteen-n, chapter eleven of this code, relating to the Tax Division (tax credits for new

steel, aluminum and polymer manufacturing operations, 110 CSR 13N), is repealed.

(q) The legislative rule effective on May 1, 1995, authorized under the authority of section five, article ten, chapter eleven of this code, relating to the Tax Division (business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit, 110 CSR 13C), is repealed.

(r) The legislative rule effective on April 4, 1988, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes, 110 CSR 1), is repealed.

#### **§64-7-4. Banking Commissioner.**

(a) The legislative rule effective on April 23, 1982, authorized under the authority of section four, article three, chapter thirty-one-a of this code, relating to the Banking Commissioner (West Virginia Consumer Credit and Protection Act, 106 CSR 8), is repealed.

(b) The procedural rule effective on January 10, 1975, authorized under the authority of section two, article three, chapter thirty-one-a of this code, relating to the Banking Commissioner (West Virginia Board of Banking and Financial Institutions, 107 CSR 5), is repealed.

#### **§64-7-5. Office of the Insurance Commissioner.**

(a) The legislative rule effective on May 16, 1997, authorized under the authority of section four, article twenty-five-a, chapter thirty-three of this code, relating to the Office of the Insurance Commissioner (utilization management, 114 CSR 51), is repealed.

(b) The legislative rule effective on December 28, 1981, authorized under the authority of section ten, article two, chapter thirty-three of this code, relating to the Office of the Insurance Commissioner (Medicare supplement insurance coverage, 114 CSR 17), is repealed.

**§64-7-6. Lottery Commission.**

The Legislature directs the Lottery Commission to promulgate the legislative rule filed in the State Register on May 20, 2009, authorized under the authority of section four hundred two, article twenty-two-b, chapter twenty-nine of this code, relating to the Lottery Commission (limited video lottery, 179 CSR 5), with the amendment set forth below:

On page 3, after subsection 2.11, by adding a new subsection 12.2 to read as follows:

2.12. “Licensed limited video lottery location approved by the commission” as it appears in W. Va. Code, §29-22B-1201(a) means the location in excess of the following straight-line distances from any of the following places:

2.12.a. The location is at least two hundred feet from a business that sells petroleum products capable of being used as fuel in an internal combustion engine.

And,

By renumbering the remaining subsections.;

And,

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

**Eng. Com. Sub. for Senate Bill 157**—A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to promulgation of administrative rules by Department of Revenue; relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards under the Department of Revenue which are no longer authorized or are obsolete; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the

agencies to promulgate certain legislative rules with various amendments presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various amendments recommended by the Legislature; directing various agencies to amend and promulgate certain legislative rules; authorizing Alcohol Beverage Control Commission to promulgate legislative rule relating to nonintoxicating beer licensing and operations procedures; authorizing Alcohol Beverage Control Commission to promulgate legislative rule relating to private club licensing; authorizing Alcohol Beverage Control Commission to promulgate legislative rule relating to distilleries and mini-distilleries; authorizing the Racing Commission to promulgate legislative rule relating to thoroughbred racing; authorizing Racing Commission to promulgate legislative rule relating to pari-mutuel wagering; authorizing Department of Tax and Revenue to promulgate legislative rule relating to payment of taxes by electronic funds transfer; authorizing Department of Tax and Revenue to promulgate legislative rule relating to an exchange of information agreement between Commissioner of the Tax Division of the Department of Revenue and Secretary of the Department of Commerce, Secretary of State, Secretary of the Department of Environmental Protection, Director of the Division of Forestry of the Department of Commerce and Commissioners of the Public Service Commission; repealing certain legislative and procedural rule promulgated by certain agencies and boards under the Department of Revenue; repealing the Tax Division legislative rule relating to listing of interests in natural resources for purposes of first statewide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform nonutility personal property values; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to review of appraisals by the county commission sitting as an administrative appraisal review board; repealing the Tax Division legislative rule relating to additional review and implementation of property appraisals; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; directing the State Tax Department to amend and promulgate legislative rule relating to valuation of timberland and managed timberland; repealing the Tax Division legislative rule relating to revision of levy estimates;

repealing the Tax Division legislative rule relating to inheritance and transfer tax; repealing the Tax Division legislative rule relating to annual tax on incomes of certain carriers; repealing the Tax Division legislative rule relating to the telecommunications tax; repealing the Tax Division legislative rule relating to tax credit for employing former members of Colin Anderson Center; repealing the Tax Division legislative rule relating to tax credits for new value-added, wood manufacturing facilities; repealing the Tax Division legislative rule relating to tax credits for new steel, aluminum and polymer manufacturing operations; repealing the Tax Division legislative rule relating to the business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit; repealing the Tax Division legislative rule relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; repealing the Banking Commissioner legislative rule relating to the West Virginia Consumer Credit and Protection Act; repealing the Banking Commissioner procedural rule relating to West Virginia Board of Banking and Financial Institutions; repealing the Office of the Insurance Commissioner legislative rule relating to utilization management; repealing the Office of the Insurance Commissioner legislative rule relating to Medicare supplement insurance coverage; and directing the Lottery Commission to amend and promulgate legislative rule relating to limited video lottery.

On motion of Senator Trump, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 157) were reported by the Clerk, considered simultaneously, and adopted:

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

**ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO PROMULGATE LEGISLATIVE RULES, AND REPEAL OF UNAUTHORIZED AND OBSOLETE RULES OF THE DEPARTMENT OF REVENUE.**

**§64-7-1. Alcohol Beverage Control Commission.**

(a) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section twenty-two, article sixteen, chapter eleven of this code, modified by the Alcohol Beverage Control Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 4, 2015, relating to the Alcohol Beverage Control Commission (nonintoxicating beer licensing and operations procedures, 176 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section ten, article seven, chapter sixty of this code, relating to the Alcohol Beverage Control Commission (private club licensing, 175 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section sixteen, article two, chapter sixty of this code, modified by the Alcohol Beverage Control Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 4, 2015, relating to the Alcohol Beverage Control Commission (distilleries and mini-distilleries, 175 CSR 10), is authorized.

#### **§64-7-2. Racing Commission.**

(a) The legislative rule filed in the State Register on July 22, 2015, authorized under the authority of section six, article twenty-three, chapter nineteen of this code, relating to the Racing Commission (thoroughbred racing, 178 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 22, 2015, authorized under the authority of section six, article twenty-three, chapter nineteen of this code, relating to the Racing Commission (pari-mutuel wagering, 178 CSR 5), is authorized.

#### **§64-7-3. Department of Revenue.**

(a) The legislative rule filed in the State Register on July 29, 2015, authorized under the authority of section five-t, article ten, chapter eleven of this code, modified by the Department of Revenue to meet the objections of the Legislative Rule-Making

Review Committee and refiled in the State Register on September 18, 2015, relating to the Department of Revenue (payment of taxes by electronic funds transfer, 110 CSR 10F), is authorized.

(b) The legislative rule filed in the State Register on July 29, 2015, authorized under the authority of section five, article ten, chapter eleven of this code, relating to the Department Revenue (exchange of information agreement between the Commissioner of the Tax Division of the Department of Revenue and the Secretary of the Department of Commerce, the Secretary of the Department of Environmental Protection, the Director of the Division of Forestry of the Department of Commerce and the Commissioners of the Public Service Commission, 110 CSR 50H), is authorized, with the amendment set forth below:

On page one, subsection 3.1, line six, following the word “Commerce”, by inserting the words “Secretary of State”.

(c) The legislative rule effective on June 12, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (listing of interests in natural resources for purposes of first statewide appraisal, 110 CSR 1B), is repealed.

(d) The legislative rule effective on May 13, 1987, authorized under the authority of section twenty-nine-a, article one-a, chapter eleven of this code, relating to the Tax Division (guidelines for assessors to assure fair and uniform nonutility personal property values, 110 CSR 1C), is repealed.

(e) The legislative rule effective on June 12, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (review by circuit court on certiorari, 110 CSR 1D), is repealed.

(f) The legislative rule effective on June 12, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (review of appraisals by the county commission sitting as an administrative appraisal review board, 110 CSR 1E), is repealed.

(g) The legislative rule effective on May 13, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (additional review and implementation of property appraisals, 110 CSR 1F), is repealed.

(h) The legislative rule effective on May 13, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (review by circuit court on certiorari, 110 CSR 1G), is repealed.

(i) The Legislature directs the Department of Revenue to promulgate the legislative rule filed in the State Register on May 5, 1999, authorized under the authority of section five-a, article one-c, chapter eleven, of this code, relating to the Department Revenue (Valuation of Timberland and Managed Timberland, 110 CSR 1H), with the amendments set forth below:

#### **§110-1H-1. General.**

1.1 Scope. – This legislative rule establishes the procedure for the classification and valuation of timberland and managed timberland.

1.2. Authority. – W. Va. Code §§11-1C-5(a)(2)(B), 11-1C-11(c)(1) and 11-1C-11b(c).

1.3. Filing Date. –

1.4. Effective Date. – July 1, 2016.

1.5. Repeal of former rule. – This legislative rule repeals and replaces WV 110 C.S.R.1H “Valuation of Timberland and Managed Timberland” filed April 16, 1999 and effective May 1, 1999.

#### **§110-1H-2. Introduction.**

2.1. The appraised value of managed timberland shall be determined by the State Tax Commissioner on the basis of the potential of the land to produce future income according to its use and productive potential. Potential future net income is discounted



to its present value utilizing a discounted cash flow; this is the appraised value. The ability of a stand of timber to produce wood products for sale or use depends primarily on the quality of the soil and certain topographic and climatic features which can be expressed as a site index. Site index is the principal criterion influencing the appraised value of managed timberland. These factors shall be reviewed annually by the Tax Commissioner for necessary updating of the method described in order to properly reflect future changes in the values of managed timberland.

2.2. The appraised value of timberland (woodland/wasteland) shall be determined on the basis of market comparable derived through analysis of sales prices of comparable timberland (forested) properties. Timberland appraisal value shall always be more than the appraised value of equivalent grades of properties being classified as managed timberland in the county. The appraised value of timberland shall be determined by the county assessor based upon the Timberland Classification Schedule found in Appendix 1 of this rule.

2.3. The county assessor shall collect and analyze market data, including sales of timberland, segregated into the classes contained in the previously referenced classification schedule. Based upon this market analysis, the county assessor shall select the value for each class of timberland that best reflects the market value of the property if exposed to the market for sale as timberland. The values by class thus selected shall be entered, by the assessor, into the respective county land pricing tables and shall be used by the assessor to estimate the appraised value of timberland for property tax purposes.

### **§110-1H-3. Definitions.**

As used in this rule and unless the context clearly requires a different meaning, the following terms shall have the meaning ascribed in this section.

3.1. “Capitalization rate” means the rate used to convert an estimate of income into an estimate of present value. Details of the

procedure for determining the capitalization rate are found in Section 12 of this rule.

3.2. “Certified managed timberland plan” means the managed timberland plan that is certified by the landowner when the landowner certifies that the property is maintained as managed timberland.

3.3. “Cost” means a component of management costs and property taxes.

3.4. “dbh” means the diameter of trees at breast height, which is 4.5' above ground level.

3.5. “Division of Forestry” means the West Virginia Bureau of Commerce, Division of Forestry.

3.6. “Farm wood lot” means that portion of a farm in timber but may not include land used primarily for the growing of timber for commercial purposes except that Christmas trees, or nursery stock and woodland products, such as nuts or fruits harvested for human consumption, shall be considered farm products and not timber products.

3.7. “Harvest income per acre” means the expected after tax revenue and accrued interest for each harvesting interval. Interest is assumed to accrue at the rate of return from the period of harvest to the end of the 80 year rotation cycle.

3.8 “Integrated Moisture Index” means soil moisture data derived from a methodology described in “A GIS-Derived Integrated Moisture Index”; by Louis R. Iverson and Anantha M. Prasad; USDA Forest Service, Northeastern Research Station, Delaware, Ohio; 2003, as the same is refined and applied, from time to time, by subsequent professional studies conducted, or contracted for, by the Division of Forestry to determine current measures of the same.

3.9 “MBF” means thousand board feet.

3.10. “Management cost” means the cost determined tri-annually by the Tax Commissioner to be the average annual cost of maintaining and protecting a producing forest. Maintenance costs may include costs of inventory, boundary survey, security, maps, and any other items as can be shown to have been necessary. Protection may include costs of protection against forest fires; harmful insect and tree diseases; costs of repair and replacement resulting from damages reported to appropriate police agencies, including all-terrain vehicles (ATV’s) and other vehicular damages, and costs of replacing and replanting forest production and/or plantations destroyed or injured by deer or other wild animals whose populations exceed the maximum carrying capacity of the site. Management costs shall be determined as an average for the entire State or by regions, by Managed Timberlands Productivity Grades or by parcel acreage and shall be deducted from gross annual income per acre to obtain net annual income per acre.

3.11. “Managed Timberland” means surface real property, except farm woodlots, of not less than ten contiguous acres which is devoted primarily to forest use and which, in consideration of their size, has sufficient numbers of commercially valuable species of trees to constitute at least forty percent normal stocking of forest trees which are well distributed over the growing site, and that it is managed pursuant to a plan as defined in subsection 3.12 and appendix 2 of this rule.

3.12. “Managed Timberland Plan” means the planned timberland management program that conforms to the following standards established by the Division of Forestry in the plan:

3.12.1. Includes the owner’s multipurpose objectives for the property;

3.12.2. Provides for the land:

3.12.2.a. to remain in at least 40% or greater forest cover of well distributed commercially important trees,

3.12.2.b. to produce continuous crops of timber according to the site's productivity, and,

3.12.2.c. to be monitored for and action taken against threats from injurious agencies;

3.12.3. Ensures that harvesting will be done in a manner that assures regeneration of the landowner's preferred species; and

3.12.4. Assures sustainability of forest resources and compliance with the Logging Sediment control Act, W. Va. Code §19-1B-1 et seq.

3.13. "Managed Timberland Productivity Grades" means timberland classified as Grade 1 (excellent to very good), Grade 2 (good to fair), or Grade 3 (poor), according to the table in Appendix 4 of this rule.

3.14. "Owner of surface less timber" means any person who owns an interest in the surface where the timber rights have been sold to someone else.

3.15. "Owner of Timber" means any person who owns an interest in timber, including a lessor or sublessor and an owner of a contract right to cut timber. The owner of timber must have a right to cut timber for sale on his, her or its own account for use in his, hers, or its trade or business in order to have property rights that are subject to ad valorem property taxes.

3.16. "Site Index" means a method of measuring the potential of a site to grow trees to the height that the average dominant and co-dominant trees on the site will attain at a given age. The site index will be determined using the applicable Integrated Moisture Index (IMI) as shown on Appendix 4 of this rule.

3.17. "Stumpage Price" means the market value of standing trees (on the stump) prior to felling and removal, and is expressed in dollars per unit of volume (MBF or cords). For appraisal purposes, real stumpage price will be adjusted to real price changes over various harvest periods (i.e., 35, 45, 55 or 80 years) during the 80 year rotation cycle. The real price change shall be determined

using historical West Virginia saw timber and pulpwood prices based upon 16 inch (dbh) logs provided by the West Virginia Division of Forestry (i.e. data from the last 20 years or more depending on data availability). Stumpage price projections over various harvest periods shall be calculated using the real price change derived from historical saw timber and pulpwood prices in West Virginia. Thus, since stumpage prices provided by the Division of Forestry are in nominal terms, those prices shall be converted to real dollars (i.e. real terms) before stumpage projections are calculated. A five-year weighted moving average shall be computed in order to minimize the effects of short-term fluctuations. Stumpage prices shall be computed for each stumpage price region in order to reflect regional differences in markets, topography, and accessibility.

3.18. “Stumpage Price Region” means a geographical region of the State, usually consisting of several counties, in which conditions of the timber, timber markets, topography, and accessibility are sufficiently similar to result in similar stumpage prices at any given time. The counties involved in each stumpage price region have been identified by the Division of Forestry and are found in Appendix 3 of this rule.

3.19. “Timber” means trees of any marketable species, whether planted or of natural growth, standing or down, located on public or privately owned land, which are suitable for commercial or industrial use.

3.20. “Timberland (Woodland/Wasteland)” means any surface real property, except Managed Timberland and farm woodlots of not less than ten contiguous acres, which is primarily in forest and which has, in consideration of their size, sufficient numbers of commercially-valuable species of trees to constitute at least forty percent (40%) normal stocking of forest trees, as shown Appendix 2 of this rule, which are well distributed over the growing site. Additionally, land that has been recently harvested of merchantable timber and is growing into or being planted as a new forest may be classified as timberland.

**§110-1H-4. Classification of Timberland and Managed Timberland.**

4.1. Managed Timberland. – For property to qualify for managed timberland valuation, the owner of the surface real property identified on the county tax mapping system shall annually certify in writing to the Division of Forestry that the property satisfies the requirements of managed timberland, as defined in Section 3 of this rule, and enter into a contract with the Division of Forestry to use the real estate in a planned program of multiple purpose forest management, including erosion control during timbering operations, as specified in the West Virginia Forest Practices Standards and the West Virginia Silvicultural Nonpoint Source Management Program, and as explained in Section 13 of this rule. Multipurpose forest management contemplates the periodic selection of timber on the property for harvesting as an integral part of silvicultural management practices. The silvicultural manipulation subjects the property to periodic commercial use that may have an effect on the property's classification for property tax purposes. Therefore, in recognition of the silvicultural manipulation, the following guidelines shall be observed by the Division of Forestry when classifying managed timberland for property tax purposes.

4.1.1. Property containing managed timberland, which may have been properly taxed as Class II property prior to the managed timberland application, shall remain as Class II property unless there is some other event or change in the use of the property that disqualifies it from being taxed as Class II property.

4.1.2. Property containing managed timberland, which may have been properly taxed as Class III or Class IV property prior to the managed timberland application, shall be taxed as Class III or Class IV property depending upon location.

4.2. Timberland. – Timberland shall be taxed as Class II, Class III, or Class IV property in accordance with provisions of West Virginia Code § 11-8-5. In order for timberland to be taxed as Class II property, the timberland shall be used and occupied by the owner exclusively for residential purposes. (This section does not apply

to farm woodlots - See, Valuation of Farmland and Structures Situated Thereon For Ad Valorem Property Tax Purposes, 110 C.S.R. 1H, § 110-1H-5.)

4.3. Surface less timber – Property where the owner of the surface does not include the timber rights is not eligible for managed timberland classification and shall be valued by the assessor.

4.4. Timber – Property where the owner of the timber rights does not include the surface, is not eligible for managed timberland classification and shall be valued by the assessor.

#### **§110-1H-5. Valuation of Farm Wood Lots.**

Farm wood lots shall be included in the valuation of farm property under W. Va. Code § 11-1A-10, except when the farm wood lot is a separate parcel or tract entered in the land books, and/or except when the primary use of the farm wood lot is in commercial forestry or in a managed timberland contract.

#### **§110-1H-6. Timberland Improvements.**

Improvements such as roads and service buildings that are a required (usual) part of timber management operations are not subject to an additional market value appraisal over and above the appraisal of the managed timberland. Improvements that are not a necessary part of the timber management operations, such as dwellings, cottages, hunting camps, other recreational facilities, and associated real estate are subject to additional market value appraisals. Additionally, haul roads, strip and/or mountaintop removal mines, plant facilities, powerline and gas/oil pipeline rights-of-way, and gas/oil well pads shall not be valued as managed timberland.

#### **§110-1H-7. Appraised Value of Timberland.**

The appraised value per acre of timberland shall be determined based upon market comparables and shall be estimated by the county assessor. There are at least five (5) various timberland rates based on the timberland classification schedule described in

Appendix 1 of this rule. Assessors shall tri-annually review and grade these non-managed timberland properties in order to assign the proper rate per acre to the property. The rate per acre shall be established by the assessor in conformity with requirements of subsection 2.2 of this rule.

**§110-1H-8. Valuation of Less Than 10 Acres.**

A parcel, or contiguous parcels, of timberland totaling less than ten (10) acres shall not be considered for classification as managed timberland and shall be valued by the county assessor based upon market comparables.

**§110-1H-9. Harvest Volumes Per Acre**

Harvest Volumes per acre shall be based on site index and the ability of the site to yield timber measured in thousands of board feet (MBF) per acre (Scribner rule) or cords per acre with harvest intervals at thirty-five (35), fifty-five (55) and eighty (80) years for Grade 1 and Grade 2 soils, and at forty-five (45) and eighty (80) years for Grade 3 soil.

**§110-1H-10. Appraised Value Per Acre of Managed Timberland.**

The appraised value per acre of managed timberland is the present worth of an infinite periodic net income from the land less a property tax adjustment for Class II, and a blend of Class III and Class IV tax rates for Class III and Class IV properties using, for all measures required by this rule to compute such appraised value per acre of managed timberland, real values and not nominal values. Except as required by the provisions of subsection 2.2 of this rule, in no case shall the appraised value per acre for any grade of managed timberland in any county be less than eighty percent of the value per acre of the comparable grade of managed timberland in the immediately preceding tax year in that same county. The appraised value is the net present worth of all revenues and costs associated with growing timber on the land in perpetuity. Net income is the difference between projected revenues (e.g. harvest



revenues in years 35, 55 and 80) and projected costs (e.g. management costs).

**§110-1H-11. Procedure for Determining Value Per Acre of Managed Timberland.**

The following is a step-by-step procedure for determining the appraised value per acre of managed timberland.

11.1. The Tax Commissioner shall enter the surface ownership maps (typically 1 inch = 400 feet or 1 inch = 800 feet) into a Geographic Information System (GIS). The GIS shall be used to register the surface ownership parcels to the same geographic coordinate system and scale as that of the Integrated Moisture Index. This process allows the calculation of the area of each soil productivity grade in each parcel.

11.2. Average stumpage price (5 year weighted moving average) is determined by the State Tax Commissioner, based on stumpage price reports from the Division of Forestry and other available sources.

11.3. Total harvest income per acre over a rotation cycle of thirty-five (35) years, fifty-five (55) years and eighty (80) years for Grade 1 and 2 soils, and forty-five (45) years and eighty (80) years for Grade 3 soils shall be compounded at the end of the rotation (i.e. harvest income value at year 80) less applicable state and federal tax payments, if any.

11.4. End of rotation (80 year) total management costs per acre shall be determined by compounding the annual management costs at the end of the rotation (i.e. management cost value in year 80) using the after tax management costs and accrued interest on those costs.

11.5. Appraised value per acre for managed timberland shall be determined by first deducting the cumulative end of rotation total management costs from the cumulative end of rotation total harvest income per acre as defined in paragraph 3.7 of this rule; second, calculating the present worth of that difference, assuming an infinite periodic income from the managed timberland; and third,

adjusting that value by the annual ad valorem property tax rate (either Class II or a blended Class III/IV).

11.6. The GIS shall be used to calculate the appraised value of managed timberland property on an annual basis. The appraised value of each managed timberland property shall be calculated using the formula found in Appendix 6 of this rule.

11.6.1. Those acreages involved in a managed timberland application where the use of the property is not for managed timberland purposes (e.g., homesite, pasture, tillable, recreation, stripmine, etc.) shall not be classified as managed timberland and shall be appraised by the county assessor.

### **§110-1H-12. Capitalization Rate.**

The average statewide capitalization rate (based on a 5-year weighted moving average of various components) for managed timberland shall be determined annually by the Tax Commissioner through the use of generally accepted methods of determining those rates. The rate shall be based on the assumption of a discounted cash flow model based upon harvest intervals reflected in Appendix 4 of this rule. The capitalization rate used to value managed timberland shall be developed considering the following:

12.1. Discount Component. – The summation technique shall be used in developing a discount component of the capitalization rate. The five subcomponents of the discount component are:

12.1.1. Safe Rate. – The safe rate shall reflect a rate of return that an investor could expect on an investment of minimal risk. This rate shall be developed through weighted averages of interest rates offered on five-year United States Treasury Bills for the five years immediately preceding the appraisal date.

12.1.2. Non-liquidity Premium. – The non-liquidity premium rate shall be developed through an annual review to determine a reasonable estimate of time that timberland, when exposed for sale, remains on the market before being sold. The time thus determined shall be used to identify United States Treasury Bills with similar time differentials in excess of thirteen-week Treasury Bills. The

interest differential between these securities shall be used to represent the nonliquidity rate. For example, if it is determined that a tract of timberland remains on the market for an average of nine months (39 weeks) before being sold, the nonliquidity rate shall be derived by subtracting the rate on 13-week Treasury Bills from the rate on one year Treasury Bills. This review shall consider the weighted average of these differences for a five year period immediately preceding the appraisal date.

12.1.3 Default Risk Premium – The Default Risk Premium, being the premium added to the safe rate to compensate for the chance that the obligor will default on a loan, is the difference between the rate on a U.S. Treasury Bond and the average rate on investment grade corporate bonds, (i.e. rate on AAA, AA, A and BBB rated bonds) of equal maturity and marketability. The Default Risk Premium will take into account the weighted average of these differences for a five-year period immediately preceding the appraisal date.

12.1.4. Management Rate. – The management rate represents the cost of managing the investment, not the cost of managing the timberland. Historically, the management rate has been one-half of one percent (0.5%); therefore, this rate shall be considered the industry standard for current applications.

12.1.5. Discount Component. – In determining the discount component of the capitalization rate, the Tax Commissioner shall take the sum of the safe rate, the nonliquidity rate, the default risk rate, and the management rate. The resulting discount rate is a nominal discount rate.

12.2. Property Tax Component. – The property tax component shall be derived by multiplying the assessment rate by the statewide five year weighted average of tax rates on Class II and on a blended rate for Class III and Class IV properties. The discounted property tax rates shall be deducted from the discounted difference between total cumulative harvest income and end of rotation management costs.

**§110-1H-13. Application for Certification and Valuation as Managed Timberland.**

In order to qualify, under the provisions of this rule, for managed timberland valuation purposes, the owner of the timberland shall, on or before the first day of September, enter into a contract with the Division of Forestry. The contract shall state that the real estate is being used in a planned program of timber management and erosion control practices intended to enhance the growth of commercially desirable species through generally accepted silvicultural practices and the use of Best Management Practices as specified in the West Virginia Forest Practice Standards and the West Virginia Nonpoint Source Management Program. The contract shall be assignable with the sale of the land when the land is sold to be used for managed timberland purposes. Annually, on or before September 1, the owner shall file an application for certification as managed timberland with the Division of Forestry. The application shall include either (a) a commitment to maintain and protect timberland certified as managed timberland by demonstrating land-use objectives to include resource management and soil and water protection; or (b) a written plan prepared by a professional forester. Falsification of certification or failure to follow a professionally prepared plan shall result in loss of valuation as managed timberland. In any event, the following information shall be provided:

13.1. The county, district, map, parcel number, deed book surface acreage and actual surveyed surface acreage, if available, for each parcel that is to be valued as managed timberland;

13.1.1. The amount of acreage in each parcel that should be classified as managed timberland. For those properties where managed timberland acreage is different than deed acreage, information identifying the use of the non-managed acreage is required;

13.1.2. The signature of owner (including all fractional interests) acknowledging that the contract with the Division of Forestry has been annually reviewed and approved and that the property is being managed in accordance with the Best Management Practices for forestry as outlined in the West Virginia Forest Practice Standards

and the Best Management Practices for water quality as outlined in the West Virginia Nonpoint Source Management Program. If a written plan is provided in accordance with Section 13 of this rule, that plan shall be approved and signed by a registered timber management forester.

13.2. The Division of Forestry shall, on or before October 1 of each year, provide the State Tax Commissioner with a copy of the certifications and reports and provide a list of those properties certified as managed timberland and those denied certification. After the October 1 report is filed, the Division of Forestry has until January 15 of the next calendar year to review any applications questioned by the State Tax Commissioner or county officials.

13.3. The property owner whose managed timberland application was denied or who has been refused certification pending demonstration of specific facts may, on or before November 1 of the assessment year, file an appeal of the denial or file the requested data with the Director of the Division of Forestry. On or before the following December 1, the Division of Forestry shall advise the Tax Commissioner of any changes of application denials.

#### **§110-1H-14. Summary of Method of Determining Appraised Value.**

The formula to be used in determining the appraised value of property categorized as managed timberland is found in Appendix 5 of this rule.

### **APPENDIX 1**

#### **Timberland Classification Schedule**

##### **Class “A”**

This land is adaptable for use as forest property. It may be adaptable to other profitable uses. There is a stand of trees of commercial species, the size being from fourteen (14) to twenty (20) inches d.b.h. and above.

##### **Class “B”**

This land is also adaptable for use as forest property. It may be adaptable for other profitable uses. There is a stand of trees of commercial species, the size being from ten (10) to fourteen (14) inches d.b.h.

### **Class “C”**

This land is adaptable for use as forest property. There is a stand of trees of commercial species, the size being from six (6) to ten (10) inches d.b.h.

### **Class “D”**

This land is adaptable for use as forest property. There is a stand of trees of commercial species, the size being from four (4) to six (6) inches d.b.h.

### **Class “E”**

This land is adaptable for use as forest property. There are trees of commercial species less than four (4) inches d.b.h. This class of timberland also includes clear cut property and property subjected to total harvest where the remaining commercial species are less than four (4) inches d.b.h.

## **APPENDIX 2**

Minimum Number of Trees Required Per Acre to Determine  
30 Square Feet of Tree Basel Area of 40%  
Stocking for Classification as Forest Land

D.B.H Range	D.B.H. in 2" Classes	Basel Area Per Tree	Per Acre	Per 1/5 Acre	Per 1/10 Acre
Up to 2.9"	Seedlings		400	80	40
3.0-4.9"	4	0.0873	400	80	40
5.0-6.9"	6	0.1964	153	31	15
7.0-8.9"	8	0.3491	86	17	9
9.0-10.9"	10	0.5454	55	11	6

11.0-12.9"	12	0.7854	38	8	4
13.0-14.9"	14	1.0690	28	6	3
15.0"+	16+	1.3983+	21	4	2

**NOTE:**

(a) Area 1/5 acre, circle, diameter 105'4"; square 93.4" per side

(b) Area 1/10 acre; circle, diameter 74'6"; square 66'

(c) Number of seedlings present may qualify on a percentage basis; Example, 100 seedlings would be equivalent of 7.5 square feet of basal area (25% x 30 - 7.5)

(d) Seedlings per acre are based on total pine and hardwood stems. Where intensive pine management is practiced a minimum of 250 well distributed pine seedlings will qualify.

**APPENDIX 3**

## Stumpage Price Regions

Region 1	Region 2	Region 3	Region 4	Region 5
Brooke	Braxton	Barbour	Berkeley	Boone
Cabell	Calhoun	Greenbrier	Grant	Fayette
Hancock	Clay	Monroe	Hampshire	Kanawha
Jackson	Doddridge	Nicholas	Hardy	Lincoln
Marshall	Gilmer	Pendleton	Jefferson	Logan
Mason	Harrison	Pocahontas	Mineral	McDowell
Ohio	Lewis	Preston	Morgan	Mercer
Pleasants	Marion	Randolph		Mingo
Putnam	Monongalia	Tucker		Raleigh
Tyler	Ritchie	Upshur		Summers
Wetzel	Roane	Webster		Wayne
Wood	Taylor			Wyoming
	Wirt			

**APPENDIX 4****TABLE OF HARVEST VOLUMES PER ACRE WITH HARVEST INTERVALS OVER AN 80 YEARS ROTATION CYCLE**

	35 Years	55 Years	80 Years	Total
Grade 1				
IMI $\geq$ 45	4.6 Cords	2.6 Cords	3.3 Cords	10.5 Cords
(Very Good to Excellent)	1.5 MBFs	4.4 MBFs	8.6 MBFs	14.5 MBFs
Grade 2				
IMI $\geq$ 30 AND $\leq$ 44.99	3.3 Cords	7.0 Cords	4.6 Cords	14.9 Cords
(Fair to Good)	1.0 MBFs	4.4 MBFs	8.6 MBFs	14.5 MBFs
Grade 3				
IMI $\leq$ 29.99	3.1 Cords	15.4 Cords	18.5 Cords	
(Poor)	8 MBFs	3.7 MBFs	4.5 MBFs	

Scribner rule. Schnur, G. Luther. UNITED STATES DEPARTMENT OF AGRICULTURE Tech. Bul. No. 560. 1937. The Tax Commissioner may adopt a different timber scale and revise yields as standards of timber utilization change or as new information becomes available on timber yields of forest stands.

**APPENDIX 5****For Class II Parcels:**

Appraised Value Per Acre = ((Future Value of Harvest Revenues – Future Value of Management Costs)/((1 + Real Discount Rate)<sup>n</sup>) - 1)) less discounted property tax Class II rate.

Where:

n = 80 years



Future Value of Harvest Revenues – value of harvest revenues in year 80 using compounding formula below

$$V_n = V_o(1 + i)^n - 1$$

Where:  $V_o$  = harvest revenue in year 0 ) (i.e. 35, 45, 55 or 80)

$i$  = capitalization rate

$n$  = rotation length

$V_n$  = future value of harvest revenues

Future Value of Management Costs – value of management costs in year 80 using the formula for calculating the future value of a terminating annual series as given below:

$$V_n = a\{(1 + i)^n - 1/i\}$$

Where:  $a$  = annual management costs

$i$  = capitalization rate

$n$  = rotation length

$V_n$  = future value of management costs

### **For Class III & IV Parcels:**

Same formula except the discounted property tax rate for Class III and Class IV properties is used. Until the present natural resource and county computer systems can be programmed to change appraisals based on tax classifications or until a new computerized appraisal system can be put into effect, the property tax discount shall be a blended rate including both Class III and Class IV rates.

### **APPENDIX 6**

$$AV = (P1V1) + (P2V2) + (P3V3)$$

Where:

AV = Property Appraised Value

P1 = Total Acreage of Parcel in Soil Productivity Grade 1

P2 = Total Acreage of Parcel in Soil Productivity Grade 2

P3 = Total Acreage of Parcel in Soil Productivity Grade 3

V1 = Value of Soil Productivity Grade 1

V2 = Value of Soil Productivity Grade 2

V3 = Value of Soil Productivity Grade 3

(j) The legislative rule effective on June 29, 1964, authorized under the authority of article one, chapter eleven of this code, relating to the Tax Division (revision of levy estimates, 110 CSR 8), is repealed.

(k) The legislative rule effective on September 16, 1966, authorized under the authority of article ten, chapter eleven of this code, relating to the Tax Division (inheritance and transfer tax, 110 CSR 11), is repealed.

(l) The legislative rule effective on January 1, 1974, authorized under the authority of section five-a, article ten, chapter eleven of this code, relating to the Tax Division (annual tax on incomes of certain carriers, 110 CSR 12A), is repealed.

(m) The legislative rule effective on April 4, 1988, authorized under the authority of section five, article ten, chapter eleven of this code, relating to the Tax Division (telecommunications tax, 110 CSR 13B), is repealed.

(n) The legislative rule effective on May 1, 1996, authorized under the authority of section three, article thirteen-i, chapter eleven of this code, relating to the Tax Division (tax credit for employing former members of Colin Anderson Center, 110 CSR 13I), is repealed.

(o) The legislative rule effective on May 1, 1999, authorized under the authority of section seven, article thirteen-m, chapter

eleven of this code, relating to the Tax Division (tax credits for new value-added, wood manufacturing facilities, 110 CSR 13M), is repealed.

(p) The legislative rule effective on May 1, 1999, authorized under the authority of section seven, article thirteen-n, chapter eleven of this code, relating to the Tax Division (tax credits for new steel, aluminum and polymer manufacturing operations, 110 CSR 13N), is repealed.

(q) The legislative rule effective on May 1, 1995, authorized under the authority of section five, article ten, chapter eleven of this code, relating to the Tax Division (business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit, 110 CSR 13C), is repealed.

(r) The legislative rule effective on April 4, 1988, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes, 110 CSR 1), is repealed.

#### **§64-7-4. Banking Commissioner.**

(a) The legislative rule effective on April 23, 1982, authorized under the authority of section four, article three, chapter thirty-one-a of this code, relating to the Banking Commissioner (West Virginia Consumer Credit and Protection Act, 106 CSR 8), is repealed.

(b) The procedural rule effective on January 10, 1975, authorized under the authority of section two, article three, chapter thirty-one-a of this code, relating to the Banking Commissioner (West Virginia Board of Banking and Financial Institutions, 107 CSR 5), is repealed.

#### **§64-7-5. Office of the Insurance Commissioner.**

(a) The legislative rule effective on May 16, 1997, authorized under the authority of section four, article twenty-five-a, chapter thirty-three of this code, relating to the Office of the Insurance Commissioner (utilization management, 114 CSR 51), is repealed.

(b) The legislative rule effective on December 28, 1981, authorized under the authority of section ten, article two, chapter thirty-three of this code, relating to the Office of the Insurance Commissioner (Medicare supplement insurance coverage, 114 CSR 17), is repealed.

**§64-7-6. Lottery Commission.**

The Legislature directs the Lottery Commission to promulgate the legislative rule filed in the State Register on May 20, 2009, authorized under the authority of section four hundred two, article twenty-two-b, chapter twenty-nine of this code, relating to the Lottery Commission (limited video lottery, 179 CSR 5), with the amendment set forth below:

On page 3, after subsection 2.11, by adding a new subsection 12.2 to read as follows:

2.12. “Licensed limited video lottery location approved by the commission” as it appears in W. Va. Code, §29-22B-1201(a) means the location in excess of the following straight-line distances from any of the following places:

2.12.a. The location is at least one hundred fifty feet from, or has an external structural connection not amounting to a common internal wall to, a premises that already has a retail license for video lottery terminals or the perimeter of a public park;

2.12.b. The location is at least three hundred feet from a church, school or daycare center; or

12.12.c. The location is at least one hundred fifty feet from a business that sells petroleum products capable of being used as fuel in an internal combustion engine.

And,

By renumbering the remaining subsections.;

And,

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

**Eng. Com. Sub. for Senate Bill 157**—A Bill to amend and reenact article seven, chapter sixty-four of the Code of West Virginia, 1931, as amended, relating generally to promulgation of administrative rules by Department of Revenue; relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards under the Department of Revenue which are no longer authorized or are obsolete; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various amendments presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various amendments recommended by the Legislature; directing various agencies to amend and promulgate certain legislative rules; authorizing Alcohol Beverage Control Commission to promulgate legislative rule relating to nonintoxicating beer licensing and operations procedures; authorizing Alcohol Beverage Control Commission to promulgate legislative rule relating to private club licensing; authorizing Alcohol Beverage Control Commission to promulgate legislative rule relating to distilleries and mini-distilleries; authorizing the Racing Commission to promulgate legislative rule relating to thoroughbred racing; authorizing Racing Commission to promulgate legislative rule relating to pari-mutuel wagering; authorizing Department of Revenue to promulgate legislative rule relating to payment of taxes by electronic funds transfer; authorizing Department of Revenue to promulgate legislative rule relating to an exchange of information agreement between Commissioner of the Tax Division of the Department of Revenue and Secretary of the Department of Commerce, Secretary of State, Secretary of the Department of Environmental Protection, Director of the Division of Forestry of the Department of Commerce and Commissioners of the Public Service Commission;

repealing certain legislative and procedural rule promulgated by certain agencies and boards under the Department of Revenue; repealing the Tax Division legislative rule relating to listing of interests in natural resources for purposes of first statewide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform nonutility personal property values; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to review of appraisals by the county commission sitting as an administrative appraisal review board; repealing the Tax Division legislative rule relating to additional review and implementation of property appraisals; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; directing the State Tax Department to amend and promulgate legislative rule relating to valuation of timberland and managed timberland; repealing the Tax Division legislative rule relating to revision of levy estimates; repealing the Tax Division legislative rule relating to inheritance and transfer tax; repealing the Tax Division legislative rule relating to annual tax on incomes of certain carriers; repealing the Tax Division legislative rule relating to the telecommunications tax; repealing the Tax Division legislative rule relating to tax credit for employing former members of Colin Anderson Center; repealing the Tax Division legislative rule relating to tax credits for new value-added, wood manufacturing facilities; repealing the Tax Division legislative rule relating to tax credits for new steel, aluminum and polymer manufacturing operations; repealing the Tax Division legislative rule relating to the business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit; repealing the Tax Division legislative rule relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; repealing the Banking Commissioner legislative rule relating to the West Virginia Consumer Credit and Protection Act; repealing the Banking Commissioner procedural rule relating to West Virginia Board of Banking and Financial Institutions; repealing the Office of the Insurance Commissioner legislative rule relating to utilization management; repealing the Office of the Insurance Commissioner legislative rule relating to Medicare supplement

insurance coverage; and directing the Lottery Commission to amend and promulgate legislative rule relating to limited video lottery.

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

Engrossed Committee Substitute for Senate Bill 157, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Snyder, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Cole (Mr. President)—25.

The nays were: Beach, Facemire, Kirkendoll, Laird, Leonhardt, Romano, Stollings, Unger and Yost—9.

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. 157) passed with its Senate amended title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Snyder, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Cole (Mr. President)—25.

The nays were: Beach, Facemire, Kirkendoll, Laird, Leonhardt, Romano, Stollings, Unger and Yost—9.

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. 157) 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 159**, Authorizing promulgation of legislative rules by miscellaneous boards and commissions.

On motion of Senator Carmichael, 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 article 9, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.**

**§64-9-1. Board of Examiners in Counseling.**

(a) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 20, 2015, relating to the Board of Examiners in Counseling (licensing, 27 CSR 1), is authorized with the following amendment:

On page three, subdivision 5.2.a after the words “applicant for endorsement” by striking out the words “in section 5.2 of this rule”.



(b) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2015, relating to the Board of Examiners in Counseling (licensed professional counselor license renewal and continuing professional education requirements, 27 CSR 3), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 20, 2015, relating to the Board of Examiners in Counseling (marriage and family therapists licensing, 27 CSR 8), is authorized with the following amendments:

On page three, subdivision 5.1 immediately following the words “shall be” by striking out the words “greater than or equal” and inserting in lieu thereof the words “substantially equivalent”;

On page three, subsection 5.2, after the words “license to practice”, by striking out the words “mental health counselor” and inserting in lieu thereof the words “marriage and family therapy”;

On page three, subdivision 5.2.a after the words “applicant for endorsement” by striking out the words “in section 5.2 of this rule”;

On page four, subdivision 5.2.a.4, after the words “licensed as” by inserting the words “marriage and family therapists”;

On page four, subsection 5.3 after the words “actively practiced” by striking out the words “mental health counseling as licensed professional counselor” and inserting in lieu thereof the words “marriage and family therapy as a licensed marriage and family therapist”;

On page four, paragraph 5.3.a.1, after the words “passed the” by striking out the words “national counselor examination (NCE) or the national clinical mental health counseling examination (NCMHCE) or other certification examination in counseling approved by the board” and inserting in lieu thereof the words “Examination in Marital and Family Therapy or other certification examination in marriage and family therapy approved by the board”; and

On page four, paragraph 5.3.a.2 after the words “license to practice” by striking out the words “mental health counselor” and inserting in lieu thereof the following: “marriage and family therapy”.

(d) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2015, relating to the Board of Examiners in Counseling (marriage and family license renewal and continuing professional education requirements, 27 CSR 10), is authorized.

#### **§64-9-2. Board of Accountancy.**

The legislative rule filed in the State Register on Friday, July 24, 2015, authorized under the authority of section five, article nine, chapter thirty of this code, modified by the Board of Accountancy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on Thursday, November 5, 2015, relating to the Board of Accountancy (board rules and rules of professional conduct, 1 CSR 1), is authorized.

#### **§64-9-3. Department of Agriculture.**

(a) The legislative rule filed in the State Register on July 30, 2015, authorized under the authority of section four, article twenty-nine, chapter nineteen of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making

Review Committee and refiled in the State Register on November 3, 2015, relating to the Department of Agriculture (inspection of nontraditional domesticated animals, 61 CSR 23D), is authorized.

(b) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section two, article nine, chapter nineteen of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2015, relating to the Department of Agriculture (poultry litter and manure movement into primary poultry breeder rearing areas, 61 CSR 28), is authorized.

(c) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section four, article one-c, chapter nineteen of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2015, relating to the Department of Agriculture (livestock care standards, 61 CSR 31), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section twelve, article two-h, chapter nineteen of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2015, relating to the Department of Agriculture (captive cervid farming, 61 CSR 34), is authorized with the following amendment:

On page nine, subdivision 13.1.a., by striking the words “two hundred (200) acres” and inserting in lieu thereof the words “one hundred fifty (150) acres”.

(e) The legislative rule effective on November 14, 1967, authorized under the authority of article two, chapter nineteen of this code, relating to the Department of Agriculture (tobacco, 61 CSR 11A), is repealed.

(f) The legislative rule effective on May 31, 1985, authorized under the authority of section four, article one, chapter nineteen of

this code, relating to the Department of Agriculture (conduct of beef industry self-improvement assessment program referendums, 61 CSR 11C), is repealed.

(g) The legislative rule effective on May 31, 1985, authorized under the authority of section four-j, article one, chapter nineteen of this code, relating to the Department of Agriculture (conduct of beef self-improvement assessment program referendums, 61 CSR 11G), is repealed.

(h) The legislative rule effective on August 21, 1959, authorized under the authority of article two, chapter nineteen of this code, relating to the Department of Agriculture (West Virginia seal of quality, 61 CSR 15), is repealed.

(i) The legislative rule effective on May 1, 1995, authorized under the authority of section one, article twenty-nine, chapter nineteen of this code, relating to the Department of Agriculture (aquaculture farm rules, 61 CSR 23), is repealed.

(j) The procedural rule effective on September 23, 1989, authorized under the authority of section one, article twenty-six, chapter nineteen of this code, relating to the Department of Agriculture (conduct of tree fruit industries self-improvement assessment program referendums, 61 CSR 20), is repealed.

#### **§64-9-4. State Conservation Committee.**

The legislative rule filed in the State Register on June 3, 2015, authorized under the authority of section four-a, article twenty-one-a, chapter nineteen of this code, modified by the State Conservation Committee to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 16, 2015, relating to the State Conservation Committee (West Virginia Conservation Agency Financial Assistance Program, 63 CSR 2), is authorized.

#### **§64-9-5. Board of Dentistry.**

(a) The legislative rule filed in the State Register on July 23, 2015, authorized under the authority of section six, article four,

chapter thirty of this code, modified by the Board of Dentistry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 23, 2015, relating to the Board of Dentistry (continuing education requirements, 5 CSR 11), is authorized.

(b) The legislative rule filed in the State Register on July 23, 2015, authorized under the authority of section six, article four, chapter thirty of this code, modified by the Board of Dentistry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 23, 2015, relating to the Board of Dentistry (expanded duties of dental hygienists and dental assistants, 5 CSR 13), is authorized.

**§64-9-6. State Election Commission.**

(a) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section five, article one-a, chapter three of this code, modified by the State Election Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 22, 2015, relating to the State Election Commission (regulation of campaign finance, 146 CSR 3), is authorized with the amendments set forth below:

On page 11, by striking all of subdivision 6.3.e;

On page 11, subsection 6.7, after the word “ballot”, by striking the remainder of subsection 6.7;

On page 12, subdivision 7.2.b, by striking the words “by making a contribution to one or more political party committees or candidates”;

On page 18, by striking all of subdivision 10.7.a;

And,

On page 18 by striking all of subdivision 10.7.b.

(b) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section fourteen, article twelve, chapter three of this code, modified by the State Election Commission to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on December 22, 2015, relating to the State Election Commission (West Virginia Supreme Court of Appeals Public Campaign Financing Program, 146 CSR 5), is authorized.

**§64-9-7. State Board of Registration for Professional Engineers.**

The legislative rule filed in the State Register on May 11, 2015, authorized under the authority of section nine, article thirteen, chapter thirty of this code, modified by the State Board of Registration for Professional Engineers to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2015, relating to the State Board of Registration for Professional Engineers (examination, licensure and practice of professional engineers, 7 CSR 1), is authorized.

**§64-9-8. Governor's Committee on Crime, Delinquency and Correction.**

The legislative rule filed in the State Register on July 27, 2015, 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 November 5, 2015, relating to the Governor's Committee on Crime, Delinquency and Correction (law-enforcement training and certification standards, 149 CSR 2), is authorized.

**§64-9-9. Medical Imaging and Radiation Therapy Technology Board of Examiners.**

The legislative rule filed in the State Register on June 8, 2015, authorized under the authority of section six, article twenty-three, chapter thirty of this code, relating to the Medical Imaging and

Radiation Therapy Technology Board of Examiners (rules of the Board, 18 CSR 1), is authorized.

**§64-9-10. Board of Medicine.**

(a) The legislative rule filed in the State Register on July 27, 2015, authorized under the authority of section eleven-b, article three, chapter thirty of this code, modified by the Board of Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 23, 2015, relating to the Board of Medicine (establishment and regulation of limited license to practice medicine and surgery at certain state veterans' nursing home facilities, 11 CSR 11), is authorized.

(b) The Legislature directs the West Virginia Board of Medicine to promulgate the legislative rule filed in the State Register on April 6, 2007, authorized under the authority of section seven, article three, chapter thirty of this code relating to the Board of Medicine (licensing and disciplinary procedures. Physicians; Podiatrists, 11 CSR 1A), is authorized with the following amendments:

‘On Subsection 12.1, subdivision ee, paragraph A, after the word, “narcolepsy” and inserting the words, “binge eating disorder”’;

**§64-9-11. Nursing Home Administrators Licensing Board.**

The legislative rule filed in the State Register on July 17, 2017, authorized under the authority of section six, article twenty-five, chapter thirty of this code, modified by the Nursing Home Administrators Licensing Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 2, 2015, relating to the Nursing Home Administrators Licensing Board (nursing home administrators, 21 CSR 1), is authorized.

**§64-9-12. Board of Pharmacy.**

(a) The legislative rule filed in the State Register on July 16, 2015, authorized under the authority of section seven, article five, chapter thirty of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 17, 2015, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 16, 2015, authorized under the authority of section three hundred one, article three, chapter sixty-a of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 17, 2015, relating to the Board of Pharmacy (Uniform Controlled Substances Act, 15 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on July 16, 2015, authorized under the authority of section seven, article five, chapter thirty of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 17, 2015, relating to the Board of Pharmacy (record keeping and automated data processing systems, 15 CSR 4), is authorized.

(d) The legislative rule filed in the State Register on July 16, 2015, authorized under the authority of section seven, article five, chapter thirty of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 17, 2015, relating to the Board of Pharmacy (licensure of wholesale drug distributors, third-party logistics providers and manufacturers, 15 CSR 5), is authorized.

### **§64-9-13. Property Valuation and Procedures Commission.**

The legislative rule filed in the State Register on July 29, 2015, authorized under the authority of section five, article ten, chapter eleven, and section four-d, article one-c, chapter eleven of this code, modified by the Property Valuation and Procedures



Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 27, 2015, relating to the Property Valuation and Procedures Commission (tax map sales, 189 CSR 5), is authorized.

**§64-9-14. Board of Social Work.**

The legislative rule filed in the State Register on July 21, 2015, authorized under the authority of section six, article thirty, chapter thirty of this code, modified by the Board of Social Work to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2015, relating to the Board of Social Work (qualifications for the profession of social work, 25 CSR 1), is authorized.

**§64-9-15. Secretary of State.**

(a) The legislative rule filed in the State Register on June 30, 2015, authorized under the authority of section six, article one-a, chapter three of this code, relating to the Secretary of State (registration forms and receipts, 153 CSR 3), is authorized.

(b) The legislative rule filed in the State Register on July 1, 2015, authorized under the authority of section twenty-one, article two, chapter three of this code, relating to the Secretary of State (elimination of precinct registration books, 153 CSR 9), is authorized.

(c) The legislative rule filed in the State Register on June 30, 2015, authorized under the authority of section six, article one-a, chapter three of this code, relating to the Secretary of State (absentee voting by military voters who are members of reserve units called to active duty, 153 CSR 23), is authorized.

(d) The legislative rule filed in the State Register on June 30, 2015, authorized under the authority of section three-a, article one, chapter twenty-nine-b of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 22, 2015, relating to the Secretary of State (Freedom of Information Act database, 153 CSR 52), is authorized.

(e) The legislative rule effective on April 3, 1998, authorized under the authority of section sixty-seven, article one, chapter thirty-one of this code, relating to the Secretary of State (matters relating to corporations and other business entity filing, 153 CSR 5), is repealed.

(f) The legislative rule effective on June 7, 1996, authorized under the authority of section six, article one-a, chapter three of this code, relating to the Secretary of State (matters relating to official election forms and vendor authorization, 153 CSR 26), is repealed.

**§64-9-16. Board of Examiners for Speech-Language Pathology and Audiology.**

(a) The legislative rule filed in the State Register on June 8, 2015, authorized under the authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of Examiners for Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2015, relating to the Board of Examiners for Speech-Language Pathology and Audiology (licensure of speech pathology and audiology, 29 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on June 8, 2015, authorized under the authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of Examiners for Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2015, relating to the Board of Examiners for Speech-Language Pathology and Audiology (speech-language pathology and audiology assistants, 29 CSR 2), is authorized with the following amendments:

On page 4, Subdivision 4.1.(y), following the word “than”, by striking the word “two” and inserting in lieu thereof the word “three”;

On page 4, section 5, paragraph (8), after the word “pathologists,” by striking out the words “or audiologists,” and in

paragraph (11), after the word “pathology,” by striking out the words “or Audiology.”;

And

On page 5, section (6), subsection (c), after the word “pathologist” by striking out the words “or audiologist,” and in subsection (j), after the word “pathologist,” by striking out the words “or audiology,” and in subsection (m), after the word “pathologist,” by striking out the words “or audiologist.”

#### **§64-9-17. Enterprise Resource Planning Board.**

The legislative rule contained in title two hundred thirteen, series one, of the code of state rules, filed and effective April 14, 2015, under the authority of section two, article six-d, chapter twelve of this code, relating to the enterprise resource planning system user fee, 213 CSR 1, is reauthorized, with the amendment set forth below:

On page two, subsection 3.2, line 4, following the words “of the ERP system” and the period, by adding the following: “The amount of the user fee assessed and imposed upon a spending unit of the state shall not exceed \$200 per FTE per year. The total amount of user fees that may be assessed in any fiscal year shall not exceed \$8,312,200. The authority of the Board to assess a user fee expires on and after January 1, 2018.”

#### **§64-9-18. Cable TV Advisory Board.**

(a) The legislative rule effective on April 15, 1991, authorized under the authority of section six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (franchising procedures, 187 CSR 1), is repealed.

(b) The legislative rule effective on June 1, 1997, authorized under the authority of section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (implementing regulations, 187 CSR 2), is repealed.

(c) The legislative rule effective on June 30, 1997, authorized under the authority of section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (calculation and collection of late fee, 187 CSR 6), is repealed.

(d) The procedural rule effective on October 7, 1991, authorized under the authority of section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (administrative procedures for consumer complaint resolution under the West Virginia Cable TV Systems Act, 187 CSR 3), is repealed.

(e) The procedural rule effective on August 28, 1993, authorized under the authority of section sixteen, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (rate regulation procedures, 187 CSR 4), is repealed.

(f) The procedural rule effective on March 5, 1994, authorized under the authority of section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (form and service of notice under section eight, article eighteen-a, chapter five of this code, 187 CSR 5), is repealed.

#### **§64-9-19. Contractor Licensing Board.**

The legislative rule effective on November 1, 2002, authorized under the authority of section fourteen, article eleven, chapter twenty-one of this code, relating to the Contractor Licensing Board (consumer complaints, 28 CSR 3), is repealed.

#### **§64-9-20. Respiratory Care Board.**

The legislative rule effective on June 24, 1997, authorized under the authority of section six, article thirty-four, chapter thirty of this code, relating to the Respiratory Care Board (procedure for licensure applications, 30 CSR 1), is repealed.

#### **§64-9-21. Attorney General.**

The procedural rule effective on December 21, 1988, authorized under the authority of section three, article one, chapter twenty-

nine-b of this code, relating to the Attorney General (freedom of information, 142 CSR 2), is repealed.

**§64-9-22. Municipal Bond Commission.**

The procedural rule effective on March 12, 1984, authorized under the authority of section six, article three, chapter thirteen of this code, relating to the Municipal Bond Commission (rules of procedure covering board and executive committee meetings of the Municipal Bond Commission, 109 CSR 1), is repealed.

**§64-9-23. Housing Development Fund.**

The legislative rule effective on August 15, 1982, authorized under the authority of section one, article eighteen-b, chapter thirty-one of this code, relating to the Housing Development Fund (refiling of administrative rules pertaining to administration of single-family mortgage loans, 88 CSR 1) is repealed.

**§64-9-24. Public Service Commission.**

(a) The legislative exempt rule effective on December 12, 1987, authorized under the authority of section one, article one, chapter twenty-four of this code, relating to the Public Service Commission (rules and regulations for carrier access to the lines and facilities of other carriers, 150 CSR 18), is repealed.

(b) The legislative exempt rule effective on December 12, 1987, authorized under the authority of section one, article one, chapter twenty-four of this code, relating to the Public Service Commission (rules and regulations for shipper access to the lines and facilities of rail carriers, 150 CSR 19), is repealed.

**§64-9-25. Infrastructure and Jobs Development Council.**

The procedural rule effective on November 12, 1999, authorized under the authority of section three, article nine-a, chapter six of this code, relating to the Infrastructure and Jobs Development Council (establishing procedures to provide public notice of date, time, place, agenda and purpose of meetings of the West Virginia Infrastructure and Jobs Development Council and manner in which meetings are to be conducted, 167 CSR 2), is repealed.

**§64-9-26. Water Development Authority.**

The procedural rule effective on November 4, 1999, authorized under the authority of section three, article nine-a, chapter six of this code, relating to the Water Development Authority (new procedures in relation to providing public notice of date, time, place and purpose of meetings of the West Virginia Water Development Authority and manner in which meetings are to be conducted, 44 CSR 3), is repealed.

**§64-9-27. Board of Osteopathic Medicine.**

The Legislature directs the West Virginia Board of Osteopathic Medicine to promulgate the legislative rule filed in the State Register on May 8, 2013, authorized under the authority of section four, article one, chapter thirty and section six-b, article one, chapter 30 of this code relating to the Board of Osteopathic Medicine (licensing procedures for osteopathic physicians, 24 CSR 1), is authorized with the following amendments:

On Subsection 18.1, subdivision dd, paragraph 1, after the word, “narcolepsy” and inserting the words, “binge eating disorder”;

And,

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

**Eng. Com. Sub. for Senate Bill 159**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies and commissions to repeal certain legislative, procedural or interpretative rules that are no longer authorized or are obsolete; directing various agencies to amend and promulgate certain legislative rules; authorizing the Board of Examiners in

Counseling to promulgate a legislative rule relating to licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor license renewal and continuing professional education requirements; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapists licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family license renewal and continuing professional education requirements; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Department of Agriculture to promulgate a legislative rule relating to the inspection of nontraditional domesticated animals; authorizing the Department of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Department of Agriculture to promulgate a legislative rule relating to captive cervid farming; repealing the Department of Agriculture legislative rule relating to tobacco; repealing the Department of Agriculture legislative rule relating to the conduct of beef industry self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to the conduct of beef self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to West Virginia seal of quality; repealing the Department of Agriculture legislative rule relating to aquaculture farm rules; repealing the Department of Agriculture procedural rule relating to the conduct of tree fruit industries self-improvement assessment program referendums; authorizing the State Conservation Committee to promulgate a legislative rule relating to the West Virginia Conservation Agency Financial Assistance Program; authorizing the Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dentistry to promulgate a legislative rule relating to expanded duties of dental hygienists and dental assistants; authorizing the State Election Commission to promulgate a legislative rule relating to the regulation of campaign finance; authorizing the State Election Commission to promulgate

a legislative rule relating to the West Virginia Supreme Court of Appeals public campaign financing program; authorizing the State Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice of professional engineers; 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 Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to the board; authorizing the Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; directing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures of Physicians and Podiatrists; authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to record keeping and automated data processing systems; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure of wholesale drug distributors, third-party logistics providers and manufacturers; authorizing the Property Valuation and Procedures Commission to promulgate a legislative rule relating to tax map sales; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the Secretary of State to promulgate a legislative rule relating to registration forms and receipts; authorizing the Secretary of State to promulgate a legislative rule relating to the elimination of precinct registration books; authorizing the Secretary of State to promulgate a legislative rule relating to absentee voting by military voters who are members of reserve units called to active duty; authorizing the Secretary of State to promulgate a legislative rule relating to the Freedom of Information Act database; repealing the Secretary of State legislative rule relating to matters relating to corporations and



other business entity filing; repealing the Secretary of State legislative rule relating to matters relating to official election forms and vendor authorization; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech pathology and audiology; and authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to speech-language pathology and audiology assistants; authorizing the Enterprise Resource Planning Board to promulgate a legislative rule relating to the enterprise resource planning system user fee; repealing the Cable TV Advisory Board legislative rule relating to franchising procedures; repealing the Cable TV Advisory Board legislative rule relating to implementing regulations; repealing the Cable TV Advisory Board legislative rule relating to calculation and collection of late fee; repealing the Cable TV Advisory Board procedural rule relating to administrative procedures for consumer complaint resolution under the West Virginia Cable TV Systems Act; repealing the Cable TV Advisory Board procedural rule relating to rate regulation procedures; repealing the Cable TV Advisory Board procedural rule relating to form and service of notice under section eight, article eighteen-a, chapter five of this code; repealing the Contractor Licensing Board legislative rule relating to consumer complaints; repealing the Respiratory Care Board legislative rule relating to the procedure for licensure applications; repealing the Attorney General procedural rule relating to freedom of information; repealing the Municipal Bond Commission procedural rule relating to rules of procedure covering board and executive committee meetings of the Municipal Bond Commission; repealing the Housing Development Fund legislative rule relating to refileing of administrative rules pertaining to administration of single-family mortgage loans; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for carrier access to the lines and facilities of other carriers; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for shipper access to the lines and facilities of rail carriers; repealing the Infrastructure and Jobs Development Council procedural rule relating to establishing procedures to provide public notice of date, time,

place, agenda and purpose of meetings of the West Virginia Infrastructure and Jobs Development Council and manner in which meetings are to be conducted; repealing the Water Development Authority procedural rule new procedures in relation to providing public notice of date, time, place and purpose of meetings of the West Virginia Water Development Authority and manner in which meetings are to be conducted; and directing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.

On motion of Senator Trump, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 159) were reported by the Clerk, considered simultaneously, and adopted:

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

**ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES AND REPEALING UNAUTHORIZED AND OBSOLETE RULES OF MISCELLANEOUS AGENCIES AND BOARDS.**

**§64-9-1. Board of Examiners in Counseling.**

(a) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 20, 2015, relating to the Board of Examiners in Counseling (licensing, 27 CSR 1), is authorized with the following amendment:

On page three, subdivision 5.2.a after the words “applicant for endorsement” by striking out the words “in section 5.2 of this rule”.

(b) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section five, article thirty-

one, chapter thirty of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2015, relating to the Board of Examiners in Counseling (licensed professional counselor license renewal and continuing professional education requirements, 27 CSR 3), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 20, 2015, relating to the Board of Examiners in Counseling (marriage and family therapists licensing, 27 CSR 8), is authorized with the following amendments:

On page three, subdivision 5.1 immediately following the words “shall be” by striking out the words “greater than or equal” and inserting in lieu thereof the words “substantially equivalent”;

On page three, subsection 5.2, after the words “license to practice”, by striking out the words “mental health counselor” and inserting in lieu thereof the words “marriage and family therapy”;

On page three, subdivision 5.2.a after the words “applicant for endorsement” by striking out the words “in section 5.2 of this rule”;

On page four, subdivision 5.2.a.4, after the words “licensed as” by inserting the words “marriage and family therapists”;

On page four, subsection 5.3 after the words “actively practiced” by striking out the words “mental health counseling as licensed professional counselor” and inserting in lieu thereof the words “marriage and family therapy as a licensed marriage and family therapist”;

On page four, paragraph 5.3.a.1, after the words “passed the” by striking out the words “national counselor examination (NCE) or the national clinical mental health counseling examination (NCMHCE) or other certification examination in counseling

approved by the board” and inserting in lieu thereof the words “Examination in Marital and Family Therapy or other certification examination in marriage and family therapy approved by the board”; and

On page four, paragraph 5.3.a.2 after the words “license to practice” by striking out the words “mental health counselor” and inserting in lieu thereof the following: “marriage and family therapy”.

(d) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section five, article thirty-one, chapter thirty of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2015, relating to the Board of Examiners in Counseling (marriage and family license renewal and continuing professional education requirements, 27 CSR 10), is authorized.

#### **§64-9-2. Board of Accountancy.**

The legislative rule filed in the State Register on Friday, July 24, 2015, authorized under the authority of section five, article nine, chapter thirty of this code, modified by the Board of Accountancy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on Thursday, November 5, 2015, relating to the Board of Accountancy (board rules and rules of professional conduct, 1 CSR 1), is authorized.

#### **§64-9-3. Department of Agriculture.**

(a) The legislative rule filed in the State Register on July 30, 2015, authorized under the authority of section four, article twenty-nine, chapter nineteen of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 3, 2015, relating to the Department of Agriculture (inspection of nontraditional domesticated animals, 61 CSR 23D), is authorized.

(b) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section two, article nine, chapter nineteen of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2015, relating to the Department of Agriculture (poultry litter and manure movement into primary poultry breeder rearing areas, 61 CSR 28), is authorized.

(c) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section four, article one-c, chapter nineteen of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2015, relating to the Department of Agriculture (livestock care standards, 61 CSR 31), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2015, authorized under the authority of section twelve, article two-h, chapter nineteen of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2015, relating to the Department of Agriculture (captive cervid farming, 61 CSR 34), is authorized with the following amendment:

On page nine, subdivision 13.1.a., by striking the words “two hundred (200) acres” and inserting in lieu thereof the words “one hundred fifty (150) acres”.

(e) The Legislature directs the Department of Agriculture to promulgate the legislative rule filed in the State Register on April 4, 2015, authorized under the authority of section seven, article twelve-e, chapter nineteen, of this code, relating to the Department of Agriculture (industrial hemp, 61 CSR 29), with the amendments set forth below:

On page one, section one, by striking out all of subsection 1.1 and inserting in lieu thereof a new subsection 1.1 to read as follows:

1.1. Scope.- This rule establishes requirements for the licensing, cultivating, testing, supervision, production and processing of industrial hemp in West Virginia through the issuance of Research Program Licenses as designated generally in Section 7606 of the Agricultural Farm Act of 214 (the Farm Bill).;

On page one, section two, by striking out all of subsection 2.6 and inserting in lieu thereof a new subsection 2.6 to read as follows:

2.6. “License” or licensed” means the applicant has been issued a research Program License by the Commissioner, following a successful application and review process and may possess, grow, harvest, produce, distribute or deliver industrial hemp within West Virginia. The Department is duly licensed to engage in research and development programs initiated by the Commissioner.;

On page one, section two, by striking out all of subsection 2.7 and inserting in lieu thereof a new subsection 2.7 to read as follows:

2.7. “Licensee” or “applicant” means the Department or state institute of higher learning who has been issued a research Program License by the Department.

On page two, section two, subsection 2.9 after the word “Research” by striking out the words “and Marketing Cultivation”;

On page two, section two, subsection 2.9 after the word “Commissioner” by striking out the words “or affiliated”;

On page two, section two, subsection 3.1, by striking out all of subdivision 3.1.b. and inserting in lieu thereof a new subdivision 3.1.b. to read as follows:

3.1.b. A research proposal that authorizes the purposes of the research, the scientific methods to be employed and the use of the product outcomes.;

And,

On page three, section four, subdivision 4.1.b., after the word “planted” by changing the semicolon to a period and striking out all of subdivision 4.1.c.

(f) The legislative rule effective on November 14, 1967, authorized under the authority of article two, chapter nineteen of this code, relating to the Department of Agriculture (tobacco, 61 CSR 11A), is repealed.

(g) The legislative rule effective on May 31, 1985, authorized under the authority of section four, article one, chapter nineteen of this code, relating to the Department of Agriculture (conduct of beef industry self-improvement assessment program referendums, 61 CSR 11C), is repealed.

(h) The legislative rule effective on May 31, 1985, authorized under the authority of section four-j, article one, chapter nineteen of this code, relating to the Department of Agriculture (conduct of beef self-improvement assessment program referendums, 61 CSR 11G), is repealed.

(i) The legislative rule effective on August 21, 1959, authorized under the authority of article two, chapter nineteen of this code, relating to the Department of Agriculture (West Virginia seal of quality, 61 CSR 15), is repealed.

(j) The legislative rule effective on May 1, 1995, authorized under the authority of section one, article twenty-nine, chapter nineteen of this code, relating to the Department of Agriculture (aquaculture farm rules, 61 CSR 23), is repealed.

(k) The procedural rule effective on September 23, 1989, authorized under the authority of section one, article twenty-six, chapter nineteen of this code, relating to the Department of Agriculture (conduct of tree fruit industries self-improvement assessment program referendums, 61 CSR 20), is repealed.

#### **§64-9-4. State Conservation Committee.**

The legislative rule filed in the State Register on June 3, 2015, authorized under the authority of section four-a, article twenty-one-

a, chapter nineteen of this code, modified by the State Conservation Committee to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 16, 2015, relating to the State Conservation Committee (West Virginia Conservation Agency Financial Assistance Program, 63 CSR 2), is authorized.

**§64-9-5. Board of Dentistry.**

(a) The legislative rule filed in the State Register on July 23, 2015, authorized under the authority of section six, article four, chapter thirty of this code, modified by the Board of Dentistry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 23, 2015, relating to the Board of Dentistry (continuing education requirements, 5 CSR 11), is authorized.

(b) The legislative rule filed in the State Register on July 23, 2015, authorized under the authority of section six, article four, chapter thirty of this code, modified by the Board of Dentistry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 23, 2015, relating to the Board of Dentistry (expanded duties of dental hygienists and dental assistants, 5 CSR 13), is authorized.

**§64-9-6. State Election Commission.**

(a) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section five, article one-a, chapter three of this code, modified by the State Election Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 22, 2015, relating to the State Election Commission (regulation of campaign finance, 146 CSR 3), is authorized with the amendments set forth below:

On page 11, by striking all of subdivision 6.3.e;

On page 11, subsection 6.7, after the word “ballot”, by striking the remainder of subsection 6.7;



On page 12, subdivision 7.2.b, by striking the words “by making a contribution to one or more political party committees or candidates”;

On page 18, by striking all of subdivision 10.7.a;

And,

On page 18 by striking all of subdivision 10.7.b.

(b) The legislative rule filed in the State Register on July 31, 2015, authorized under the authority of section fourteen, article twelve, chapter three of this code, modified by the State Election Commission to meet the objections of the Legislative Rule-making Review Committee and refiled in the State Register on December 22, 2015, relating to the State Election Commission (West Virginia Supreme Court of Appeals Public Campaign Financing Program, 146 CSR 5), is authorized.

#### **§64-9-7. State Board of Registration for Professional Engineers.**

The legislative rule filed in the State Register on May 11, 2015, authorized under the authority of section nine, article thirteen, chapter thirty of this code, modified by the State Board of Registration for Professional Engineers to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2015, relating to the State Board of Registration for Professional Engineers (examination, licensure and practice of professional engineers, 7 CSR 1), is authorized.

#### **§64-9-8. Governor’s Committee on Crime, Delinquency and Correction.**

The legislative rule filed in the State Register on July 27, 2015, 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 November 5, 2015, relating to the Governor’s Committee on Crime, Delinquency and Correction (law-

enforcement training and certification standards, 149 CSR 2), is authorized.

**§64-9-9. Medical Imaging and Radiation Therapy Technology Board of Examiners.**

The legislative rule filed in the State Register on June 8, 2015, authorized under the authority of section six, article twenty-three, chapter thirty of this code, relating to the Medical Imaging and Radiation Therapy Technology Board of Examiners (rules of the Board, 18 CSR 1), is authorized.

**§64-9-10. Board of Medicine.**

(a) The legislative rule filed in the State Register on July 27, 2015, authorized under the authority of section eleven-b, article three, chapter thirty of this code, modified by the Board of Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 23, 2015, relating to the Board of Medicine (establishment and regulation of limited license to practice medicine and surgery at certain state veterans' nursing home facilities, 11 CSR 11), is authorized.

(b) The Legislature directs the West Virginia Board of Medicine to promulgate the legislative rule filed in the State Register on April 6, 2007, authorized under the authority of section seven, article three, chapter thirty of this code relating to the Board of Medicine (licensing and disciplinary procedures. Physicians; Podiatrists, 11 CSR 1A), is authorized with the following amendments:

‘On Subsection 12.1, subdivision ee, paragraph A, after the word, “narcolepsy” and inserting the words, “binge eating disorder”’;

**§64-9-11. Nursing Home Administrators Licensing Board.**

The legislative rule filed in the State Register on July 17, 2017, authorized under the authority of section six, article twenty-five, chapter thirty of this code, modified by the Nursing Home Administrators Licensing Board to meet the objections of the

Legislative Rule-Making Review Committee and refiled in the State Register on November 2, 2015, relating to the Nursing Home Administrators Licensing Board (nursing home administrators, 21 CSR 1), is authorized.

**§64-9-12. Board of Pharmacy.**

(a) The legislative rule filed in the State Register on July 16, 2015, authorized under the authority of section seven, article five, chapter thirty of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 17, 2015, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 16, 2015, authorized under the authority of section three hundred one, article three, chapter sixty-a of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 17, 2015, relating to the Board of Pharmacy (Uniform Controlled Substances Act, 15 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on July 16, 2015, authorized under the authority of section seven, article five, chapter thirty of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 17, 2015, relating to the Board of Pharmacy (record keeping and automated data processing systems, 15 CSR 4), is authorized.

(d) The legislative rule filed in the State Register on July 16, 2015, authorized under the authority of section seven, article five, chapter thirty of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 17, 2015, relating to the Board of Pharmacy (licensure of wholesale drug distributors, third-party logistics providers and manufacturers, 15 CSR 5), is authorized.

**§64-9-13. Property Valuation and Procedures Commission.**

The legislative rule filed in the State Register on July 29, 2015, authorized under the authority of section five, article ten, chapter eleven and section four-d, article one-c, chapter eleven of this code, modified by the Property Valuation and Procedures Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 27, 2015, relating to the Property Valuation and Procedures Commission (tax map sales, 189 CSR 5), is authorized.

**§64-9-14. Board of Social Work.**

The legislative rule filed in the State Register on July 21, 2015, authorized under the authority of section six, article thirty, chapter thirty of this code, modified by the Board of Social Work to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2015, relating to the Board of Social Work (qualifications for the profession of social work, 25 CSR 1), is authorized.

**§64-9-15. Secretary of State.**

(a) The legislative rule filed in the State Register on June 30, 2015, authorized under the authority of section six, article one-a, chapter three of this code, relating to the Secretary of State (registration forms and receipts, 153 CSR 3), is authorized.

(b) The legislative rule filed in the State Register on July 1, 2015, authorized under the authority of section twenty-one, article two, chapter three of this code, relating to the Secretary of State (elimination of precinct registration books, 153 CSR 9), is authorized.

(c) The legislative rule filed in the State Register on June 30, 2015, authorized under the authority of section six, article one-a, chapter three of this code, relating to the Secretary of State (absentee voting by military voters who are members of reserve units called to active duty, 153 CSR 23), is authorized.

(d) The legislative rule filed in the State Register on June 30, 2015, authorized under the authority of section three-a, article one, chapter twenty-nine-b of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 22, 2015, relating to the Secretary of State (Freedom of Information Act database, 153 CSR 52), is authorized.

(e) The legislative rule effective on April 3, 1998, authorized under the authority of section sixty-seven, article one, chapter thirty-one of this code, relating to the Secretary of State (matters relating to corporations and other business entity filing, 153 CSR 5), is repealed.

(f) The legislative rule effective on June 7, 1996, authorized under the authority of section six, article one-a, chapter three of this code, relating to the Secretary of State (matters relating to official election forms and vendor authorization, 153 CSR 26), is repealed.

**§64-9-16. Board of Examiners for Speech-Language Pathology and Audiology.**

(a) The legislative rule filed in the State Register on June 8, 2015, authorized under the authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of Examiners for Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2015, relating to the Board of Examiners for Speech-Language Pathology and Audiology (licensure of speech pathology and audiology, 29 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on June 8, 2015, authorized under the authority of section seven, article thirty-two, chapter thirty of this code, modified by the Board of Examiners for Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2015, relating to the Board of Examiners for Speech-Language Pathology and

Audiology (speech-language pathology and audiology assistants, 29 CSR 2), is authorized with the following amendments:

On page 4, Subdivision 4.1.(y), following the word “than”, by striking the word “two” and inserting in lieu thereof the word “three”;

On page 4, section 5, paragraph (8), after the word “pathologists,” by striking out the words “or audiologists,” and in paragraph (11), after the word “pathology,” by striking out the words “or Audiology.”;

And

On page 5, section (6), subsection (c), after the word “pathologist” by striking out the words “or audiologist,” and in subsection (j), after the word “pathologist,” by striking out the words “or audiology,” and in subsection (m), after the word “pathologist,” by striking out the words “or audiologist.”

#### **§64-9-17. Enterprise Resource Planning Board.**

The legislative rule contained in title two hundred thirteen, series one, of the code of state rules, filed and effective April 14, 2015, under the authority of section two, article six-d, chapter twelve of this code, relating to the enterprise resource planning system user fee, 213 CSR 1, is reauthorized, with the amendment set forth below:

On page two, subsection 3.2, line 4, following the words “of the ERP system” and the period, by adding the following: “The amount of the user fee assessed and imposed upon a spending unit of the state shall not exceed \$200 per FTE per year. The total amount of user fees that may be assessed in any fiscal year shall not exceed \$8,312,200. The authority of the Board to assess a user fee expires on and after January 1, 2018.”

#### **§64-9-18. Cable TV Advisory Board.**

(a) The legislative rule effective on April 15, 1991, authorized under the authority of section six, article eighteen, chapter five of

this code, relating to the Cable TV Advisory Board (franchising procedures, 187 CSR 1), is repealed.

(b) The legislative rule effective on June 1, 1997, authorized under the authority of section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (implementing regulations, 187 CSR 2), is repealed.

(c) The legislative rule effective on June 30, 1997, authorized under the authority of section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (calculation and collection of late fee, 187 CSR 6), is repealed.

(d) The procedural rule effective on October 7, 1991, authorized under the authority of section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (administrative procedures for consumer complaint resolution under the West Virginia Cable TV Systems Act, 187 CSR 3), is repealed.

(e) The procedural rule effective on August 28, 1993, authorized under the authority of section sixteen, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (rate regulation procedures, 187 CSR 4), is repealed.

(f) The procedural rule effective on March 5, 1994, authorized under the authority of section twenty-six, article eighteen, chapter five of this code, relating to the Cable TV Advisory Board (form and service of notice under section eight, article eighteen-a, chapter five of this code, 187 CSR 5), is repealed.

#### **§64-9-19. Contractor Licensing Board.**

The legislative rule effective on November 1, 2002, authorized under the authority of section fourteen, article eleven, chapter twenty-one of this code, relating to the Contractor Licensing Board (consumer complaints, 28 CSR 3), is repealed.

#### **§64-9-20. Respiratory Care Board.**

The legislative rule effective on June 24, 1997, authorized under the authority of section six, article thirty-four, chapter thirty of this

code, relating to the Respiratory Care Board (procedure for licensure applications, 30 CSR 1), is repealed.

**§64-9-21. Attorney General.**

The procedural rule effective on December 21, 1988, authorized under the authority of section three, article one, chapter twenty-nine-b of this code, relating to the Attorney General (freedom of information, 142 CSR 2), is repealed.

**§64-9-22. Municipal Bond Commission.**

The procedural rule effective on March 12, 1984, authorized under the authority of section six, article three, chapter thirteen of this code, relating to the Municipal Bond Commission (rules of procedure covering board and executive committee meetings of the Municipal Bond Commission, 109 CSR 1), is repealed.

**§64-9-23. Housing Development Fund.**

The legislative rule effective on August 15, 1982, authorized under the authority of section one, article eighteen-b, chapter thirty-one of this code, relating to the Housing Development Fund (refiling of administrative rules pertaining to administration of single-family mortgage loans, 88 CSR 1) is repealed.

**§64-9-24. Public Service Commission.**

(a) The legislative exempt rule effective on December 12, 1987, authorized under the authority of section one, article one, chapter twenty-four of this code, relating to the Public Service Commission (rules and regulations for carrier access to the lines and facilities of other carriers, 150 CSR 18), is repealed.

(b) The legislative exempt rule effective on December 12, 1987, authorized under the authority of section one, article one, chapter twenty-four of this code, relating to the Public Service Commission (rules and regulations for shipper access to the lines and facilities of rail carriers, 150 CSR 19), is repealed.

**§64-9-25. Infrastructure and Jobs Development Council.**



The procedural rule effective on November 12, 1999, authorized under the authority of section three, article nine-a, chapter six of this code, relating to the Infrastructure and Jobs Development Council (establishing procedures to provide public notice of date, time, place, agenda and purpose of meetings of the West Virginia Infrastructure and Jobs Development Council and manner in which meetings are to be conducted, 167 CSR 2), is repealed.

#### **§64-9-26. Water Development Authority.**

The procedural rule effective on November 4, 1999, authorized under the authority of section three, article nine-a, chapter six of this code, relating to the Water Development Authority (new procedures in relation to providing public notice of date, time, place and purpose of meetings of the West Virginia Water Development Authority and manner in which meetings are to be conducted, 44 CSR 3), is repealed.

#### **§64-9-27. Board of Osteopathic Medicine.**

The Legislature directs the West Virginia Board of Osteopathic Medicine to promulgate the legislative rule filed in the State Register on May 8, 2013, authorized under the authority of section four, article one, chapter thirty and section six-b, article one, chapter 30 of this code relating to the Board of Osteopathic Medicine (licensing procedures for osteopathic physicians, 24 CSR 1), is authorized with the following amendments:

On Subsection 18.1, subdivision dd, paragraph 1, after the word, “narcolepsy” and inserting the words, “binge eating disorder”.”;

And,

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

**Eng. Com. Sub. for Senate Bill 159**—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative

rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies and commissions to repeal certain legislative, procedural or interpretative rules that are no longer authorized or are obsolete; directing various agencies to amend and promulgate certain legislative rules; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor license renewal and continuing professional education requirements; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapists licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family license renewal and continuing professional education requirements; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Department of Agriculture to promulgate a legislative rule relating to the inspection of nontraditional domesticated animals; authorizing the Department of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Department of Agriculture to promulgate a legislative rule relating to captive cervid farming; directing the Department of Agriculture to amend and promulgate a legislative rule relating to industrial hemp; repealing the Department of Agriculture legislative rule relating to tobacco; repealing the Department of Agriculture legislative rule relating to the conduct of beef industry self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to the conduct of beef self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to West Virginia seal of quality; repealing the Department of Agriculture legislative rule relating to aquaculture farm rules; repealing the Department of Agriculture procedural rule relating to the conduct of tree fruit industries self-

improvement assessment program referendums; authorizing the State Conservation Committee to promulgate a legislative rule relating to the West Virginia Conservation Agency Financial Assistance Program; authorizing the Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dentistry to promulgate a legislative rule relating to expanded duties of dental hygienists and dental assistants; authorizing the State Election Commission to promulgate a legislative rule relating to the regulation of campaign finance; authorizing the State Election Commission to promulgate a legislative rule relating to the West Virginia Supreme Court of Appeals public campaign financing program; authorizing the State Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice of professional engineers; 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 Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to the board; authorizing the Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; directing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures of Physicians and Podiatrists; authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to record keeping and automated data processing systems; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure of wholesale drug distributors, third-party logistics providers and manufacturers; authorizing the Property Valuation and Procedures Commission to promulgate a legislative rule relating to tax map sales; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the

profession of social work; authorizing the Secretary of State to promulgate a legislative rule relating to registration forms and receipts; authorizing the Secretary of State to promulgate a legislative rule relating to the elimination of precinct registration books; authorizing the Secretary of State to promulgate a legislative rule relating to absentee voting by military voters who are members of reserve units called to active duty; authorizing the Secretary of State to promulgate a legislative rule relating to the Freedom of Information Act database; repealing the Secretary of State legislative rule relating to matters relating to corporations and other business entity filing; repealing the Secretary of State legislative rule relating to matters relating to official election forms and vendor authorization; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech pathology and audiology; and authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to speech-language pathology and audiology assistants; authorizing the Enterprise Resource Planning Board to promulgate a legislative rule relating to the enterprise resource planning system user fee; repealing the Cable TV Advisory Board legislative rule relating to franchising procedures; repealing the Cable TV Advisory Board legislative rule relating to implementing regulations; repealing the Cable TV Advisory Board legislative rule relating to calculation and collection of late fee; repealing the Cable TV Advisory Board procedural rule relating to administrative procedures for consumer complaint resolution under the West Virginia Cable TV Systems Act; repealing the Cable TV Advisory Board procedural rule relating to rate regulation procedures; repealing the Cable TV Advisory Board procedural rule relating to form and service of notice under section eight, article eighteen-a, chapter five of this code; repealing the Contractor Licensing Board legislative rule relating to consumer complaints; repealing the Respiratory Care Board legislative rule relating to the procedure for licensure applications; repealing the Attorney General procedural rule relating to freedom of information; repealing the Municipal Bond Commission procedural rule relating to rules of procedure covering board and executive committee meetings of the Municipal Bond

Commission; repealing the Housing Development Fund legislative rule relating to refiling of administrative rules pertaining to administration of single-family mortgage loans; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for carrier access to the lines and facilities of other carriers; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for shipper access to the lines and facilities of rail carriers; repealing the Infrastructure and Jobs Development Council procedural rule relating to establishing procedures to provide public notice of date, time, place, agenda and purpose of meetings of the West Virginia Infrastructure and Jobs Development Council and manner in which meetings are to be conducted; repealing the Water Development Authority procedural rule new procedures in relation to providing public notice of date, time, place and purpose of meetings of the West Virginia Water Development Authority and manner in which meetings are to be conducted; and directing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.

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

Engrossed Committee Substitute for Senate Bill 159, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Unger—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 159) passed with its Senate amended title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Unger—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 159) 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, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 267**, Modifying removal procedure for certain county, school district and municipal officers.

On motion of Senator Carmichael, 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 §6-6-1 and §6-6-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

## **ARTICLE 6. REMOVAL OF OFFICERS**

### **§6-6-1. Definitions.**

~~The term “neglect of duty,” or the term “official misconduct,” as used in this article, shall include the willful waste of public funds by any officer or officers, or the appointment by him or them of an incompetent or disqualified person to any office or position and the retention of such person in office, or in the position to which he was appointed, after such incompetency or disqualification is made to appear, when it is in the power of such officer to remove such incompetent or disqualified person. The term “incompetence,” as used in this article, shall include the wasting or misappropriation of public funds by any officer, habitual drunkenness, habitual addiction to the use of narcotic drugs, adultery, neglect of duty, or gross immorality, on the part of any officer. The term “incompetent person,” as used in this section, shall include any appointee or employee of any officer or officers, including county court, municipal bodies or officers, and boards of education, who willfully wastes or misappropriates public funds, or who is guilty of habitual drunkenness, habitual addiction to the use of narcotic drugs, adultery, neglect of duty or gross immorality.~~

(a) The term “official misconduct”, as used in this article, means conviction of a felony during the officer’s present term of office or any willful unlawful behavior by a public officer in the course of his or her performance of the duties of the public office.

(b) The term “neglect of duty”, as used in this article, means the knowing refusal or willful failure of a public officer to perform an essential act or duty of the office required by law.

(c) The term “incompetence”, as used in this article, may include the following acts or adjudications committed or arising during the challenged officer’s term of office: The waste or misappropriation of public funds by any officer when the officer knew, or should have known, that such use of funds was inappropriate or inconsistent with the lawful duties of the office; conviction of a misdemeanor involving dishonesty or gross immorality, having been the subject of a determination of incapacity, as defined and governed by section seven, article thirty, chapter sixteen of this code; or other conduct affecting the officer’s ability to perform the essential official duties of his or her office including but not limited to habitual drunkenness or addiction to the use of narcotic drugs.

(d) The term “qualified petitioner”, as used in this article, means a person who was registered to vote in the election in which the officer was chosen which next preceded the filing of the petition.

**§6-6-7. Procedure for removal of county, school district and municipal officers having fixed terms; appeal; grounds; cost.**

(a) Any person holding any county, school district or municipal office, including the office of a member of a board of education and the office of magistrate, the term or tenure of which office is fixed by law, whether the office be elective or appointive, except judges of the circuit courts, may be removed from such office in the manner provided in this section for official misconduct, ~~malfeasance in office, neglect of duty,~~ incompetence, ~~neglect of duty or gross immorality~~ or for any of the causes or on any of the grounds provided by any other statute.

(b) Charges may be ~~preferred~~ proffered:

~~(1) In the case of any county officer, member of a district board of education or magistrate, by the county commission, or other tribunal in lieu thereof, any other officer of the county, or by any number of persons other than such county officers, which number shall be the lesser of fifty or one percent of the total number of voters of the county participating in the general election next preceding the filing of such charges.~~

~~(2) In the case of any municipal officer, by the prosecuting attorney of the county wherein such municipality, or the greater portion thereof, is located, any other elected officer of the municipality, or by any number of persons other than the prosecuting attorney or other municipal elective officer of the municipality who are residents of the municipality, which number shall be the lesser of twenty five or one percent of the total number of voters of the municipality participating in the election at which the governing body was chosen which election next preceded the filing of the petition.~~



(1) In the case of any county officer, member of a board of education or magistrate:

(A) By a duly enacted resolution of the county commission which sets forth therein the name and office of the challenged officer, the alleged wrongful acts, the dates the alleged acts occurred and the grounds for removal as provided in this article;

(B) By the prosecuting attorney of the county; or

(C) By petition of a number of qualified petitioners, which number shall be:

(i) In a county with a population in excess of fifty thousand; the lesser of two thousand or ten percent of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition;

(ii) In a county with a population in excess of ten thousand but not in excess of fifty thousand, the lesser of five hundred or ten percent of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition; and

(iii) In a county with a population not in excess of ten thousand, the lesser of one hundred or ten percent of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition.

Such petition shall set forth therein the name and office of the challenged officer, the alleged wrongful acts and the grounds for removal.

(2) In the case of any municipal officer:

(A) By a duly enacted resolution of the governing body of the municipality which sets forth therein the name and office of the challenged officer, the alleged wrongful acts, the dates the alleged

acts occurred and the grounds for removal as provided in this article;

(B) By the prosecuting attorney of the county wherein such municipality, or the greater portion thereof, is located; or

(C) By petition of a number of qualified petitioners, which number shall be:

(i) In a Class I city, the lesser of two thousand or ten percent of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition;

(ii) In a Class II city, the lesser of five hundred or ten percent of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition;

(iii) In a Class III city, the lesser of one hundred or ten percent of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition; and

(iv) In a Class IV town or village, the lesser of fifty or ten percent of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition.

Such petition shall set forth therein the name and office of the challenged officer, the alleged wrongful acts and the grounds for removal.

(3) By the chief inspector and supervisor of public offices of the state where the person sought to be removed is entrusted by law with the collection, custody and expenditure of public moneys because of any intentional or unlawful misapplication, misappropriation or embezzlement of such moneys.

~~(e) The charges shall be reduced to writing in the form of a petition duly verified by at least one of the persons bringing the~~

~~same, and shall be entered of record by the court, or the judge thereof in vacation, and a summons shall thereupon be issued by the clerk of such court, together with a copy of the petition, requiring the officer or person named therein to appear before the court, at the courthouse of the county where such officer resides, and answer the charges on a day to be named therein, which summons shall be served at least twenty days before the return day thereof in the manner by which a summons commencing a civil suit may be served.~~

~~The court, or judge thereof in vacation, or in the case of any multijudge circuit, the chief judge thereof, shall, without delay forward a copy of the petition to the Supreme Court of Appeals and shall ask for the impaneling or convening of a three judge court consisting of three circuit judges of the state. The chief justice of the Supreme Court of Appeals shall without delay designate and appoint three circuit judges within the state, not more than one of whom shall be from the same circuit in which the petition is filed and, in the order of such appointment, shall designate the date, time and place for the convening of such three judge court, which date and time shall not be less than twenty days from the date of the filing of the petition.~~

~~Such three judge court shall, without a jury, hear the charges and all evidence offered in support thereof or in opposition thereto and upon satisfactory proof of the charges shall remove any such officer or person from office and place the records, papers and property of his or her office in the possession of some other officer or person for safekeeping or in the possession of the person appointed as hereinafter provided to fill the office temporarily. Any final order either removing or refusing to remove any such person from office shall contain such findings of fact and conclusions of law as the three judge court shall deem sufficient to support its decision of all issues presented to it in the matter.~~

(c) When removal is proffered by a duly enacted resolution of a county commission or municipal governing body, a certified copy of the resolution shall be served by the clerk of the commission or municipal governing body upon the circuit court in whose jurisdiction the officer serves within five business days of adoption

of the resolution. The proffering county commission or municipal governing body shall be responsible for the prosecution of the removal resolution.

(d) When removal is proffered by the prosecuting attorney, the charges shall be reduced to writing and the charges shall be served upon the circuit court in whose jurisdiction the officer serves, and the prosecuting attorney shall be responsible for the prosecution of the removal action.

(e) When removal is proffered by petition, the charges shall be reduced to writing and each page on which signatures are affixed shall include the name and office of the challenged officer, the charges or grounds for removal, which may be achieved by attachment to each signature page, and an informed acknowledgement of an agreement with the charges. At least one of the persons bringing the petition shall serve the original petition upon the circuit court in whose jurisdiction the officer serves, and shall be responsible for the prosecution of the removal action.

(f) Any resolution or petition submitted pursuant to this section shall be received and entered of record by the court, or the judge thereof in vacation, and a summons shall thereupon be issued by the clerk of such court, together with a copy of the resolution or petition, requiring the officer or person named therein, or legal counsel therefor, to appear before the court for a preliminary hearing, at the courthouse of the county where such officer resides, for the purpose of a judicial determination as to the validity of the resolution or petition, the clerk having ascertained whether such signatures are the signatures of eligible residents, and to hear any related objections or motions that may be presented. The summons shall be served in the manner by which a summons commencing a civil suit may be served within five business days of the receipt of the resolution or petition by the court.

(g) The court, or judge thereof in vacation, or in the case of any multi-judge circuit, the chief judge thereof, shall have authority to evaluate any resolution or petition for any procedural defect, and to consider all the allegations made in the resolution or petition in light of the applicable case law and the required strict construction

of the grounds asserted, and conclude whether or not the allegations asserted would be sufficient, if proven by clear and convincing evidence, to warrant the removal of the officer from office. In the case of a petition, the court may require that the clerk responsible for the maintenance of voting records for the governing body for whom the officer serves provide an affidavit verifying the number of qualified petitioner signatures and the applicable total number of registered voters.

If the court finds, after consideration of any motions or objections, or in the court's discretion provided for herein, that the resolution or petition is defective or the allegations stated therein do not meet the standards for removal set forth herein, the resolution or petition shall be dismissed by the court. If the court finds that the resolution or petition is sufficient under the standards for removal set forth herein to proceed to a hearing before a three judge court, the court shall forward a copy of the resolution or petition to the Supreme Court of Appeals.

Upon receipt of said resolution or petition, the chief justice of the Supreme Court of Appeals shall, not fewer than twenty days from the date of the receipt of the resolution or petition, designate and appoint three circuit judges within the state, not more than one of whom shall be from the same circuit in which the resolution or petition was filed and, in the order of such appointment, shall require that the three-judge court designate the date, time and place for the hearing of the resolution or petition forthwith.

Such three-judge court shall, without a jury, hear the charges, any motions filed by either party and all evidence offered in support thereof or in opposition thereto, and upon satisfactory proof of the charges by clear and convincing evidence, shall remove any such officer from office and place the records, papers and property of his office in the possession of some other officer or person for safekeeping or in the possession of the person appointed as hereinafter provided to fill the office temporarily. Any final order either removing or refusing to remove any such person from office shall contain such findings of fact and conclusions of law as the three-judge court shall deem sufficient to support its decision of all issues presented to it in the matter.

~~(d)~~(h) An appeal from an order of such three-judge court removing or refusing to remove any person from office pursuant to this section may be taken to the Supreme Court of Appeals within thirty days from the date of entry of the order from which the appeal is ~~to be~~ taken. The Supreme Court of Appeals shall consider and decide the appeal upon the original papers and documents, without requiring the same to be printed and shall enforce its findings by proper writ. From the date of any order of the three-judge court removing an officer under this section until the expiration of thirty days thereafter, and, if an appeal be taken, until the date of suspension of such order, if suspended by the three-judge court and if not suspended, until the final adjudication of the matter by the Supreme Court of Appeals, the officer, commission or body having power to fill a vacancy in such office may fill the same by a temporary appointment until a final decision of the matter, and when a final decision is made by the Supreme Court of Appeals shall fill the vacancy in the manner provided by law for such office.

~~(e)~~(i) In any case wherein the charges are ~~preferred~~ proffered by the chief inspector and supervisor of public offices against the county commission or any member thereof or any county, school district or municipal officer, the proceedings under this section shall be conducted and prosecuted in the same manner set forth herein for removal by resolution or petition by the prosecuting attorney of the county in which the officer proceeded against resides, and on any appeal from the order of the three-judge court in any such case, the Attorney General of the state shall represent the people. When any municipal officer is proceeded against the solicitor or municipal attorney for such municipality may assist in the prosecution of the charges.

(j) If a judicial proceeding under this section is dismissed or otherwise resolved in favor of the challenged officer who has been found to be acting in good faith, the political subdivision for which the officer serves shall be responsible for the court costs and reasonable attorney fees for the officer.

On motion of Senator Carmichael, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 267) 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 267**—A Bill to amend and reenact §6-6-1 and §6-6-7 of the Code of West Virginia, 1931, as amended, all relating to modifying the procedure for removal of certain county, school district and municipal officers; modifying definitions; and providing political subdivisions be responsible for costs associated with removal proceedings when the outcome is in favor of a challenged officer acting in good faith.

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

Engrossed Committee Substitute for Senate Bill 267, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boso, Carmichael, Cline, Facemire, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Boley—1.

Absent: Ferns—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 267) passed with its Senate amended title.

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

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

**Eng. Com. Sub. for Senate Bill 269**, Budget Bill.

On motion of Senator Carmichael, 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 provisions of Engrossed Committee Substitute for H. B. 4017.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendment to the bill (Eng. Com. Sub. for S. B. 269) and requested the House of Delegates to recede therefrom.

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

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

**Eng. Com. Sub. for Senate Bill 270**, Repealing code relating to insurance policies.

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 293**, Neighborhood Investment Program Act.

On motion of Senator Carmichael, 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 sixty-one, by inserting the following:



“Direct need programs” means a program, organization or community endowment that serve persons whose annual income is no more than 125% of the federal poverty level with self-reliance and independence from government assistance as its primary objective.;

On page twenty-three, section four-a, after line one hundred, by inserting a new paragraph, designated paragraph (I), to read as follows:

(I) The proposed project is a direct need program or will provide emergency assistance.;

And,

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

**Eng. Com. Sub. for Senate Bill 293**—A Bill to amend and reenact §11-13J-3, §11-13J-4, §11-13J-4a, §11-13J-10 and §11-13J-12 of the Code of West Virginia, 1931, as amended, all relating generally to Neighborhood Investment Program Act; changing termination date; defining terms; specifying frequency of required project transferee reports; specifying number of required advisory board meetings; specifying required number of West Virginia Development Office reports to the board; providing criteria for evaluation of projects; providing for report by Tax Commissioner; and specifying frequency of program assessments by the director.

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

Engrossed Committee Substitute for Senate Bill 293, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings,

Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 293) 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 298,** Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays.

On motion of Senator Carmichael, 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 section, designated §7-1-3pp; that §11-16-18 of said code be amended and reenacted; that §60-4-3a and §60-4-3b of said code be amended and reenacted; that §60-7-12 of said code be amended and reenacted; and that §60-8-34 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

**ARTICLE 1. COUNTY COMMISSIONS GENERALLY.****§7-1-3pp. County option election on allowing nonintoxicating beer, wine or alcoholic liquors to be sold, given or dispensed after ten o'clock a.m. on Sundays.**

The county commission of any county may conduct a county option election on the question of whether the sale or dispensing of nonintoxicating beer, wine or alcoholic liquors in or on premises shall be allowed in the county beginning ten o'clock a.m. on any Sunday, as provided in section eighteen, article sixteen, chapter eleven, sections three-a and three-b, article four, chapter sixty of this code, section twelve, article seven, of said chapter, and section thirty-four, article eight, of said chapter, upon approval as provided in this section. The option election on this question may be placed on the ballot in each county at any primary or general election. The county commission of the county 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 publication shall be 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 the beginning hour at which non-intoxicating beer, wine and alcoholic liquor be sold or dispensed for on premises consumption only in \_\_\_\_\_ County on Sundays be changed from one o'clock p.m. to ten o'clock a.m.

If approved by the voters this would allow private clubs and restaurants licensed to sell and dispense non-intoxicating beer, wine and alcoholic liquor; licensed private wine restaurants, private wine spas, private wine bed and breakfasts to sell and dispense wine; and licensed Class A retail dealers to sell and dispense nonintoxicating beer for on premises consumption only beginning at ten o'clock a.m. Additionally, if approved, it would also allow any mini-distilleries, wineries or farm wineries in this county to offer complimentary samples for on premises consumption only beginning at ten o'clock a.m."

Yes  No

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

The ballots shall be counted, returns made and canvassed as in general elections and the results certified by the commissioners of election to the county commission. The county commission shall, without delay, certify the result of the election. Upon receipt of the results of the election, in the event a majority of the votes are marked "Yes" all applicable licensees shall be permitted prohibited to sell and dispense beer, wine or alcoholic liquors beginning at ten o'clock a.m. on Sundays. In the event a majority of the votes are marked "No" all applicable licensees will continue to be required to comply with existing law.

## CHAPTER 11. TAXATION.

### ARTICLE 16. NONINTOXICATING BEER.

#### §11-16-18. Unlawful acts of licensees; criminal penalties.

(a) It shall be unlawful:

(1) For any licensee, his, her, its or their servants, agents or employees to sell, give or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected ~~therewith~~, nonintoxicating beer or cooler on weekdays between the hours of two o'clock a.m. and seven o'clock a.m., or between the hours of two o'clock a.m. and one o'clock p.m., or a Class A retail dealer who sells nonintoxicating beer for on premises consumption only between the hours of two o'clock a.m. and ten o'clock a.m. in any county upon approval as provided for in section three-pp, article one, chapter seven of this code, on any Sunday, except in private clubs licensed under the provisions of article seven, chapter sixty of this code, where the hours shall conform with the hours of sale of alcoholic liquors;

(2) For any licensee, his, her, its or their servants, agents or employees to sell, furnish or give any nonintoxicating beer, as defined in this article, to any person visibly or noticeably

intoxicated or to any person known to be insane or known to be a habitual drunkard;

(3) For any licensee, his, her, its or their servants, agents or employees to sell, furnish or give any nonintoxicating beer as defined in this article to any person who is less than twenty-one years of age;

(4) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer as defined in this article, except for cash and no right of action shall exist to collect any claims for credit extended contrary to the provisions of this subdivision. Nothing herein contained ~~shall prohibit in this section~~ prohibits a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for the containers when title is retained by the vendor: *Provided*, That a distributor may accept an electronic transfer of funds if the transfer of funds is initiated by an irrevocable payment order on the invoiced amount for the nonintoxicating beer. The cost of the electronic fund transfer shall be borne by the retailer and the distributor ~~must~~ shall initiate the transfer no later than noon of one business day after the delivery;

(5) For any brewer or distributor or brew-pub or his, her, its or their agents to transport or deliver nonintoxicating beer as defined in this article to any retail licensee on Sunday;

(6) For any brewer or distributor to give, furnish, rent or sell any equipment, fixtures, signs or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail or to offer any prize, premium, gift or other similar inducement, except advertising matter of nominal value, to either trade or consumer buyers: *Provided*, That a distributor may offer, for sale or rent, tanks of carbonic gas. Nothing herein contained ~~shall prohibit in this section~~ prohibits a brewer from sponsoring any professional or amateur athletic event or from providing prizes or awards for participants and winners in any events: *Provided, however*, That no event shall be sponsored which permits actual participation by athletes or other

persons who are minors, unless specifically authorized by the commissioner;

(7) For any licensee to permit in his or her premises any lewd, immoral or improper entertainment, conduct or practice;

(8) For any licensee except the holder of a license to operate a private club issued under the provisions of article seven, chapter sixty of this code or a holder of a license or a private wine restaurant issued under the provisions of article eight of said chapter to possess a federal license, tax receipt or other permit entitling, authorizing or allowing the licensee to sell liquor or alcoholic drinks other than nonintoxicating beer;

(9) For any licensee to obstruct the view of the interior of his or her premises by enclosure, lattice, drapes or any means which would prevent plain view of the patrons occupying the premises. The interior of all licensed premises shall be adequately lighted at all times: *Provided*, That provisions of this subdivision do not apply to the premises of a Class B retailer, the premises of a private club licensed under the provisions of article seven, chapter sixty of this code or the premises of a private wine restaurant licensed under the provisions of article eight of said chapter;

(10) For any licensee to manufacture, import, sell, trade, barter, possess or acquiesce in the sale, possession or consumption of any alcoholic liquors on the premises covered by a license or on premises directly or indirectly used in connection ~~therewith~~ with it: *Provided*, That the prohibition contained in this subdivision with respect to the selling or possessing or to the acquiescence in the sale, possession or consumption of alcoholic liquors is not applicable with respect to the holder of a license to operate a private club issued under the provisions of article seven, chapter sixty of this code nor shall the prohibition be applicable to a private wine restaurant licensed under the provisions of article eight of said chapter insofar as the private wine restaurant is authorized to serve wine;

(11) For any retail licensee to sell or dispense nonintoxicating beer, as defined in this article, purchased or acquired from any

source other than a distributor, brewer or manufacturer licensed under the laws of this state;

(12) For any licensee to permit loud, boisterous or disorderly conduct of any kind upon his or her premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community ~~wherein~~ where the business is located: *Provided*, That no licensee may have in connection with his or her place of business any loudspeaker located on the outside of the licensed premises that broadcasts or carries music of any kind;

(13) For any person whose license has been revoked, as provided in this article, to obtain employment with any retailer within the period of one year from the date of the revocation, or for any retailer to knowingly employ that person within the specified time;

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

(15) For any licensee to knowingly permit any act to be done upon the licensed premises, the commission of which constitutes a crime under the laws of this state;

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

(17) For any Class A licensee, his, her, its or their servants, agents or employees, or for any licensee by or through any servants, agents or employees, to allow, suffer or permit any person less than eighteen years of age to loiter in or upon any licensed premises; except, however, that the provisions of this subdivision do not apply where a person under the age of eighteen years is in or upon the premises in the immediate company of his or her parent or parents, or where and while a person under the age of eighteen years is in or upon the premises for the purpose of and actually making a lawful purchase of any items or commodities therein sold, or for the purchase of and actually receiving any lawful service therein rendered, including the consumption of any item of food,

drink or soft drink therein lawfully prepared and served or sold for consumption on the premises;

(18) For any distributor to sell, offer for sale, distribute or deliver any nonintoxicating beer outside the territory assigned to any distributor by the brewer or manufacturer of nonintoxicating beer or to sell, offer for sale, distribute or deliver nonintoxicating beer to any retailer whose principal place of business or licensed premises is within the assigned territory of another distributor of such nonintoxicating beer: *Provided*, That nothing ~~herein~~ in this section is considered to prohibit sales of convenience between distributors licensed in this state ~~wherein~~ where one distributor sells, transfers or delivers to another distributor a particular brand or brands for sale at wholesale; and

(19) For any licensee or any agent, servant or employee of any licensee to knowingly violate any rule lawfully promulgated by the commissioner in accordance with the provisions of chapter twenty-nine-a of this code.

(b) Any person who violates any provision of this article including, but not limited to, any provision of this section, or any rule, or order lawfully promulgated by the commissioner, or who makes any false statement concerning any material fact in submitting application for license or for a renewal of a license or in any hearing concerning the revocation thereof, or who commits any of the acts herein declared to be unlawful is guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$25, nor more than \$500, or confined in the county or regional jail for not less than thirty days nor more than six months, or by both fine and confinement. Magistrates ~~shall~~ have concurrent jurisdiction with the circuit court and any other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under this article.

(c) (1) A Class B licensee that:

(A) Has installed a transaction scan device on its licensed premises; and



(B) Can demonstrate that it requires each employee, servant or agent to verify the age of any individual to whom nonintoxicating beer is sold, furnished or given away by the use of the transaction device may not be subject to: (i) Any criminal penalties whatsoever, including those set forth in subsection (b) of this section; (ii) any administrative penalties from the commissioner; or (iii) any civil liability whatsoever for the improper sale, furnishing or giving away of nonintoxicating beer to an individual who is less than twenty-one years of age by one of his or her employees, servants or agents. Any agent, servant or employee who has improperly sold, furnished or given away nonintoxicating beer to an individual less than twenty-one years of age is subject to the criminal penalties of subsection (b) of this section. Any agent, servant or employee who has improperly sold, furnished or given away nonintoxicating beer to an individual less than twenty-one years of age is subject to termination from employment, and the employer shall have no civil liability for the termination.

(2) For purposes of this section, a Class B licensee can demonstrate that it requires each employee, servant or agent to verify the age of any individual to whom nonintoxicating beer is sold by providing evidence: (A) That it has developed a written policy which requires each employee, servant or agent to verify the age of each individual to whom nonintoxicating beer will be sold, furnished or given away; (B) that it has communicated this policy to each employee, servant or agent; and (C) that it monitors the actions of its employees, servants or agents regarding the sale, furnishing or giving away of nonintoxicating beer and that it has taken corrective action for any discovered noncompliance with this policy.

(3) “Transaction scan” means the process by which a person checks, by means of a transaction scan device, the age and identity of the cardholder, and “transaction scan device” means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information enclosed on the magnetic strip or bar code of a driver’s license or other governmental identity card.

(d) Nothing in this article nor any rule or regulation of the commissioner shall prevent or be considered to prohibit any licensee from employing any person who is at least eighteen years of age to serve in the licensee's lawful employ, including the sale or delivery of nonintoxicating beer as defined in this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family-oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores and convenience stores, may employ persons who are less than eighteen years of age but at least sixteen years of age: *Provided*, That the person's duties may not include the sale or delivery of nonintoxicating beer or alcoholic liquors: *Provided, however*, That the authorization to employ persons under the age of eighteen years shall be clearly indicated on the licensee's license.

## CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

### ARTICLE 4. LICENSES.

#### **§60-4-3a. Distillery and mini-distillery license to manufacture and sell.**

(a) *Sales of liquor.* — An operator of a distillery or a mini-distillery may offer liquor for retail sale to customers from the distillery or the mini-distillery for consumption off premises only. Except for free complimentary samples offered pursuant to section one, article six of this chapter, customers are prohibited from consuming any liquor on the premises of the distillery or the mini-distillery: *Provided*, That a licensed distillery or mini-distillery may offer complimentary samples per this subsection of alcoholic liquors manufactured by that licensed distillery or mini-distillery for consumption on the premises only on Sundays beginning at ten o'clock a.m. in any county in which the same has been approved as provided for in section three-pp, article one, chapter seven of this code.

(b) *Retail sales.* — Every licensed distillery or mini-distillery shall comply with the provisions of sections nine, eleven, thirteen,

sixteen, seventeen, eighteen, nineteen, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six, article three-a of this chapter and the provisions of articles three and four of this chapter applicable to liquor retailers and distillers.

(c) *Payment of taxes and fees.* — The distillery or mini-distillery shall pay all taxes and fees required of licensed retailers and meet applicable licensing provisions as required by this chapter and by rule of the commissioner, except for payments of the wholesale markup percentage and the handling fee provided by rule of the commissioner: *Provided*, That all liquor for sale to customers from the distillery or the mini-distillery for off-premises consumption shall be subject of a five percent wholesale markup fee and an 80 cents per case bailment fee to be paid to the commissioner: *Provided, however*, That no liquor sold by the distillery or mini-distillery shall be priced less than the price set by the commissioner pursuant to section seventeen, article three-a of this chapter.

(d) *Payments to market zone retailers.* — Each distillery or mini-distillery shall submit to the commissioner two percent of the gross sales price of each retail liquor sale for the value of all sales at the distillery or the mini-distillery each month. This collection shall be distributed by the commissioner, at least quarterly, to each market zone retailer located in the distillery or mini-distillery's market zone, proportionate to each market zone retailer's annual gross prior years pretax value sales. The maximum amount of market zone payments that a distillery or mini-distillery shall be required to submit to the commissioner is \$15,000 per annum.

(e) *Limitations on licensees.* — No distillery or mini-distillery may sell more than three thousand gallons of product at the distillery or mini-distillery location the initial two years of licensure. The distillery or mini-distillery may increase sales at the distillery or mini-distillery location by two thousand gallons following the initial twenty-four-month period of licensure and may increase sales at the distillery or mini-distillery location each subsequent twenty-four-month period by two thousand gallons, not to exceed ten thousand gallons a year of total sales at the distillery or mini-distillery location. No licensed mini-distillery may produce more than fifty thousand gallons per calendar year at the mini-distillery location. No more than one distillery or mini-distillery

license may be issued to a single person or entity and no person may hold both a distillery and a mini-distillery license.

**§60-4-3b. Winery and farm winery license to manufacture and sell.**

(a) *Sales of wine.* — An operator of a winery or farm winery may offer wine produced by the winery or farm winery for retail sale to customers from the winery or farm winery for consumption off the premises only. Except for free complimentary samples offered pursuant to section one, article six of this chapter, customers are prohibited from consuming any wine on the premises of the winery or farm winery, unless such winery or farm winery has obtained a multicapacity winery or farm winery license: Provided, That a licensed winery or farm winery may offer complimentary samples per this subsection of wine manufactured by that licensed winery or farm winery for consumption on the premises only on Sundays beginning at ten o'clock a.m. in any county in which the same has been approved as provided in section three-pp, article one, chapter seven of this code.

(b) *Retail sales.* — Every licensed winery or farm winery shall comply with the provisions of articles three, four and eight of this chapter as applicable to wine retailers, wineries and suppliers when properly licensed in such capacities.

(c) *Payment of taxes and fees.* — The winery or farm winery shall pay all taxes and fees required of licensed wine retailers and meet applicable licensing provisions as required by this chapter and by rule of the commissioner. Each winery or farm winery acting as its own supplier shall submit to the Tax Commissioner the liter tax for all sales at the winery or farm winery each month, as provided in article eight of this chapter.

(d) *Advertising.* — A winery or farm winery may advertise a particular brand or brands of wine produced by it, and the price of the wine subject to federal requirements or restrictions.

(e) *Limitations on licensees.* — A winery or farm winery must maintain separate winery or farm winery supplier, retailer and

direct shipper licenses when acting in one or more of those capacities, and must pay all associated license fees, unless such winery or farm winery holds a license issued pursuant to the provisions of subdivision (12), subsection (b), section three, article eight of this chapter. A winery or farm winery, if holding the appropriate licenses or a multicapacity winery or farm winery license, may act as its own supplier; retailer for off-premises consumption of its wine as specified in section two, article six of this chapter; private wine restaurant; and direct shipper for wine produced by the winery or farm winery. All wineries must use a distributor to distribute and sell their wine in the state, except for farm wineries. No more than one winery or farm winery license may be issued to a single person or entity and no person may hold both a winery and a farm winery license.

## **ARTICLE 7. LICENSES TO PRIVATE CLUBS.**

### **§60-7-12. Certain acts of licensee prohibited; criminal penalties.**

(a) It is unlawful for any licensee, or agent, employee or member thereof, on such licensee's premises to:

(1) Sell or offer for sale any alcoholic liquors other than from the original package or container;

(2) Authorize or permit any disturbance of the peace; obscene, lewd, immoral or improper entertainment, conduct or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine or device in the nature of a slot machine;

(3) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating beer, wine or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine or alcoholic liquors on the licensee's premises, by any person less than twenty-one years of age;

(4) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating beer, wine or alcoholic liquors, for or to any person known to be deemed legally incompetent, or

for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give or dispense nonintoxicating beer, wine or alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, between the hours of three o'clock a.m. and one o'clock p.m., or, between the hours of three o'clock a.m. and ten o'clock a.m. in any county upon approval as provided for in section three-pp, article one, chapter seven of this code, on any Sunday;

(6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine or alcoholic liquors, covered by this article, to any person who is less than twenty-one years of age;

(7) With the intent to defraud, alter, change or misrepresent the quality, quantity or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues paying member in good standing of said private club or a guest of such member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium or nitrous oxide for purposes of human consumption except as authorized by the commissioner;

(10) (A) Employ any person who is less than eighteen years of age in a position where the primary responsibility for such employment is to sell, furnish or give nonintoxicating beer, wine or alcoholic liquors to any person;

(B) Employ any person who is between the ages of eighteen and twenty-one who is not directly supervised by a person aged twenty-one or over in a position where the primary responsibility for such employment is to sell, furnish or give nonintoxicating beer, wine or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) It is unlawful for any licensee to advertise in any news media or other means, outside of the licensee's premises, the fact that alcoholic liquors may be purchased thereat.

(c) Any person who violates any of the foregoing provisions is 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 for a period not to exceed one year, or both fined and imprisoned.

## **ARTICLE 8. SALE OF WINES.**

### **§60-8-34. When retail sales prohibited.**

It shall be unlawful for a retailer, farm winery, wine specialty shop retailer, private wine bed and breakfast, private wine restaurant or private wine spa licensee, his or her servants, agents or employees to sell or deliver wine between the hours of two o'clock a.m. and one o'clock p.m., or, it shall be unlawful for a winery, farm winery, private wine bed and breakfast, private wine restaurant or private wine spa, his or her servants, agents or employees to sell wine between the hours of two o'clock a.m. and ten o'clock a.m. in any county upon approval as provided for in section three-pp, article one, chapter seven of this code, on Sundays, or between the hours of two o'clock a.m. and seven o'clock a.m. on weekdays and Saturdays.

On motion of Senator Carmichael, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 298) 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 298**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3pp; to amend and reenact §11-16-18 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to regulation of alcoholic liquor, wine and nonintoxicating beer generally; allowing

county commissions to conduct a county option election on the question of whether to allow restaurants, private clubs, Class A retailers, wineries and wine serving entities to sell alcoholic liquors, wine and nonintoxicating beer as their licenses allow and distilleries and mini-distilleries to offer complimentary samples of alcohol beginning at 10:00 a.m. on Sundays for on-premises consumption only; and establishing publication requirements for providing notice of election.

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

Engrossed Committee Substitute for Senate Bill 298, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 298) 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 339,** Establishing Judicial Compensation Commission.



On motion of Senator Carmichael, 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 §4-2A-1, §4-2A-2 and §4-2A-3, all to read as follows:

**ARTICLE 2A. JUDICIAL COMPENSATION COMMISSION.**

**§4-2A-1. Judicial Compensation Commission established; membership.**

(a) The Judicial Compensation Commission is hereby established as an advisory commission to the West Virginia Legislature. The commission shall be responsible for studying the compensation structure for justices of the Supreme Court of Appeals, circuit court judges, family court judges, magistrates and any other judicial officer subject to election and which office requires the judge to hold a professional license to serve in that position. The commission shall also be responsible for determining and making recommendation as to the adequate compensation for those positions to ensure that highly qualified persons will be attracted to serve on the bench.

(b) The commission shall be comprised of the following five members:

(1) The Dean of the West Virginia University College of Law;

(2) Two individuals appointed by the President of the Senate; and

(3) Two individuals appointed by the Speaker of the House of Delegates.

(c) Any person appointed to serve on the commission pursuant to subdivisions (2) and (3), subsection (b) of this section shall serve for four years: *Provided*, That no public employee, elected public official, person receiving a pension from the State of West Virginia, member of the West Virginia State Bar or officer of a state or county political party executive committee established pursuant to W.Va. Code §3-1-9 may be appointed pursuant to subdivision (2) or (3) subsection (b) of this section to serve on the commission. The initial appointments to the commission shall be made by July 1, 2016. Upon expiration of any term, the person previously appointed shall continue to serve until his or her successor is duly appointed and qualified to serve on the commission.

(d) A member of the commission is not eligible for appointment to a state judicial position as long as he or she is serving as a member of the commission.

(e) The members of the commission shall serve without compensation but shall be reimbursed by the Joint Committee on Government and Finance for reasonable expenses incurred in carrying out the responsibilities of the commission. Commission members shall be reimbursed at the same rate established for public employees.

(f) In the event of a vacancy on the commission, the unexpired term shall be filled in the same manner used to make the original appointment within sixty days of the vacancy.

**§4-2A-2. Commission meetings; where held; how conducted.**

(a) The commission shall meet in Charleston, West Virginia, at the place and time designated by the chairperson with at least ten days' written notice to the members of the commission.

(b) The commission shall meet at the call of the chairperson or at the request of a majority of the members.

(c) For purposes of calling the first meeting, the Dean of the West Virginia University College of Law shall serve as the initial chairperson. At its first meeting, the members of the commission will select a chairperson. In the event that the member selected to

serve as chairperson ceases to be a member of the commission, the Dean of West Virginia University College of Law shall serve as the chairperson for purposes of calling the next meeting.

(d) A majority of the commission members shall constitute a quorum.

(e) The commission shall meet as often as is necessary to conduct a thorough review of judicial compensation and prepare the report and recommendations provided for in section three of this article.

(f) In furtherance of its duties, the commission may request staff assistance from the Joint Committee on Government and Finance. The Commission may additionally seek assistance and information from the administrative office of the Supreme Court of Appeals as may be necessary in the collection of data and research.

(g) All meetings of the commission and all business conducted by the commission shall be subject to the open meetings provisions of article nine-a, chapter six of this code.

#### **§4-2A-3. Judicial Compensation Commission reports and recommendations; legislative action.**

(a) During any time it is convened, the commission shall study the compensation structure for justices of the Supreme Court of Appeals, circuit court judges, family court judges, magistrates and any other judicial officer subject to election and which office requires the judge to hold a professional license to serve in that position for purposes of making a recommendation concerning appropriate compensation for those judicial officers.

(b) In recommending the appropriate salaries of the state's judicial officers, the commission shall consider the following factors:

(1) The skill and experience required of the particular judgeship at issue;

(2) The value of comparable service performed by justices and judges, as determined by reference to judicial compensation in other states and in the federal government;

(3) The value of comparable service performed in the private sector including, but not limited to, private judging, arbitration, and mediation;

(4) The compensation of attorneys in the private sector;

(5) The cost of living;

(6) The compensation presently received by other public officials in the state;

(7) The level of overall compensation adequate to attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve the judiciary without unreasonable hardship and with judicial independence unaffected by financial concerns; and

(8) Any other information the commission may find relevant in its mission to determine the appropriate compensation for the state's judicial officers.

(c) The commission shall prepare and submit its first report containing its recommendations no later than September 1, 2017. The commission shall then prepare and submit subsequent reports on or before September 1 of each year thereafter, except during those years that the commission is adjourned pursuant to the provisions of subsection (f) of this section.

(d) The commission shall send a copy of its recommendations to the Governor, the Joint Committee on Government and Finance, the Chief Justice of the Supreme Court of Appeals and the Administrative Director of the Supreme Court of Appeals.

(e) In the immediate legislative session following the year in which a recommendation is received from the commission, a bill adopting the salary recommendations made by the commission

may be introduced by the presiding officer in both the Senate and the House of Delegates.

(f) The commission shall continue to meet and prepare updated recommendations in accordance with the following schedule:

(1) If the bill introduced pursuant to subsection (e) of this section is enacted adopting the complete recommendations of the commission, the commission shall then be adjourned for three years from the effective date of the increase.

(2) If the bill introduced pursuant to subsection (e) of this section is not enacted or, if that bill is enacted, but adopts salaries less than those which were recommended by the commission, the commission shall continue to meet annually to prepare updated recommendations to provide to the parties identified in subsection (d) 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 339**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-2A-1, §4-2A-2 and §4-2A-3, all relating to establishing a judicial compensation commission; establishing as an advisory commission to the Legislature; setting responsibilities for commission; establishing membership of commission; setting terms of service for appointed members; setting eligibility requirements for certain commission members; providing that members of commission are ineligible for appointment to state judicial position while serving on commission; providing for reimbursement of expenses incurred in carrying out responsibilities of commission; providing for filling of vacancies on commission; giving commission authority to make salary recommendations for certain judicial officers to the Legislature; providing for location of commission meetings; setting meeting notice requirements; directing election of a chairperson; setting quorum requirements; permitting commission to request staff assistance from Joint

Committee on Government and Finance; permitting commission to request assistance and information from administrative office of Supreme Court of Appeals; requiring meetings be conducted pursuant to open meetings laws; directing commission to study compensation structure for certain judicial officers for purposes of preparing recommendations; setting forth required factors to be considered in making recommendations regarding compensation; establishing certain dates for preparation and submission of recommendations; providing for filing of commission reports and recommendations with certain offices and entities; allowing a bill enacting commission's salary recommendations to be introduced by the presiding officers of the Senate and House of Delegates in the legislative session following receipt of report; providing for continued study and preparation of recommendations by the commission if the recommendations are not adopted; and providing that commission be adjourned for three years if the complete recommendations of the commission are adopted by the Legislature.

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

Engrossed Committee Substitute for Senate Bill 339, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 339) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced that that body had refused to 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 343**, Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records.

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

Delegates Weld, McCuskey and Fleischauer.

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

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

Senators Trump, Ashley 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 the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Senate Bill 345**, Relating to parking on state-owned or leased property.

On motion of Senator Carmichael, 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 three-a, line forty-three, after the word “Fund” by inserting the words “created in the former section five, article four of this chapter”.

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

Engrossed 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 345) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 378**, Relating to truancy intervention.

On motion of Senator Carmichael, 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 §18-8-4 and §18-8-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

## **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

### **§18-8-4. Duties of attendance director and assistant directors; complaints, warrants and hearings.**

(a) The county attendance director and ~~the assistants~~ assistant directors shall diligently promote regular school attendance. The director and ~~assistants~~ assistant directors shall:

(1) Ascertain the reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age as defined under section one-a of this article; and

(2) Take ~~such~~ steps as that are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to do so; ~~and~~.

~~(3)~~ (b) For the purposes of this article, the following definitions ~~shall~~ apply:

~~(A)~~ (1) "Excused absence" ~~shall be defined to include~~ includes:

~~(i)~~(A) Personal illness or injury of the student, or in the family if the illness or injury limits a student from school attendance. A student shall provide written documentation from a medical provider stating the illness or injury precludes school attendance when a student's illness or injury caused that student to be absent for five or more consecutive days of school, or ten days in any ninety-day period: Provided, That excused absences caused by personal illness or injury of the student verified only by a note from a parent, guardian or custodian are limited to five in any one semester or ten in a school year. After a student has been absent for personal illness or injury five times in a semester or ten times in a

school year, any further absences shall be unexcused unless verified by a physician;

(B) Personal illness or injury of a member of the student's family who regularly resides with the student: *Provided*, That any absence lasting longer than two days pursuant to this paragraph shall not be considered excused unless written documentation is provided by a medical provider confirming that the student's absence from school is necessary for the ongoing care of the family member;

(ii)(C) A ~~Medical~~ medical or dental appointment with written excuse or documentation of the appointment from ~~physician or dentist~~ a medical or dental provider;

(iii)(D) A ~~Chronic~~ chronic medical condition or disability that impacts limits attendance, unless the chronic medical condition or disability can be reasonably accommodated by the school, and the school has apprised the student and his parent, guardian or custodian of the accommodation. A student claiming that his or her chronic medical condition or disability limits his or her attendance at school shall provide a written excuse or documentation from a medical provider documenting that the chronic medical condition or disability. Upon reaching the requisite number of absences to constitute a chronic medical condition, the student's parent, guardian or custodian shall contact the school to ascertain if reasonable accommodation can be made to allow the student to attend school. For the purposes of this paragraph, a chronic medical condition or disability is a medical condition or disability that causes the student to be absent for five or more consecutive days or ten days or more in any ninety-day period;

(iv)(E) Participation in home or hospital instruction due to an illness or injury or other extraordinary circumstance ~~that~~ warrants home or hospital confinement;

(v)(F) A ~~Calamity~~ calamity, such as a fire or flood;

(vi)(G) A ~~Death~~ death in the student's immediate family. As used in this paragraph "immediate family" means mother, father,

aunt, uncle, siblings, grandparents, guardian, custodian or a family member residing in the child's home. An excused absence under this paragraph is limited to five days;

~~(vii)~~(H) School-approved or county-approved curricular or extra-curricular activities;

~~(viii)~~(I) A Judicial judicial obligation or court appearance involving the student, if supported by written documentation from an attorney, probation officer, judge, magistrate or Department of Health and Human Resources worker;

~~(ix)~~(J) A Military military requirement for students enlisted or enlisting in the military;

~~(x)~~(K) Personal or academic circumstances approved by the principal;

(L) Absence due to a religious holiday; and

~~(xi)~~(M) Such Any other situations as may be further determined by the county board: *Provided*, That handling of absences of students with disabilities shall be in accordance consistent with the Individuals with Disabilities Education Improvement Act of 2004 and—the federal and state regulations and rules adopted in compliance therewith with the act: *Provided, however*, That a school principal, with the approval of the county superintendent of schools, may authorize that an unexcused absence be determined an excused absence based on all of the specific facts and circumstances, including without limitation, some or all unexcused absences prior to return of a student who has dropped out of school after the student attained the age for which school attendance was no longer mandatory.

~~(B)~~(2) An “Unexcused unexcused absence” shall be is any absence not specifically included in the definition of “excused absence”.

~~(b) In the case of three total unexcused absences of a student during a school year, the attendance director or assistant shall serve~~

~~written notice to the parent, guardian or custodian of the student that the attendance of the student at school is required and that if the student has five unexcused absences, a conference with the principal or other designated representative will be required.~~

(c) In order for the absence to be excused, the student or his or her parent, guardian or custodian shall supply the written excuses or documentation to the person at the student's school designated to receive the excuses or documentation within five days after returning to school from the absence.

(d) For purposes of this section, a student's illness, injury or chronic medical condition is reasonably accommodated if the school provides necessary and appropriate adjustments to school practices which allow the student's attendance while ensuring the student's health and safety and that of his or her fellow students.

(e) In the case that five days have passed from the end of an absence totaling, or bringing the student to three unexcused absences during a school year, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that the attendance of the student at the school is required, and that if the student has five unexcused absences, a conference with the principal or other designated representative will be required: *Provided, That if the unexcused absences total five, or more days the school may disregard this subsection and serve notice of the meeting as provided in subsection (f).*

~~(e)~~ (f) In the case of five total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian or custodian of the student that within five days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal or other designated representative of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based upon ~~such~~ the meeting.

~~(d)~~(g) In the case of ten total unexcused absences of a student during a school year, the attendance director or assistant directors shall make a complaint against the parent, guardian or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within ten calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed. ~~or until the end of the school term during which the complaint is made, whichever is later.~~

~~(e)~~(h) The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in section eight, article one, chapter fifty of this code, shall assign the case to a magistrate within ten days of execution of the summons or warrant. The hearing shall be held within twenty days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten days' advance notice of the date, time and place of the hearing.

~~(f)~~(i) When any doubt exists as to the age of a student absent from school, the attendance director and ~~assistants have authority to~~ assistant directors may require a properly attested birth certificate or an affidavit from the parent, guardian or custodian of the student, stating the age of the student. In the performance of his or her duties, the county attendance director and ~~assistants have authority to~~ assistant directors may take without warrant any student absent from school in violation of the provisions of this article and ~~to~~ place the student in the school in which he or she is or should be enrolled.

~~(g)~~(j) The county attendance director and ~~assistants~~ assistant directors shall devote such time as is required by section three of this article to the duties of attendance director in accordance with

this section during the instructional term and at such other times as the duties of an attendance director are required. All attendance directors and ~~assistants~~ assistant directors hired for more than two hundred days may be assigned other duties determined by the superintendent during the period in excess of two hundred days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

~~(h)~~(k) In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant directors also shall perform the following duties:

(1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;

(2) Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible nonenrollees;

(3) Cooperate with existing state and federal agencies charged with enforcing child labor laws;

(4) Prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance, at ~~such~~ the times and in ~~such~~ the required detail ~~as may be required~~. The state board shall promulgate a legislative rule pursuant to article three-b, chapter twenty-nine-a of this code that sets forth student absences that are excluded for accountability purposes. The absences that are excluded by the rule include, but are not limited to, excused student absences, students not in attendance due to disciplinary measures and absent students for whom the attendance director has pursued judicial remedies to compel attendance to the extent of his or her authority. The attendance director shall file with the county superintendent and county board at the close of each month a report showing activities of the school attendance office and the status of attendance in the county at the time;

(5) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for

publication through school bulletins and the press, or in ~~such~~ the manner as directed by the county superintendent ~~may direct~~;

(6) Participate in school teachers' conferences with parents and students;

(7) Assist in ~~such any~~ other ~~ways way~~ as directed by the county superintendent ~~may direct~~ for improving school attendance;

(8) Make home visits of students who have excessive unexcused absences, as provided ~~above~~ in this section, or if requested by the chief administrator, principal or assistant principal; and

(9) Serve as the liaison for homeless children and youth.

~~§18-8-8. Child suspended for failure to comply with requirements and regulations treated as unlawfully absent.~~

**§18-8-8. Effect of school suspension on enforcement of the provisions of this article.**

~~If a child be suspended from school because of improper conduct or refusal of such child to comply with the requirements of the school, the school shall immediately notify the county superintendent of such suspension, and specify the time or conditions of such suspension. Further admission of the child to school may be refused until such requirements and regulations be complied with. Any such child shall be treated by the school as being unlawfully absent from the school during the time he or she refuses to comply with such requirements and regulations, and any person having legal or actual control of such child shall be liable to prosecution under the provisions of this article for the absence of such child from school: *Provided*, That the county board of education does not exclude or expel the suspended child from school.~~

(a) When a child is absent from school due to a suspension, absences are excused because a condition determined by the school and placed upon the child.;

And,

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

**Eng. Com. Sub. for Senate Bill 378**—A Bill to amend and reenact §18-8-4 and §18-8-8 of the Code of West Virginia, 1931, as amended, all relating generally to truancy intervention; expanding definition of excused absence; exempting absences for chronic medical condition or disability which may be reasonably accommodated by the school; requiring parent to request reasonable accommodation; defining “chronic medical condition or disability”; requiring written excuses or documentation from a medical provider in certain cases; limiting number of days which may be excused absences; defining “immediate family”; requiring verification of absence for judicial obligation or court appearance; allowing principal to authorize excused absences for other reason or for longer periods of time with the approval of the county superintendent; removing notice requirement after three days absence; requiring written excuses or documentation to be submitted within certain time frame; defining the term “reasonable accommodation”; requiring written notice in the case that five days have passed from absence totaling or bringing a student to three unexcused absences and providing that such notice can be disregarded in favor of other written notice if unexcused absences total five or more days; and modifying the effect of student suspensions to reflect that absences due to suspension are excused.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. 378) 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 amendments, as to



**Eng. Senate Bill 431**, Authorizing pharmacists and pharmacy interns dispense opioid antagonists.

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

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

On page four, section six, line five, after the word “Accountability” by inserting a comma and the words “Joint Committee on Health”;

And,

On page five, section six, line thirty-four, after the word “accountability” by inserting a comma and the words “Joint Committee on Health”.

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

Engrossed Senate Bill 431, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 431) passed with its title.

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

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 454**, Licensing and regulating medication-assisted treatment programs for substance use disorders.

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

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

On page seventeen, section four, after line one hundred nine, by inserting a new subsection, designated subsection (cc), to read as follows:

(cc) “Telehealth” means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient’s health care while the patient is at the originating site and the health care provider is at a distant site.;

And by relettering the remaining the subsections;

On page twenty-eight, section five, line one hundred sixteen, after the word “profiles” by inserting the words “or treatment strategies”;

On page twenty-nine, section five, line one hundred fifty-five, by striking out the word “and”;

On page thirty, section five, line one hundred sixty-four, after the word “medication” by changing the period to a semicolon and inserting the following: and

(7) The medication-assisted treatment program shall have a drug testing program to ensure a patient is in compliance with the treatment strategy.;

On page thirty, section five, after line one hundred seventy, by inserting the following:

(p) If a physician treats a patient with more than sixteen milligrams per day of buprenorphine then clear medical notes shall be placed in the patient's medical file indicating the clinical reason or reasons for the higher level of dosage.

(q) If a physician is not the patient's obstetrical or gynecological provider, the physician shall consult with the patient's obstetrical or gynecological provider to the extent possible to determine whether the prescription is appropriate for the patient.

(r) A practitioner providing medication-assisted treatment may perform certain aspects telehealth if permitted under his or her scope of practice.

(s) The physician shall follow the recommended manufacturer's tapering schedule for the medication assisted treatment medication. If the schedule is not followed, the physician shall document in the patient's medical record and the clinical reason why the schedule was not followed. The secretary may investigate a medication-assisted treatment program if a high percentage of its patients are not following the recommended tapering schedule.;

On page thirty-four, section eight, line nine, by striking out the word "shall" and inserting in lieu thereof the word "may";

On page forty-one, section four, after line thirty-eight, after the period by inserting a new subsection, designated subsection (e), to read as follows:

(e) 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 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.;

On page fifty, section eight, line twelve, after the word “article.” by inserting the following: There is created within the Office of the Secretary of the Department of Health and Human Resources the Grant Writer Pilot Project. The Secretary shall hire a person as a grant writer, who shall be placed within the Office of the Secretary. This person shall identify, application and monitoring policies and procedures to increase grant applications and improve management and oversight of grants. The grant writer shall focus his or her abilities on obtaining grants concerning the prevention and treatment of substance abuse. The grant writer is not eligible for civil service. The department shall report to the Legislative Oversight Commission on Health and Human Resources Accountability on the implementation of the new grant policy; the number of grants obtained; and an analysis examining the costs associated with obtaining a grant verses the federal money received.;

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 454**—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §16-5Y-1, §16-5Y-2, §16-5Y-3, §16-5Y-4, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, §16-5Y-9, §16-5Y-10, §16-5Y-11, §16-5Y-12 and §16-5Y-13; and to amend and reenact §60A-9-4, §60A-9-5, §60A-9-5a, §60A-9-7 and §60A-9-8 of said code, all relating to regulation of medication-assisted treatment programs for substance use disorders; repealing regulation of opioid treatment programs; setting out purpose; providing definitions; creating licenses for opioid treatment programs; creating categories of licenses; setting out licensing requirements; providing for registration of office-based medication-assisted programs; providing for application, fees and inspections of office-based

medication-assisted programs; setting operational requirements for medication-assisted treatment programs; providing for a program sponsor and medical director; setting forth staffing requirements; providing for regulation by Office of Health Facility Licensure and Certification; designating necessity for a medical director; prescribing minimum qualifications for a medical director; allowing enrollment as a Medicaid provider; providing billing requirements; setting forth minimum certification requirements; mandating state and federal criminal background checks; designating who may prescribe and dispense medication-assisted treatment medications; setting certain minimum practice standards for any medication-assisted treatment program providing medication-assisted treatment medications; permitting the use of telehealth; requiring the Board of Pharmacy to make certain notifications; requiring the medication-assisted treatment program to have a drug testing program; requiring certain information be reported in the patients; medical record; setting certain minimum patient treatment standards for any medication-assisted treatment program; providing medication-assisted treatment medications; requiring review of the West Virginia Controlled Substances Monitoring Program database for each patient at least quarterly; setting compliance requirements for a medication-assisted treatment program; providing for patient protocols, treatment plans and profiles; allowing liquid methadone to be provided as allowed by legislative rule; setting notification requirements of operation changes; restricting location of medication-assisted treatment programs; allowing for waivers from certain standards; allowing for variances from certain standards; permitting inspection warrants; providing for an administrative review; providing an appeal process; allowing civil monetary penalties; designating license limitations for deviation for accepted practice or patient treatment standards; permitting the secretary to promulgate rules; permitting the secretary to promulgate emergency rules; providing advertisement requirements; continuing the moratorium on new opioid treatment programs; establishing state authority for medication-assisted treatment programs; establishing state oversight authority for medication-assisted treatment programs; mandating data collection; granting Office of Health Facility Licensure and Certification access to the West Virginia Controlled

Substances Monitoring Program database for use in regulation of health facilities; requiring reporting when an opioid antagonist is dispensed by certain persons; clarifying statutory language related to seventy-two hour prescriptions; prohibiting licensing boards from issuing or reissuing licenses to practitioners who have not registered for the West Virginia Controlled Substances Monitoring Program database; establishing a civil penalties; providing exceptions to penalties; clarifying language related to the Fight Substance Abuse Fund; placing administrative authority over the Fight Substance Abuse Fund with the Bureau for Public Health; revising statutory language to use defined terms; reorganizing existing language; and creating a pilot program.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 454) and requested the House of Delegates to recede therefrom.

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

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

**Eng. Senate Bill 476**, Relating to driving restrictions in school zones.

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 517**, Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner.

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

**Eng. Senate Bill 563**, Increasing retirement benefit multiplier for WV Emergency Medical Services Retirement System members.

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 588**, Repealing certain obsolete legislative rules by Department of Transportation.

On motion of Senator Carmichael, 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 §64-8-4, to read as follows:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF  
TRANSPORTATION TO PROMULGATE  
LEGISLATIVE RULES.**

**§64-8-4. Division of Motor Vehicles.**

(a) The legislative rule effective on January 1, 1964, authorized under the authority of section twelve, article two, chapter seventeen-a of this code, relating to the Division of Motor Vehicles (rules and regulations, 91 CSR 2), is repealed.

(b) The legislative rule effective on October 24, 1971, authorized under the authority of section nine, article two, chapter seventeen-a of this code, relating to the Division of Motor Vehicles (special permits, 91 CSR 7), is repealed.

(c) The legislative rule effective on May 4, 1984, authorized under the authority of section three, article five-a, chapter

seventeen-c of this code, relating to the Division of Motor Vehicles (safety and treatment program, 91 CSR 15), is repealed.

(d) The procedural rule effective on July 9, 1984, authorized under the authority of section nine, article two, chapter seventeen-a of this code, relating to the Division of Motor Vehicles (dealer and financial institution applicant or licensee administrative hearings, 91 CSR 17), is repealed.

(e) The legislative rule effective on June 12, 1987, authorized under the authority of section nine, article two, chapter seventeen-a of this code, relating to the Division of Motor Vehicles (seizure of driver's license, issuance of the temporary driver's license, 91 CSR 20), is repealed.

(f) The legislative rule effective on June 12, 1987, authorized under the authority of section nine, article two, chapter seventeen-a of this code, relating to the Division of Motor Vehicles (Federal Safety Standards Inspection Program, 91 CSR 21), is repealed.

(g) The interpretive rule effective on September 23, 1988, authorized under the authority of section nine, article two, chapter seventeen-a, relating to the Division of Motor Vehicles (dealer issuance of temporary registration plates, 91 CSR 18), is repealed.;

And,

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

**Eng. Senate Bill 588**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §64-8-4, relating generally to repealing certain legislative, procedural and interpretive rules promulgated by certain agencies under the Department of Transportation; repealing certain legislative, procedural or interpretive rules promulgated by certain agencies, boards and commissions which are no longer authorized or are obsolete; repealing the Division of Motor Vehicles legislative rule relating to rules and regulations; repealing the Division of Motor Vehicles legislative rule relating to special



permits; repealing the Division of Motor Vehicles legislative rule relating to a safety and treatment program; repealing the Division of Motor Vehicles procedural rule relating to dealer and financial institution applicant or licensee administrative hearings; repealing the Division of Motor Vehicles legislative rule relating to seizure of driver's license, issuance of the temporary driver's license; repealing the Division of Motor Vehicles legislative rule relating to the Federal Safety Standards Inspection Program; and repealing the Division of Motor Vehicles interpretive rule relating to dealer issuance of temporary registration plates.

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

Engrossed Senate Bill 588, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 588) passed with its House of Delegates amended title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 588) 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, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 591**, Relating to voter registration list maintenance and combined voter registration and driver licensing fund.

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 599**, Relating generally to Uniform Unclaimed Property Act.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2016, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 602**, Relating to Patient Injury Compensation Fund.

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

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

On page six, section one-a, line twenty-eight, after the word “which” by inserting the words “physicians or”;

On page seven, section one-a, line forty-two, after the word “levied” by inserting the words “by the Board of Risk and Insurance Management”;

On page seven, section one-a, line forty-four, after the word “Registry.” by striking out the remainder of the subsection and inserting in lieu thereof the following:

Beginning July 1, 2016, and annually thereafter until June 30, 2020, the Board of Risk and Insurance Management shall assess each trauma center for trauma patients treated from January 1 to December 31 of the previous year: *Provided*, That the assessment to be collected by the Board of Risk and Insurance Management on June 30, 2017 shall be based on each trauma patient treated from January 1, 2016 to December 31, 2016.;

On page thirteen, section nine-c, line sixteen, by striking out the word “suffers” and inserting in lieu thereof a comma and the words “as a result of an injury suffered prior to or after said date, suffers or has suffered”;

And,

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

**Eng. Com. Sub. for Senate Bill 602**—A Bill to amend and reenact §29-12B-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-12D-1 and §29-12D-3 of said code; to amend said code by adding thereto a new section, designated §29-12D-1a; to amend and reenact §55-7B-9 and §55-7B-9c of said code; and to amend and reenact §59-1-11 and §59-1-28a of said code, all relating generally to the Patient Injury Compensation Fund; transferring funds from Medical Liability Fund to Patient Injury Compensation Fund and thereafter closing Medical Liability Fund; prohibiting direct recovery of legal fees from Patient Injury Compensation Fund; providing that fund may not compensate claimants who have not filed a claim with the fund

before July 1, 2016; imposing an assessment on medical licenses; providing exceptions to assessment on medical licenses; prohibiting granting or renewal of medical license for failure to pay assessment; imposing an assessment on trauma centers based upon the number of patients treated; imposing an assessment on claims filed under the Medical Professional Liability Act; defining “qualifying claim”; establishing a date for purposes of determining applicability of section; directing entities collecting assessments to remit payment to Board of Risk and Insurance Management; setting schedule for remittance of payments to Board of Risk and Insurance Management; providing for termination of assessments upon certain deadlines being met; limiting authority of court reviewing an award from the board to approval or disapproval of final award; clarifying authority of Board of Risk and Insurance Management make periodic payments or place claims in nonpayment status in its discretion; permitting trier of fact to consider fault of all alleged parties, including fault of persons who have settled claims with plaintiff arising out of same medical injury, in assessing percentages of fault; clarifying manner in which damages are to be determined with respect to each defendant for purposes of entering judgment when there is no pre-verdict settlement; providing for limit on liability for economic damages in causes of actions against a trauma facility to be adjusted for inflation annually beginning January 1, 2016; setting limit on inflation increase; authorizing plaintiff who, as a result of an injury suffered prior to or after July 1, 2016, suffers or has suffered economic damages in excess of limit of liability to collect economic damages up to an additional \$1 million; clarifying that additional economic liability limit is not subject to inflation; providing that a claimant’s attorney fees may not be paid out of the fund; providing that several liability applies in all cases under the Medical Professional Liability Act; increasing filing fee for causes of action under the Medical Professional Liability Act; and directing clerk of court to deposit a portion of the filing fee into Patient Injury Compensation Fund.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendments to 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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.

Senator Carmichael moved that the bill take effect July 1, 2016.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 602) takes effect July 1, 2016.

*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, 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 601**, Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities.

On motion of Senator Carmichael, 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 §22-15-2 and §22-15-10 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 §24-2-1L, all to read as follows:

## **CHAPTER 22. ENVIRONMENTAL RESOURCES.**

### **ARTICLE 15. SOLID WASTE MANAGEMENT ACT.**

#### **§22-15-2. Definitions.**

Unless the context clearly requires a different meaning, as used in this article the terms:

(1) “Agronomic rate” means the whole sewage sludge application rate, by dry weight, designed:

(A) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop or vegetation on the land; and

(B) To minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

(2) “Applicant” means the person applying for a commercial solid waste facility permit or similar renewal permit and any person

related to such person by virtue of common ownership, common management or family relationships as the director may specify, including the following: Spouses, parents and children and siblings.

(3) “Approved solid waste facility” means a solid waste facility or practice which has a valid permit under this article.

(4) “Back hauling” means the practice of using the same container to transport solid waste and to transport any substance or material used as food by humans, animals raised for human consumption or reusable item which may be refilled with any substance or material used as food by humans.

(5) “Bulking agent” means any material mixed and composted with sewage sludge.

(6) “Class A facility” means a commercial solid waste facility which handles an aggregate of between ten thousand and thirty thousand tons of solid waste per month. Class A facility includes two or more Class B solid waste landfills owned or operated by the same person in the same county, if the aggregate tons of solid waste handled per month by such landfills exceeds nine thousand nine hundred ninety-nine tons of solid waste per month.

(7) “Commercial recycler” means any person, corporation or business entity whose operation involves the mechanical separation of materials for the purpose of reselling or recycling at least seventy percent by weight of the materials coming into the commercial recycling facility.

(8) “Commercial solid waste facility” means any solid waste facility which accepts solid waste generated by sources other than the owner or operator of the facility and does not include an approved solid waste facility owned and operated by a person for the sole purpose of the disposal, processing or composting of solid wastes created by that person or such person and other persons on a cost-sharing or nonprofit basis and does not include land upon which reused or recycled materials are legitimately applied for structural fill, road base, mine reclamation and similar applications.

(9) “Compost” means a humus-like material resulting from aerobic, microbial, thermophilic decomposition of organic materials.

(10) “Composting” means the aerobic, microbial, thermophilic decomposition of natural constituents of solid waste to produce a stable, humus-like material.

(11) “Commercial composting facility” means any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not include a composting facility owned and operated by a person for the sole purpose of composting waste created by that person or such person and other persons on a cost-sharing or nonprofit basis and shall not include land upon which finished or matured compost is applied for use as a soil amendment or conditioner.

(12) “Cured compost” or “finished compost” means compost which has a very low microbial or decomposition rate which will not reheat or cause odors when put into storage and that has been put through a separate aerated curing cycle stage of thirty to sixty days after an initial composting cycle or compost which meets all regulatory requirements after the initial composting cycle.

(13) “Department” means the Department of Environmental Protection.

(14) “Energy recovery incinerator” means any solid waste facility at which solid wastes are incinerated with the intention of using the resulting energy for the generation of steam, electricity or any other use not specified herein.

(15) “Incineration technologies” means any technology that uses controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials, regardless of whether the purpose is processing, disposal, electric or steam generation or any other method by which solid waste is incinerated.



(16) “Incinerator” means an enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

(17) “Landfill” means any solid waste facility for the disposal of solid waste on or in the land for the purpose of permanent disposal. Such facility is situated, for purposes of this article, in the county where the majority of the spatial area of such facility is located.

(18) “Materials recovery facility” means any solid waste facility at which source-separated materials or materials recovered through a mixed waste processing facility are manually or mechanically shredded or separated for purposes of reuse and recycling, but does not include a composting facility.

(19) “Mature compost” means compost which has been produced in an aerobic, microbial, thermophilic manner and does not exhibit phytotoxic effects.

(20) “Mixed solid waste” means solid waste from which materials sought to be reused or recycled have not been source-separated from general solid waste.

(21) “Mixed waste processing facility” means any solid waste facility at which materials are recovered from mixed solid waste through manual or mechanical means for purposes of reuse, recycling or composting.

(22) “Municipal solid waste incineration” means the burning of any solid waste collected by any municipal or residential solid waste disposal company.

(23) “Open dump” means any solid waste disposal which does not have a permit under this article, or is in violation of state law, or where solid waste is disposed in a manner that does not protect the environment.

(24) “Person” or “persons” means any industrial user, public or private corporation, institution, association, firm or company organized or existing under the laws of this or any other state or country; State of West Virginia; governmental agency, including federal facilities; political subdivision; county commission; municipal corporation; industry; sanitary district; public service district; drainage district; soil conservation district; watershed improvement district; partnership; trust; estate; person or individual; group of persons or individuals acting individually or as a group; or any legal entity whatever.

(25) “Publicly owned treatment works” means any treatment works owned by the state or any political subdivision thereof, any municipality or any other public entity which processes raw domestic, industrial or municipal sewage by any artificial or natural processes in order to remove or so alter constituents as to render the waste less offensive or dangerous to the public health, comfort or property of any of the inhabitants of this state before the discharge of the plant effluent into any of the waters of this state, and which produces sewage sludge.

(26) “Recycling facility” means any solid waste facility for the purpose of recycling at which neither land disposal nor biological, chemical or thermal transformation of solid waste occurs: *Provided*, That mixed waste recovery facilities, sludge processing facilities and composting facilities are not considered recycling facilities nor considered to be reusing or recycling solid waste within the meaning of this article, article fifteen-a of this chapter and article four, chapter twenty-two-c of this code.

(27) “Sewage sludge” means solid, semisolid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage, scum or solids removed in primary, secondary or advanced wastewater treatment processes and a material derived from sewage sludge. “Sewage sludge” does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator.

(28) “Secretary” means the Secretary of the Department of Environmental Protection or such other person to whom the

Secretary has delegated authority or duties pursuant to article one of this chapter.

(29) “Sewage sludge processing facility” is a solid waste facility that processes sewage sludge for: (A) Land application; (B) incineration; or (C) disposal at an approved landfill. Such processes include, but are not limited to, composting, lime stabilization, thermophilic, microbial and anaerobic digestion.

(30) “Sludge” means any solid, semisolid, residue or precipitate, separated from or created by a municipal, commercial or industrial waste treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar origin.

(31) “Solid waste” means any garbage, paper, litter, refuse, cans, bottles, waste processed for the express purpose of incineration; sludge from a waste treatment plant; water supply treatment plant or air pollution control facility; and other discarded materials, including offensive or unsightly matter, solid, liquid, semisolid or contained liquid or gaseous material resulting from industrial, commercial, mining or community activities but does not include solid or dissolved material in sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources and have permits under article five-a of this chapter, or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, including any nuclear or byproduct material considered by federal standards to be below regulatory concern, or a hazardous waste either identified or listed under article five-e of this chapter or refuse, slurry, overburden or other wastes or material resulting from coal-fired electric power or steam generation, the exploration, development, production, storage and recovery of coal, oil and gas and other mineral resources placed or disposed of at a facility which is regulated under chapter twenty-two, twenty-two-a or twenty-two-b of this code, so long as placement or disposal is in conformance with a permit issued pursuant to such chapters.

(32) “Solid waste disposal” means the practice of disposing of solid waste including placing, depositing, dumping or throwing or causing any solid waste to be placed, deposited, dumped or thrown.

(33) “Solid waste disposal shed” means the geographical area which the solid waste management board designates and files in the state register pursuant to section eight, article twenty-six, chapter sixteen of this code.

(34) “Solid waste facility” means any system, facility, land, contiguous land, improvements on the land, structures or other appurtenances or methods used for processing, recycling or disposing of solid waste, including landfills, transfer stations, materials recovery facilities, mixed waste processing facilities, sewage sludge processing facilities, commercial composting facilities and other such facilities not herein specified, but not including land upon which sewage sludge is applied in accordance with section twenty of this article. Such facility shall be deemed to be situated, for purposes of this article, in the county where the majority of the spatial area of such facility is located: *Provided*, That a salvage yard, licensed and regulated pursuant to the terms of article twenty-three, chapter seventeen of this code, is not a solid waste facility.

(35) “Solid waste facility operator” means any person or persons possessing or exercising operational, managerial or financial control over a commercial solid waste facility, whether or not such person holds a certificate of convenience and necessity or a permit for such facility.

(36) “Source-separated materials” means materials separated from general solid waste at the point of origin for the purpose of reuse and recycling but does not mean sewage sludge.

**§22-15-10. Prohibitions; permits required.**

(a) Open dumps are prohibited and it is unlawful for any person to create, contribute to or operate an open dump or for any landowner to allow an open dump to exist on the landowner’s property unless that open dump is under a compliance schedule approved by the director. Such compliance schedule shall contain an enforceable sequence of actions leading to compliance and shall not exceed two years. Open dumps operated prior to the first day of April, one thousand nine hundred eighty-eight, by a landowner

or tenant for the disposal of solid waste generated by the landowner or tenant at his or her residence or farm are not a violation of this section if such open dump did not constitute a violation of law on the first day of January, one thousand nine hundred eighty-eight, and unauthorized dumps which were created by unknown persons do not constitute a violation of this section: *Provided*, That no person may contribute additional solid waste to any such dump after the first day of April, one thousand nine hundred eighty-eight, except that the owners of the land on which unauthorized dumps have been or are being made are not liable for such unauthorized dumping unless such landowners refuse to cooperate with the division in stopping such unauthorized dumping.

(b) It is unlawful for any person, unless the person holds a valid permit from the division to install, establish, construct, modify, operate or abandon any solid waste facility. All approved solid waste facilities shall be installed, established, constructed, modified, operated or abandoned in accordance with this article, plans, specifications, orders, instructions and rules in effect.

(c) Any permit issued under this article shall be issued in compliance with the requirements of this article, its rules and article eleven of this chapter and the rules promulgated thereunder, so that only a single permit is required of a solid waste facility under these two articles. Each permit issued under this article shall have a fixed term not to exceed five years: *Provided*, That the director may administratively extend a permit beyond its five-year term if the approved solid waste facility is in compliance with this article, its rules and article eleven of this chapter and the rules promulgated thereunder: *Provided, however*, That such administrative extension may not be for more than one year. Upon expiration of a permit, renewal permits may be issued in compliance with rules promulgated by the director.

(d) For existing solid waste facilities which formerly held division of health permits which expired by law and for which complete permit applications for new permits pursuant to this article were submitted as required by law, the division may enter an administrative order to govern solid waste activities at such facilities, which may include a compliance schedule, consistent

with the requirements of the division's solid waste management rules, to be effective until final action is taken to issue or deny a permit for such facility pursuant to this article, or until further order of the division.

(e) No person may dispose in the state of any solid waste in a manner which endangers the environment or the public health, safety or welfare as determined by the director: *Provided*, That the carcasses of dead animals may be disposed of in any solid waste facility or in any other manner as provided for in this code. Upon request by the director, the commissioner of the bureau of public health shall provide technical advice concerning the disposal of solid waste or carcasses of dead animals within the state.

(f) A commercial solid waste facility shall not discriminate in favor of or against the receipt of any waste otherwise eligible for disposal at the facility based on its geographic origin.

(g) In addition to all the requirements of this article and the rules promulgated hereunder, a permit to construct a new commercial solid waste facility or to expand the spatial area of an existing facility, may not be issued unless the public service commission has granted a certificate of need, as provided in section one-c, article two, chapter twenty-four of this code. If the director approves a permit or permit modification, the certificate of need shall become a part of the permit and all conditions contained in the certificate of need shall be conditions of the permit and may be enforced by the division in accordance with the provisions of this article. If the director approves a permit or permit modification, the certificate of need shall become a part of the permit and all conditions contained in the certificate of need shall be conditions of the permit and may be enforced by the division in accordance with the provisions of this article: *Provided, That the provisions of this subsection do not apply to materials recovery facilities or mixed waste processing facilities as defined by chapter twenty-two, article fifteen, section two of this code, except within a thirty-five mile radius of a facility sited in a karst geological region and which has been permitted by the West Virginia Department of Environmental Protection as a mixed waste processing facility and has received a certificate of need by July 1, 2016.*

(h) The director shall promulgate legislative rules pursuant to article three, chapter twenty-nine-a of this code which reflect the purposes as set forth in this section.

## CHAPTER 24. PUBLIC SERVICE COMMISSION.

### ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

#### §24-2-1L. Commission jurisdiction does not extend to materials recovery facilities, mixed waste processing facilities, and oil and natural gas solid waste disposal.

Notwithstanding any other provision of this code, the jurisdiction of the commission does not extend to materials recovery facilities or mixed waste processing facilities as defined by chapter twenty-two, article fifteen, section two of this code, except within a thirty-five mile radius of a facility sited in a county that is, in whole or in part, within a karst region as determined by the West Virginia Geologic and Economic Survey that has been permitted and classified by the WVDEP as a mixed waste processing resource recovery facility and has received a certificate of need by July 1, 2016: *Provided*, that nothing in this chapter shall affect the requirements of section five, article two and section three, article three, of chapter twenty-four-a of this code.

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

Engrossed Committee Substitute for Senate Bill 601, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Romano and Williams—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 601) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Romano and Williams—2.

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. 601) takes effect from passage.

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

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

**Eng. Senate Bill 618,** Allowing Economic Development Authority to make loans to certain whitewater outfitters.

On motion of Senator Carmichael, 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 15. WEST VIRGINIA ECONOMIC DEVELOPMENT  
AUTHORITY.**

**§31-15-12b. Loans to support tourism.**

(a) In order to preserve jobs and support tourism, the Economic Development Authority may make loans, consistent with this section.

(b) For purpose of this section an applicant is:

(1) A licensed entity that has filed an application for a loan under this section no later than July 1, 2016;

(2) A licensed entity operating in West Virginia; and

(3) A licensed entity that operates a resort comprised of at least seventy-five acres and employing a minimum of one hundred employees.

(c) The proceeds of the loans:

(1) May be used only to refinance the existing indebtedness of qualifying applicants; and

(2) May not exceed the outstanding indebtedness of the qualifying applicants as of January 1, 2016.

(d) The loans shall be:

(1) Made under terms and conditions established by the Economic Development Authority.

(2) Collateralized as determined by the Economic Development Authority.

(e) The total refinancing provided pursuant to this section by the Economic Development Authority shall not exceed 2.5 percent of the Economic Development Authority's direct loan portfolio.

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

Engrossed Senate Bill 618, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 618) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 621**, Exempting taxicab companies with independent contract drivers from providing workers' compensation coverage.

On motion of Senator Carmichael, 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 §23-2-1 of the Code of West Virginia, 1931 as amended, be amended and reenacted to read as follows:

**ARTICLE 2. EMPLOYERS AND EMPLOYEES SUBJECT TO CHAPTER; EXTRATERRITORIAL COVERAGE.**

**§23-2-1. Employers subject to chapter; elections not to provide certain coverages; notices; filing of business registration certificates.**

(a) The State of West Virginia and all governmental agencies or departments created by it, including county boards of education, political subdivisions of the state, any volunteer fire department or company and other emergency service organizations as defined by article five, chapter fifteen of this code, and all persons, firms, associations and corporations regularly employing another person or persons for the purpose of carrying on any form of industry, service or business in this state, are employers within the meaning of this chapter and are required to subscribe to and pay premium taxes into the Workers' Compensation Fund for the protection of their employees and are subject to all requirements of this chapter and all rules prescribed by the Workers' Compensation Commission with reference to rate, classification and premium payment: *Provided*, That rates will be adjusted by the commission to reflect the demand on the compensation fund by the covered employer.

(b) The following employers are not required to subscribe to the fund, but may elect to do so:

(1) Employers of employees in domestic services;

(2) Employers of five or fewer full-time employees in agricultural service;

(3) Employers of employees while the employees are employed without the state except in cases of temporary employment without the state;

(4) Casual employers. An employer is a casual employer when the number of his or her employees does not exceed three and the period of employment is temporary, intermittent and sporadic in

nature and does not exceed ten calendar days in any calendar quarter;

(5) Churches;

(6) Employers engaged in organized professional sports activities, including employers of trainers and jockeys engaged in thoroughbred horse racing; ~~or~~

(7) Any volunteer rescue squad or volunteer police auxiliary unit organized under the auspices of a county commission, municipality or other government entity or political subdivision; volunteer organizations created or sponsored by government entities, political subdivisions; or area or regional emergency medical services boards of directors in furtherance of the purposes of the Emergency Medical Services Act of article four-c, chapter sixteen of this code: *Provided*, That if any of the employers described in this subdivision have paid employees, to the extent of those paid employees, the employer shall subscribe to and pay premium taxes into the Workers' Compensation Fund based upon the gross wages of the paid employees but with regard to the volunteers, the coverage remains optional;

(8) Taxicab drivers for a taxicab company operating under article two, chapter twenty-four of this code: *Provided*, That such designation is not inconsistent with the United States Internal Revenue Service requirements for persons acting as independent contractors;

~~(8)~~ (9) Any employer whose employees are eligible to receive benefits under the federal Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §901, *et seq.*, but only for those employees eligible for those benefits.

(c) Notwithstanding any other provision of this chapter to the contrary, whenever there are churches in a circuit which employ one individual clergyman and the payments to the clergyman from the churches constitute his or her full salary, such circuit or group of churches may elect to be considered a single employer for the

purpose of premium payment into the Workers' Compensation Fund.

(d) Employers who are not required to subscribe to the Workers' Compensation Fund may voluntarily choose to subscribe to and pay premiums into the fund for the protection of their employees and in that case are subject to all requirements of this chapter and all rules and regulations prescribed by the commission with reference to rates, classifications and premium payments and shall afford to them the protection of this chapter, including section six of this article, but the failure of the employers to choose to subscribe to and to pay premiums into the fund shall not impose any liability upon them other than any liability that would exist notwithstanding the provisions of this chapter.

(e) Any foreign corporation employer whose employment in this state is to be for a definite or limited period which could not be considered "regularly employing" within the meaning of this section may choose to pay into the Workers' Compensation Fund the premiums provided for in this section, and at the time of making application to the Workers' Compensation Commission, the employer shall furnish a statement under oath showing the probable length of time the employment will continue in this state, the character of the work, an estimate of the monthly payroll and any other information which may be required by the commission. At the time of making application the employer shall deposit with the commission to the credit of the Workers' Compensation Fund the amount required by section five of this article. That amount shall be returned to the employer if the employer's application is rejected by the commission. Upon notice to the employer of the acceptance of his or her application by the commission, he or she is an employer within the meaning of this chapter and subject to all of its provisions.

(f) Any foreign corporation employer choosing to comply with the provisions of this chapter and to receive the benefits under this chapter shall, at the time of making application to the commission in addition to other requirements of this chapter, furnish the commission with a certificate from the Secretary of State, where the certificate is necessary, showing that it has complied with all

the requirements necessary to enable it legally to do business in this state and no application of a foreign corporation employer shall be accepted by the commission until the certificate is filed.

(g) The following employers may elect not to provide coverage to certain of their employees under the provisions of this chapter:

(1) Any political subdivision of the state including county commissions and municipalities, boards of education, or emergency services organizations organized under the auspices of a county commission may elect not to provide coverage to any elected official. The election not to provide coverage does not apply to individuals in appointed positions or to any other employees of the political subdivision;

(2) If an employer is a partnership, sole proprietorship, association or corporation, the employer may elect not to include as an "employee" within this chapter, any member of the partnership, the owner of the sole proprietorship or any corporate officer or member of the board of directors of the association or corporation. The officers of a corporation or an association shall consist of a president, a vice president, a secretary and a treasurer, each of whom is elected by the board of directors at the time and in the manner prescribed by the bylaws. Other officers and assistant officers that are considered necessary may be elected or appointed by the board of directors or chosen in any other manner prescribed by the bylaws and, if elected, appointed or chosen, the employer may elect not to include the officer or assistant officer as an "employee" within the meaning of this chapter: *Provided*, That except for those persons who are members of the board of directors or who are the corporation's or association's president, vice president, secretary and treasurer and who may be excluded by reason of their positions from the benefits of this chapter even though their duties, responsibilities, activities or actions may have a dual capacity of work which is ordinarily performed by an officer and also of work which is ordinarily performed by a worker, an administrator or an employee who is not an officer, no other officer or assistant officer who is elected or appointed shall be excluded by election from coverage or be denied the benefits of this chapter

merely because he or she is an officer or assistant officer if, as a matter of fact:

(A) He or she is engaged in a dual capacity of having the duties and responsibilities for work ordinarily performed by an officer and also having duties and work ordinarily performed by a worker, administrator or employee who is not an officer;

(B) He or she is engaged ordinarily in performing the duties of a worker, an administrator or an employee who is not an officer and receives pay for performing the duties in the capacity of an employee; or

(C) He or she is engaged in an employment palpably separate and distinct from his or her official duties as an officer of the association or corporation;

(3) If an employer is a limited liability company, the employer may elect not to include as an “employee” within this chapter a total of no more than four persons, each of whom are acting in the capacity of manager, officer or member of the company.

(h) In the event of election under subsection (g) of this section, the employer shall serve upon the commission written notice naming the positions not to be covered and shall not include the “employee’s” remuneration for premium purposes in all future payroll reports, and the partner, proprietor or corporate or executive officer is not considered an employee within the meaning of this chapter after the notice has been served. Notwithstanding the provisions of subsection (g), section five of this article, if an employer is delinquent or in default or has not subscribed to the Fund even though it is obligated to do so under the provisions of this article, any partner, proprietor or corporate or executive officer shall not be covered and shall not receive the benefits of this chapter.

(i) “Regularly employing” or “regular employment” means employment by an employer which is not a casual employer under this section.

(j) Upon the termination of the commission, the criteria governing which employer shall or may subscribe to the Workers' Compensation Commission shall also govern which employers shall or may purchase Workers' Compensation insurance under article two-c of this chapter.;

And,

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

**Eng. Com. Sub. for Senate Bill 621**—A Bill to amend and reenact §23-2-1 the Code of West Virginia, 1931, as amended, relating to exempting taxicab companies whose drivers are independent contractors from providing workers' compensation coverage for the drivers.

On motion of Senator Carmichael, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 621) was reported by the Clerk and adopted:

On page two, section one, subsection (b), by striking out all of subdivision (8) and inserting in lieu thereof a new subdivision, designated subdivision (8), to read as follows:

(8) Taxicab drivers of taxicab companies operating under article two, chapter twenty-four-a of this code, who provide taxicab service pursuant to a written or electronic agreement that identifies the taxicab driver as an independent contractor consistent with the United States Internal Revenue code requirements for persons acting as independent contractors: *Provided*, That any such taxicab driver identified as an independent contractor shall not be eligible for workers' compensation benefits under this chapter as an employee of the taxicab company.

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

Engrossed Committee Substitute for Senate Bill 621, as amended, was then put upon its passage.



On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 621) passed with its House of Delegates 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 686,** Authorizing local governing authorities hold sanctioned motor vehicle races on roads, streets or airports under their jurisdiction.

On motion of Senator Carmichael, 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 §7-1-3qq; and that said code be amended by adding thereto a new section, designated §8-12-5g, all to read as follows:

**ARTICLE 6. COUNTY COMMISSIONS GENERALLY.****§7-1-3qq. Authorizing county commissions to hold motor vehicle racing events on public roads, municipal streets or airports.**

(a) In addition to all other powers and duties not conferred by law upon county commissions, such commissions are empowered to organize and hold motor vehicle racing events on roads and airports in counties in this state; to require a permit; to provide for the issuance of a permit; to prescribe certain requirements for obtaining a permit; to provide for certain powers and duties of the permit holder and the county in relation to a racing event; and to declare that such a racing event is not a nuisance or subject to speed restrictions.

(b) As used in this section:

(1) “Person” shall mean an individual, sole proprietorship, partnership, corporation or other legal entity;

(2) “Public road” shall mean a road or open country highway under the control of the county court or the governing body of a municipality which is not classified in the state road system;

(3) “Municipal street” shall mean an urban or suburban street under the control of the governing body of a municipality which is not classified in the state road system;

(4) “Motor vehicle” shall mean and include any mechanical device for the conveyance, drawing or other transportation of persons or property upon the public roads, whether operated on wheels or runners or by other means, except those propelled or drawn by human power or those used exclusively upon rails; and

(5) “Racing event” shall mean a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization and includes preparations, practices and qualifications for the race.

(c) A county commission may provide for the issuance of a permit allowing the person to whom the permit is issued to conduct a racing event on a public road or municipal street or at airports located within its jurisdiction. A person shall not conduct a racing event unless the person has been issued a permit under this section: *Provided* That the decision to issue a permit for any airport formed pursuant to chapter eight, article twenty-nine of this code, shall be made by the governing body of the Regional Airport Authority.

(d) The county commission may charge a reasonable fee for the issuance of a permit under this section.

(e) Before a county commission issues a racing event permit under subsections (c) and (d) of this section, the county commission shall determine all of the following:

(1) That the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property;

(2) That adequate security, emergency services and necessary facilities will be provided during the racing event; and

(3) That the person applying for the permit has demonstrated the ability to protect the health, safety and welfare of the citizens of the county, the race participants and those attending the racing event.

(f) For purposes of a racing event held under this section, the county commission may do all of the following:

(1) Provide for the temporary closing or obstructing of roads, streets, alleys, sidewalks and airport runways;

(2) Reroute pedestrian and vehicular traffic; and

(3) Waive ordinances and traffic regulations including speed limits and traffic control devices.

(g) No less than sixty days prior to a scheduled racing event, a county commission shall provide written notice to the West Virginia Department of Transportation - Traffic Engineering

Division of any racing event permit issued under this section. The written notice shall identify the following:

(1) The time, date and location of the event;

(2) The nationally or internationally recognized racing organization sponsoring the event;

(3) A road closure plan that specifies the public roads, municipal streets, alleys, sidewalks and airport runways that will be temporarily closed or obstructed during the event;

(4) A traffic control plan that specifies the on-site traffic controls and detour route to be used during the event; and

(5) The names and phone numbers of emergency and law-enforcement contacts overseeing the event.

(h) A racing event held under this section and any action taken under subsections (e) and (f) of this section shall be considered as being for public purposes, including the promotion of commerce and tourism for the benefit of the citizens of the county and state.

(i) A county that issues a permit under this section shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. After a permit is issued, the state shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property.

(j) The provisions related to road obstructions and public nuisance set forth in section one, article sixteen, chapter seventeen of this code do not apply to an authorized racing event held under this section.

(k) The provisions of article six, chapter seventeen-c of this code shall not apply to an authorized racing event held under this section.

**ARTICLE 8. GENERAL AND SPECIFIC POWERS, DUTIES  
AND ALLIED RELATIONS OF  
MUNICIPALITIES, GOVERNING**

**BODIES, MUNICIPAL OFFICES AND  
EMPLOYEES; SUITS AGAINST  
MUNICIPALITIES.**

**§8-12-5g. Authorizing municipalities to hold motor vehicle racing events on public roads, municipal streets or runways.**

(a) In addition to all other powers and duties not conferred by law upon municipalities, such municipalities are empowered to organize and hold motor vehicle racing events on roads and airports in this state under their jurisdiction; to require a permit; to provide for the issuance of a permit; to prescribe certain requirements for obtaining a permit; to provide for certain powers and duties of the permit holder and the municipality in relation to a racing event; and to declare that such a racing event is not a nuisance or prohibited street racing.

(b) As used in this section:

(1) "Person" shall mean an individual, sole proprietorship, partnership, corporation or other legal entity;

(2) "Public road" shall mean a road or open country highway under the control of the county court or the governing body of a municipality which is not classified in the state road system;

(3) "Municipal street" shall mean an urban or suburban street under the control of the governing body of a municipality which is not classified in the state road system;

(4) "Motor vehicle" shall mean and include any mechanical device for the conveyance, drawing or other transportation of persons or property upon the public roads, whether operated on wheels or runners or by other means, except those propelled or drawn by human power or those used exclusively upon rails; and

(5) "Racing event" shall mean a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization and includes preparations, practices and qualifications for the race.

(c) A municipality may provide for the issuance of a permit allowing the person to whom the permit is issued to conduct a racing event on a public road, municipal street or airport located within its jurisdiction. A person shall not conduct a racing event unless the person has been issued a permit under this section.

(d) The municipality may charge a reasonable fee for the issuance of a permit under this section.

(e) Before a municipality issues a racing event permit under subsections (c) and (d) of this section, the municipality shall determine all of the following:

(1) That the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property;

(2) That adequate security, emergency services and necessary facilities will be provided during the racing event; and

(3) That the person applying for the permit has demonstrated the ability to protect the health, safety and welfare of the citizens of the municipality, the race participants and those attending the racing event.

(f) For purposes of a racing event held under this section, the municipality may do all of the following:

(1) Provide for the temporary closing or obstructing of roads, streets, alleys, sidewalks and airport runways;

(2) Reroute pedestrian and vehicular traffic; and

(3) Waive ordinances and traffic regulations including speed limits and traffic control devices.

(g) No less than sixty days prior to a scheduled racing event, a municipality shall provide written notice to the West Virginia Department of Transportation - Traffic Engineering Division of any racing event permit issued under this section. The written notice shall identify the following:

(1) The time, date and location of the event;

(2) The nationally or internationally recognized racing organization sponsoring the event;

(3) A road closure plan that specifies the public roads, municipal streets, alleys, sidewalks and airport runways that will be temporarily closed or obstructed during the event;

(4) A traffic control plan that specifies the on-site traffic controls and detour route to be used during the event; and

(5) The names and phone numbers of emergency and law-enforcement contacts overseeing the event.

(h) A racing event held under this section and any action taken under subsections (e) and (f) of this section shall be considered as being for public purposes, including the promotion of commerce and tourism for the benefit of the citizens of the municipality and state.

(i) A municipality that issues a permit under this section shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. After a permit is issued, the state shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property.

(j) The provisions related to road obstructions and public nuisance set forth in section one, article sixteen, chapter seventeen of this code do not apply to an authorized racing event held under this section.

(k) The provisions of article six, chapter seventeen-c of this code shall not apply to an authorized racing event held under this section.;

And,

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

**Eng. Com. Sub. for Senate Bill 686**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3qq; and to amend said code by adding thereto a new section, designated §8-12-5g, all relating to authorizing local governing authorities to hold sanctioned motor vehicle races on public roads or municipal streets or airports under their jurisdiction; defining terms; authorizing regional airport authorities to hold sanctioned motor vehicle races on airports under their jurisdiction; requiring issuance of permit in relation to racing event; authorizing charging reasonable fee for issuance of a permit; setting forth conditions upon which a permit may be issued; authorizing local governing authorities to modify or exempt traffic laws to facilitate a racing event; requiring local governing authorities to provide at least sixty days' written notice to the West Virginia Department of Transportation — Traffic Engineering Division of any racing permit issued; requiring written notice to identify plans for a racing event; declaring that a racing event is for public purposes; providing immunity from damages; and declaring that an authorized racing event is not a nuisance or subject to speed restrictions.

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

Engrossed Committee Substitute for 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Cole (Mr. President)—32.

The nays were: Unger and Yost—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com.



Sub. for 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 concurrence by that body in the Senate amendments to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 2444**, Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals.

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

**Eng. Com. Sub. for House Bill 2904**, Requiring the clerk of a county commission to maintain a county ordinance book.

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

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

By striking out the 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 section, designated §5-2-4; and that said code be amended by adding thereto a new section, designated §7-1-3pp; and that §7-1-7 of said code be amended and reenacted, all to read as follows:.

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

Engrossed Committee Substitute for House Bill 2904, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2904) passed with its title.

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

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

**Eng. Com. Sub. for House Bill 4265**, Relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the bonds.

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 4310**, Relating to the West Virginia University Institute of Technology.

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 4360**, Increasing the criminal penalty for the unlawful practice of law.

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. House Bill 4411**, Relating to penalty for illegally taking native brook trout.

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

**Eng. Com. Sub. for House Bill 4448**, Clarifying that communication by a lender or debt collector which is allowed under the West Virginia Consumer Credit and Protection Act, likewise does not violate the provisions of the West Virginia Computer Crime and Abuse Act.

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

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

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

**Eng. Com. Sub. for House Bill 4448**—A Bill to amend and reenact §61-3C-14a of the Code of West Virginia, 1931, as amended, relating to violations of the West Virginia Computer Crime and Abuse Act; providing an exception to the prohibition against making contact with a person after being requested by the

person to desist from contacting them; and providing that communications made by a lender or debt collector to a consumer regarding an overdue debt of the consumer that do not violate the West Virginia Consumer Credit and Protection Act are not a violation of the West Virginia Computer Crime and Abuse Act.

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

Engrossed Committee Substitute for House Bill 4448, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Romano—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4448) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for House Bill 4519**, Allowing certain municipalities to elect to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System.

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

**Eng. Com. Sub. for House Bill 4612**, Relating generally to tax increment financing and economic opportunity development districts.

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 4673**, Providing for a crime for the theft, damage or release of deer from private game farms.

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

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

On page two, section eleven, subsection (f), by striking out the words “injure, take or release” and inserting in lieu thereof the words “injure or take”;

And,

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

**Eng. Com. Sub. for House Bill 4673**—A Bill to amend and reenact §19-2H-11 of the Code of West Virginia, 1931, as amended, relating to captive cervid; establishing a misdemeanor penalty to kill, injure, or take captive cervid; and setting forth fines and restitution.

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

Engrossed Committee Substitute for House Bill 4673, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4673) passed with its House of Delegates amended title.

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

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

**Eng. House Bill 4725**, Relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate and making certain clarifications.

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

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

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

That §3-10-3 of the Code of West Virginia, 1931 as amended, be amended and reenacted, all to read as follows;

And,

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

**Eng. House Bill 4725**—A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, all relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate and making certain clarifications concerning procedures to be followed when an unexpired term is for a period of more than two years.

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

Engrossed House Bill 4725, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Facemire—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. H. B. 4725) passed with its House of Delegates amended title.

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

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

**Eng. House Bill 4726**, Relating to coal mining generally.

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 October 1, 2016, of

**Eng. House Bill 4734**, Relating to mine subsidence insurance.

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 4739**, Unclaimed Life Insurance Benefits Act.

On motion of Senator Carmichael, 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 4739**—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §33-13D-1 and §33-13D-2, relating to the creation of the Unclaimed Life Insurance Benefits Act; defining terms; regulating insurer conduct generally; requiring insurers to perform an annual comparison of its insureds' Policies, Retained Asset Accounts and Account Owners against a Death Master File; requiring insurers to conduct a comparison against a Death Master File on policies issued as of 1986 and all policies issued thereafter; establishing a two year deadline from the effective date of this article to conduct the full Death Master File comparison; requiring



the Insurance Commissioner promulgate rules related to Death Master File comparisons for policies issued prior to 1986 if the commissioner determines that reliable technology and data exist to make such comparison accurate and cost-effective; providing that insurers shall first conduct comparisons to the extent records are available electronically then using the most easily accessible insurer data for records not available electronically; providing that the annual comparison of insureds' Policies, Retained Asset Accounts and Account Owners against a Death Master File shall not apply to those accounts for which the insurer is receiving premiums from outside the policy value, by check, bank draft, payroll deduction or any other similar method of payment within eighteen months immediately preceding the Death Master File comparison; clarifying that insurers are permitted to request a valid death certificate as part of any claims validation process; providing that, for potential matches identified as a result of a Death Master File match, insurer must within ninety days complete a good faith effort which shall be documented by the insurer to confirm the death against other available records, review insurer records to determine if the deceased person has any other products with the insured and determine if benefits may be due; requiring insurers to implement procedures to account for incomplete identifying information such as nicknames, maiden names or other identifying information; requiring reasonable steps to be taken to locate and contact beneficiaries or other authorized representatives regarding the insurer's claims process if no communication with beneficiaries or other authorized representatives occurs within ninety days after a Death Master File match; requiring the insurer to document its efforts to locate and contact the beneficiary as well as sending information regarding the claims process and any need to provide an official death certificate; clarifying that benefits shall first be paid to beneficiaries and, if beneficiaries cannot be found, paid to the state as unclaimed property; permitting insurers to release such identifying information as may be necessary to help identify or locate beneficiaries; prohibiting insurers or service providers from charging beneficiaries or other authorized representatives for any fees or costs associated with a Death Master File search or verification of a Death Master File match; clarifying that the Insurance Commissioner has exclusive authority to

promulgate rules as may be required or reasonably necessary to implement this section; authorizing the Insurance Commissioner to issue orders related to requirements imposed on insurers and imposing a hardship burden on insurers seeking orders adjusting their obligations; and authorizing the Insurance Commissioner to promulgate rules that may be reasonably necessary to implement the Unclaimed Life Insurance Benefits Act.

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

Engrossed House Bill 4739, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Cole (Mr. President)—31.

The nays were: Laird, Snyder and Yost—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. H. B. 4739) passed with its House of Delegates amended title.

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

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

**Eng. Senate Bill 702,** Allowing title of real estate to pass to individuals entitled to sale proceeds if executor fails to do so within 5 years of closing estate.

On motion of Senator Carmichael, 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 §44-1-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 8. REAL ESTATE OF DECEDENTS.**

### **§44-8-1. Sale, conveyance and management of decedent's real estate; powers of executor and administrator with will annexed.**

Real estate devised to be sold shall, if no person other than the executor be appointed for the purpose, be sold and conveyed by the executor and the proceeds of sale, or the rents and profits of any real estate which the executor is authorized by the will to receive, shall be received by the executor who qualifies, or by his or her successor. If none qualify, or the one qualifying shall die, resign or be removed before the trust is executed or completed, the administrator with the will annexed shall sell or convey the lands so devised to be sold, and receive the proceeds of sale, or the rents and profits aforesaid, as an executor might have done: Provided, That if the executor has not, within five years of the closing of the estate of the testator, sold any real estate which was devised to be sold, title thereto shall pass to the individuals entitled to receive the proceeds thereof, in such proportions as they are entitled to receive said proceeds, in the absence of any contrary testamentary intent.

When any will heretofore or hereafter executed gives to the executor named therein the power to sell the testator's real estate, which has not been theretofore specifically devised therein, the executor may sell any such real estate unless otherwise provided in said will. If such will directs the sale of testator's real estate but names no executor, or names an executor and the executor dies, resigns or becomes incapable of acting, and an administrator with

the will annexed is appointed, the administrator with the will annexed may sell such real estate as aforesaid.

Nothing in this section shall be deemed or construed so as to invalidate any conveyance made prior to the effective date of the amendments thereto adopted by the Legislature at its regular session held in the year ~~one thousand nine hundred eighty seven~~ 1987.

On motion of Senator Carmichael, the following amendments to the House of Delegates amendment to the bill (Eng. S. B. 702) were reported by the Clerk, considered simultaneously, and adopted:

On page one, section one, by striking out all of the proviso and inserting in lieu thereof the following proviso: *Provided*, That title to real estate which is devised to be sold shall pass to the individuals entitled to receive the proceeds thereof in such proportions as they are entitled to receive said proceeds absent any contrary testamentary intent upon the closing of the testator's estate or, if the estate is not closed, five years after the death of the testator.;

And,

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

**Eng. Senate Bill 702**—A Bill to amend and reenact §44-8-1 of the Code of West Virginia, 1931, as amended, relating to providing that, in instances where real estate, or an interest therein, is devised to be sold and the proceeds thereof distributed, title to said real estate passes to those individuals entitled to receive the proceeds of sale if the personal representative of the estate does not do so upon the closing of the estate or if the estate is not closed five years after the death of the testator.

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

Engrossed Senate Bill 702, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 702) 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 passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4741**—A Bill expiring funds to the balance of the Division of Human Services – Medical Services Trust Fund, fund 5185, organization 0511, for the fiscal year ending June 30, 2016, in the amount of \$500,000 from the Secretary of State, fund 0155, fiscal year 2014, organization 1600, appropriation 13000; in the amount of \$400,000 from the State Department of Education, fund 0313, fiscal year 2012, organization 0402, appropriation 16100; in the amount of \$400,000 from the State Department of Education, fund 0313, fiscal year 2013, organization 0402, appropriation 16100; in the amount of \$300,000 from the State Department of Education – Aid for Exceptional Children, fund 0314, fiscal year 2014, organization 0402, appropriation 47200; in the amount of \$1,400,000 from the Division of Health – Central Office, fund 0407, fiscal year 2007, organization 0506, appropriation 84500; in the amount of \$840,000 from the Division of Health – Central Office, fund 0407, fiscal year 2008, organization 0506, appropriation 84500; in the amount of \$675,000 from the Division of Health – Central Office, fund 0407, fiscal year

2009, organization 0506, appropriation 84500; in the amount of \$558,236.61 from the Division of Health – Central Office, fund 0407, fiscal year 2010, organization 0506, appropriation 84500; in the amount of \$1,750,000 from the Tax Division, fund 0470, fiscal year 2012, organization 0702, appropriation 09900; in the amount of \$1,500,000 from the Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, appropriation 21900; in the amount of \$1,500,000 from the Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, appropriation 33500; in the amount of \$703,547.26 from the Aeronautics Commission, fund 0582, fiscal year 2012, organization 0807, appropriation 09900; and in the amount of \$345,515.96 from the Aeronautics Commission, fund 0582, fiscal year 2013, organization 0807, appropriation 13000.

Referred to the Committee on Finance.

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

**Eng. House Bill 4742**—A Bill expiring funds to the balance of the Division of Human Services – Medical Services Trust Fund, fund 5185, organization 0511, for the fiscal year ending June 30, 2016, in the amount of \$5,000,000 from the Attorney General – Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the amount of \$500,000 from the Secretary of State, Motor Voter Registration Fund, fund 1606, fiscal year 2016, organization 1600; in the amount of \$569,776.07 from the State Election Commission – Supreme Court of Appeals Public Campaign Financing Fund, fund 1690, fiscal year 2016, organization 1601; in the amount of \$2,527,991.87 from the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2016, organization 0218; in the amount of \$1,500,000 from the Department of Commerce, West Virginia Development Office - Development Office Promotion Fund, fund 3171, fiscal year 2016, organization 0307; in the amount of \$500,000 from the Department of Health and Human Resources, Division of Health – Infectious Medical Waste Program Fund, fund 5117, fiscal year 2016,

organization 0506; in the amount of \$1,000,000 from the Department of Health and Human Resources, Division of Human Services – Medicaid Fraud Control Fund, fund 5141, fiscal year 2016, organization 0511; in the amount of \$7,500,000 from the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2016, organization 0506; in the amount of \$50,000 from the Department of Health and Human Resources, Division of Health – Tobacco Control Special Fund, fund 5218, fiscal year 2016, organization 0506; in the amount of \$450,000 from the Department of Health and Human Resources, Division of Health – Central Office, fund 5219, fiscal year 2016, organization 0506; in the amount of \$1,000,000 from the Department of Health and Human Resources, Division of Health - Department of Health and Human Resources Safety and Treatment Fund, fund 5228, fiscal year 2016, organization 0506; in the amount of \$5,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Authority Fund, fund 5375, fiscal year 2016, organization 0507; in the amount of \$1,000,000 from the Department of Health and Human Resources, Division of Human Services – James “Tiger” Morton Catastrophic Illness Fund, fund 5454, fiscal year 2016, organization 0511; in the amount of \$50,000 from the Department of Health and Human Resources, Division of Human Services – Marriage Education Fund, fund 5490, fiscal year 2016, organization 0511; in the amount of \$118,374.34 from the Department of Military Affairs and Public Safety – Division of Homeland Security and Emergency Management – June 2010 DR 1918 Flood Disaster – Gov Cont Fund, fund 6227, fiscal year 2016, organization 0606; in the amount of \$5,000,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the amount of \$3,000,000 from Miscellaneous Boards and Commissions - Public Service Commission – Public Service Commission Fund, fund 8623, fiscal year 2016, organization 0926; in the amount of \$1,361,384.62 from the West Virginia Economic Development Authority - Economic Development Project Bridge Loan Fund, fund 9066, fiscal year 2016, organization 0944; in the amount of \$500,000 from the

Division of Purchasing – Purchasing Improvement Fund, fund 2264, fiscal year 2016, organization 0213; in the amount of \$1,000,000 from the Division of Personnel, fund 2440, fiscal year 2016, organization 0222; in the amount of \$1,000,000 from the Division of Financial Institutions – Assessment and Examination Fund, fund 3041, fiscal year 2016, organization 0303; in the amount of \$1,000,000 from the Division of Forestry – Outdoor Heritage Conservation Fund, fund 3091, fiscal year 2016, organization 0305; in the amount of \$1,000,000 from the Division of Labor – Contractor Licensing Board Fund, fund 3187, fiscal year 2016, organization 0308; in the amount of \$750,000 from the Division of Labor – Manufactured Housing Trust Recovery Fund, fund 3190, fiscal year 2016, organization 0308; in the amount of \$1,500,000 from the Division of Natural Resources – Law Enforcement Program Fund, fund 3204, fiscal year 2016, organization 0310; in the amount of \$2,500,000 from the Division of Natural Resources – Planning and Development Division, fund 3205, fiscal year 2016, organization 0310; in the amount of \$1,000,000 from the Solid Waste Management Board – Facilities Operating Expense Fund, fund 3287, fiscal year 2016, organization 0312; in the amount of \$1,000,000 from the Solid Waste Management Board – Planning Fund, fund 3288, fiscal year 2016, organization 0312; in the amount of \$1,000,000 from the Division of Environmental Protection – Air Pollution Control Fund, fund 3336, fiscal year 2016, organization 0313; in the amount of \$2,500,000 from the Division of Environmental Protection – Closure Cost Assistance Fund, fund 3328, fiscal year 2016, organization 0313; in the amount of \$2,000,000 from the Division of Environmental Protection – Oil and Gas Operating Permit and Processing Fund, fund 3323, fiscal year 2016, organization 0313; in the amount of \$3,000,000 from the Division of Environmental Protection – Solid Waste Enforcement Fund, fund 3333, fiscal year 2016, organization 0313; in the amount of \$2,500,000 from the Division of Environmental Protection – Water Quality Management Fund, fund 3327, fiscal year 2016, organization 0313; in the amount of \$2,000,000 from the Division of Miners’ Health, Safety and Training – Special Health, Safety and Training Fund, fund 3355, fiscal year 2016, organization 0314; in the amount of \$1,000,000 from the State Board of Education – Strategic Staff



Development, fund 3937, fiscal year 2016, organization 0402; in the amount of \$1,000,000 from the West Virginia Health Care Authority – Certificate of Need Program Fund, fund 5376, fiscal year 2016, organization 0507; in the amount of \$1,000,000 from the Division of Homeland Security and Emergency Management – West Virginia Interoperable Radio Project, fund 6295, fiscal year 2016, organization 0606; in the amount of \$1,000,000 from the West Virginia Division of Corrections – Parolee Supervision Fees, fund 6362, fiscal year 2016, organization 0608; in the amount of \$1,500,000 from the Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2016, organization 0619; in the amount of \$1,500,000 from the Insurance Commissioner – Unfair Claims Settlement Practice Trust Fund, fund 7168, fiscal year 2016, organization 0704; in the amount of \$1,000,000 from the State Rail Authority – South Branch Valley Railroad Operating Fund, fund 8401, fiscal year 2016, organization 0804; in the amount of \$1,000,000 from the WV Board of Examiners for Registered Professional Nurses – Registered Professional Nurses, fund 8520, fiscal year 2016, organization 0907; in the amount of \$1,000,000 from the Board of Pharmacy – Pharmacy Operating Fund, fund 8537, fiscal year 2016, organization 0913; in the amount of \$1,000,000 from the Auditor’s Office – Securities Regulation Fund, fund 1225, fiscal year 2016, organization 1200; in the amount of \$500,000 from the Treasurer’s Office – Treasurer’s Financial Electronic Commerce Fund, fund 1345, fiscal year 2016, organization 1300; and in the amount of \$1,000,000 from the Department of Agriculture – Agriculture Fees Fund, fund 1401, fiscal year 2016, organization 1400.

Referred to the Committee on Finance.

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 115**—Requesting the Joint Committee on Government and Finance to study all versions of call for a constitutional convention before the legislature.

Referred to the Committee on Rules.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 11th day of March, 2016, 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. S. B. 68)**, Disallowing Health Care Authority to conduct rate review and set rates for hospitals.

And,

**(S. B. 658)**, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*Chair, House Committee.*

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 68**, Requesting Lewis and Clark National Historic Trail be extended through WV.

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

**Senate Concurrent Resolution 69**, Requesting study of possible operation of daily fantasy sports industry by WV casinos.

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 House Bill 2110**, Relating generally to the tax treatment of manufacturing entities.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2110) 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 2110**—A Bill to amend and reenact §11-6F-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13S-3 and §11-13S-4 of said code, all relating to the tax treatment of manufacturing entities generally; amending definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending definition of manufacturing for purposes of manufacturing investment tax credit; amending the formula for calculating credit allowed for manufacturing investment to include Small Arms Ammunition Manufacturing and Small Arms, Ordinance and Ordinance Accessories Manufacturing; and increasing the amount of such allowable credit.

*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 2366**, Relating generally to the solicitation of minors.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2366) 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 2366**—A Bill to amend and reenact §61-3C-14b of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8A-4 of said code, all relating generally to the solicitation of minors by use of a computer; clarifying the law pertaining to the use of a computer to solicit a minor for sexual activity; removing controlled substance violations as an alleged purpose; creating a new felony offense of soliciting a minor through use of a computer for specified illegal sexual acts and committing any overt act designed to bringing himself or herself within the physical presence of the minor or someone believed to be a minor to engage in prohibited sexual activity with the minor or person believed to be a minor; requiring a four year age difference between an adult and minor; establishing penalties; establishing the offense as a lesser included crime; and prohibiting the use or distribution of obscene materials by an adult to solicit or

seduce a person who is or is believed to be a minor at least four years younger than the adult for unlawful sexual activity.

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

**Eng. House Bill 2605**, Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending and with the right having been granted on yesterday, Friday, March 11, 2016, 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:

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

## **ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.**

### **§55-2-15. Special and general saving savings as to persons under disability.**

(a) A personal action for damages resulting from sexual assault or sexual abuse of a person who was an infant at the time of the act or acts alleged, shall be brought against the perpetrator of the sexual assault or abuse within ten years after reaching the age of majority or within four years after discovery of the sexual assault or sexual abuse, whichever is longer.

(b) If any person to whom the right accrues to bring any ~~such~~ personal action other than an action described in subsection (a) of this section, suit or scire facias, or any ~~such~~ bill to repeal a grant, shall be, at the time the same accrues, an infant or insane, the same may be brought within the like number of years after his or her becoming of full age or sane that is allowed to a person having no such impediment to bring the same after the right accrues, or after

such acknowledgment as is mentioned in section eight of this article, except that it shall in no case be brought after twenty years from the time when the right accrues.

On motion of Senator Kessler, the following amendment to the Judiciary committee amendment to the bill (Eng. H. B. 2605) was reported by the Clerk and adopted:

On page one, section fifteen, subsection (a), by striking out the word “ten” and inserting in lieu thereof the word “four”.

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

Having been engrossed, the bill (Eng. H. B. 2605), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sybolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2605) 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 Kessler, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. House Bill 2605**—A Bill to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, relating generally

to limitations on civil actions accruing to persons under legal disability; and establishing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor to be four years upon reaching the age of majority or four years upon discovery of the sexual assault or sexual abuse, whichever is longer.

*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, Senator Ferns announced a meeting of the committee of conference as to Engrossed Committee Substitute for Senate Bill 597 (*Relating generally to Health Care Authority*).

**Eng. Com. Sub. for House Bill 2665**, Relating to participation in Motor Vehicle Alcohol Test and Lock Program.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2665) 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 2665**—A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as

amended, relating to deferral of further proceedings for certain first offenses of driving under the influence; making ineligible for the deferral program persons who refused the secondary chemical test; 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 2795**, 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.

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 2795 pass?"

On the passage of the bill, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Sypolt, Trump, Walters, Williams and Cole (Mr. President)—20.

The nays were: Beach, Facemire, Karnes, Kessler, Kirkendoll, Laird, Miller, Romano, Snyder, Stollings, Takubo, Unger, Woelfel and Yost—14.

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. 2795) 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. Com. Sub. for House Bill 2795**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to production of medical records and medical billing records in civil actions and disclosure of such records by insurance companies generally; defining medical records and medical billing records; establishing procedures for requesting or subpoenaing medical records and medical billing records to specified health care providers; directing copy of requests or subpoenas to health care providers be provided to other parties; directing that any records received shall be provided to the party who is the subject of the requests or subpoenas; providing that other lawful discovery methods not foreclosed; clarifying that nothing in this section affects discovery under the Medical Professional Liability Act; providing for confidential use and maintenance of medical records and medical billing records by receiving party, its attorneys, experts, consultants, agents and insurance carriers; providing for confidential maintenance and use of medical records and medical billing records by insurance carriers in accordance with state and federal law and rules; requiring Insurance Commissioner to review legislative rules and to amend current or enact new rules to address certain issues; authorizing Insurance Commissioner to promulgate new rules or amend existing rules; setting effective date; outlining areas to be addressed in legislative rules promulgated by Insurance Commissioner; and specifying that nothing in this section restricts, supersedes or enlarges rights or obligations under rule twenty-six of the West Virginia Rules of Civil Procedure nor limits a party's right to object to production of medical records or medical billing records.

*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 2897**, Young Entrepreneur Reinvestment Act.

On third reading, coming up in regular order, with the unreported Economic Development committee amendment pending and with the right having been granted on yesterday,

Friday, March 11, 2016, for amendments to be received on third reading, was reported by the Clerk.

The following amendment to the bill, from the Committee on Economic Development, 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 two new sections, designated §59-1-2c and §59-1-2d, all to read as follows:

#### **ARTICLE 1. FEES AND ALLOWANCES.**

##### **§59-1-2c. Young Entrepreneur Reinvestment Act; certain fees waived.**

(a) Beginning on July 1, 2016, a person who is under the age of thirty who resides within West Virginia is exempt from paying the fees provided in section two of this article for filing:

(1) Articles of incorporation of a domestic, for-profit corporation, for which he or she is an incorporator;

(2) Articles of incorporation of a domestic, nonprofit corporation for which he or she is an incorporator;

(3) Articles of organization of a domestic limited liability company, for which he or she is a member;

(4) Agreement of a domestic general partnership, for which he or she is a partner; or

(5) Certificate of a domestic limited partnership, for which he or she is a partner.

(b) This section is effective until and through June 30, 2018. After June 30, 2018, this section is no longer in force and effect.

**§59-1-2d. Voluntary donation of certain refunds.**

The Secretary of State shall provide a mechanism by which any overpayment of \$25 or less of any fee authorized by this or any other chapter of this code to the Secretary of State may be deposited in the West Virginia Children's Trust Fund authorized by section four hundred one, article two, chapter forty-nine of this code: *Provided, That the person due the refund must voluntarily and affirmatively choose to donate the amount of the refund to the West Virginia Children's Trust Fund.*

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2897), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2897) passed.

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

**Eng. Com. Sub. for House Bill 2897**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §59-1-2c and §59-1-2d, all relating to fees paid to the Secretary of State; creating Young Entrepreneur

Reinvestment Act; waiving certain fees for individuals under thirty who create certain business organizations; expiring the waiver of those fees; requiring the Secretary of State to develop a mechanism for the deposit of the overpayment of certain fees into the Children's Trust Fund; and requiring that the individual due the refund voluntarily and affirmatively chooses to donate the amount of the overpayment.

*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 4001**, Relating to candidates or candidate committees for legislative office disclosing contributions.

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 4001 pass?"

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4001) 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 4001**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-15, relating to certain disclosures of fund-raising events while Legislature is in regular session; requiring current Governors, State Senators and members of the House of Delegates who have declared candidacy for election to report existence of and amounts of contributions received at fund-raising events held while Legislature in regular session; setting reporting schedule; providing exception to reporting deadline in certain cases; making reporting requirement applicable to current legislators who hold fund-raising events while Legislature is in regular session; requiring Secretary of State to create a form for disclosure; requiring Secretary of State to timely publish information on the Secretary of State's website; authorizing Secretary of State to establish a means for electronic filing and disclosure in the alternative; and authorizing Secretary of State to promulgate certain legislative and emergency rules.

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

At the request of Senator Boley, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the fourth order of business.

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

Your Committee on Confirmations has had under consideration

**Senate Executive Message 2**, dated March 2, 2016, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message 2 is submitted:

1. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Rebecca A. Howard, Huntington, Cabell County, for the term ending January 31, 2017.

2. For Member, West Virginia Board of Respiratory Care, Eric Hawkins, Bluefield, Mercer County, for the term ended June 30, 2015.

3. For Member, West Virginia Board of Respiratory Care, Tracy Matthews, Sod, Lincoln County, for the term ended June 30, 2015.

4. For Member, West Virginia Board of Respiratory Care, William Boring, Wheeling, Ohio County, for the term ending June 30, 2018.

5. For Member, West Virginia Board of Respiratory Care, Leonard Picha, Huntington, Wayne County, for the term ending June 30, 2017.

6. For Member, West Virginia Board of Respiratory Care, Regina Gillispie, Hurricane, Putnam County, for the term ending June 30, 2018.

7. For Member, West Virginia Board of Respiratory Care, Robert J. Crisalli, Charleston, Kanawha County, for the term ending June 30, 2017.

8. For Member, State Board of Sanitarians, Michael Eltzroth, White Sulphur Springs, Greenbrier County, for the term ending June 30, 2016.

9. For Member, State Board of Sanitarians, Lloyd White, Worthington, Marion County, for the term ending June 30, 2018.

10. For Member, State Board of Sanitarians, Richard L. Wheeler, Gerrardstown, Berkeley County, for the term ended June 30, 2015.

11. For Member, State Board of Sanitarians, Jesse J. Rose, Wilcoe, McDowell County, for the term ending June 30, 2017.

12. For Chief Administrative Law Judge, Office of Tax Appeals, Heather G. Harlan, South Charleston, Kanawha County, for the term ending June 30, 2016.

13. For Member, Public Land Corporation Board of Directors, Carl J. Martin, Buckhannon, Upshur County, for the term ended June 30, 2015.

14. For Member, Public Land Corporation Board of Directors, Steve Perdue, Charleston, Kanawha County, for the term ending June 30, 2017.

15. For Member, West Virginia Commission for the Deaf and Hard of Hearing, John Burdette, Ronceverte, Greenbrier County, for the term ending June 30, 2017.

16. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Paul See, Moorefield, Hardy County, for the term ending June 30, 2017.

17. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Gwen Bryant, Nitro, Kanawha County, for the term ending June 30, 2016.

18. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Gloria Hollen, Hedgesville, Berkeley County, for the term ending June 30, 2017.

19. For Member, Board of Licensed Dietitians, Grady M. Bowyer, St. Albans, Kanawha County, for the term ending June 30, 2017.

20. For Member, Board of Licensed Dietitians, Margaret M. Andrews, Charleston, Kanawha County, for the term ending June 30, 2016.

21. For Member, Board of Licensed Dietitians, Mary K. Gould, Huntington, Cabell County, for the term ending June 30, 2016.

22. For Member, Board of Licensed Dietitians, Susan J. Arnold, Morgantown, Monongalia County, for the term ending June 30, 2018.

23. For Member, Solid Waste Management Board, Mallie Combs, Moorefield, Hardy County, for the term ending June 30, 2019.

24. For Member, Solid Waste Management Board, Tim Blankenship, Baisden, Mingo County, for the term ending June 30, 2020.

25. For Member, West Virginia Health System Board of Directors, The Honorable Kevin J. Craig, Huntington, Cabell County, for the term ending October 15, 2016.

26. For Member, Natural Resources Commission, Peter L. Cuffaro, Wheeling, Ohio County, for the term ending June 30, 2022.

27. For Member, Human Rights Commission, Tim Hairston, Westover, Monongalia County, for the term ending June 30, 2017.

28. For Member, Human Rights Commission, Darrell Cummings, Wheeling, Ohio County, for the term ending June 30, 2017.

29. For Member, Human Rights Commission, Lisa Younis, Shepherdstown, Jefferson County, for the term ending June 30, 2018.

30. For Member, Human Rights Commission, William Williams, Jr., Omar, Logan County, for the term ending June 30, 2018.

31. For Member, Human Rights Commission, Wesley Dobbs, Carolina, Marion County, for the term ending June 30, 2016.

32. For Member, Human Rights Commission, Karl Gattlieb, Charleston, Kanawha County, for the term ending June 30, 2016.

33. For Member, Human Rights Commission, John McFerrin, Beckley, Raleigh County, for the term ending June 30, 2018.



34. For Member, Human Rights Commission, Rev. C. Christopher Thompson, Lewisburg, Greenbrier County, for the term ending June 30, 2016.

35. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Kim Nuckles, Charleston, Kanawha County, for the term ending January 31, 2017.

36. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Everett E. Sullivan, Dunbar, Kanawha County, for the term ending January 31, 2017.

37. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Jan Smith, Fairmont, Marion County, for the term ending January 31, 2017.

38. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Chris Weikle, Charleston, Kanawha County, for the term ending January 31, 2017.

39. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Douglas Auten, Moundsville, Marshall County, for the term ending January 31, 2017.

40. For Member, Board of Examiners of Psychologists, Shirley Vinciguerra, Bluefield, Mercer County, for the term ending June 30, 2018.

41. For Member, Board of Examiners of Psychologists, Kelly Daniel, Barboursville, Cabell County, for the term ending June 30, 2016.

42. For Member, Board of Examiners of Psychologists, Jeffrey Hammond, Morgantown, Monongalia County, for the term ending June 30, 2018.

43. For Member, Board of Examiners of Psychologists, Kerri Dumm Linton, Elkview, Kanawha County, for the term ending June 30, 2017.

44. For Member, Board of Examiners of Psychologists, Susannah Grimm Poe, Morgantown, Monongalia County, for the term ending June 30, 2017.

45. For Member, Board of Examiners of Psychologists, Sandra Stroebel, South Charleston, Kanawha County, for the term ending June 30, 2018.

46. For Member, Veterans' Council, Mary Byrd, Nitro, Kanawha County, for the term ending June 30, 2020.

47. For Member, Veterans' Council, Harrison B. Gilliam, Huntington, Cabell County, for the term ending June 30, 2021.

48. For Member, Veterans' Council, Cedric Greene, Charleston, Kanawha County, for the term ending June 30, 2020.

49. For Member, West Virginia Board of Osteopathic Medicine, Ernest E. Miller, Jr., Vienna, Wood County, for the term ending June 30, 2018.

50. For Member, West Virginia Board of Osteopathic Medicine, Jimmy Adams, Barboursville, Cabell County, for the term ending June 30, 2018.

51. For Member, West Virginia Board of Osteopathic Medicine, Sharon Rowe, Lewisburg, Greenbrier County, for the term ending June 30, 2018.

52. For Member, Workforce Development Board, Ray Burke, Jr., Hurricane, Putnam County, for the term ending June 30, 2016.

53. For Member and Vice-Chair, Workforce Development Board, Nancy Kissinger, Beckley, Raleigh County, for the term ending June 30, 2018.

54. For Member, Workforce Development Board, Jim O'Connor, Belle, Kanawha County, for the term ending June 30, 2016.

55. For Member, Workforce Development Board, Tom Provost, Belle, Kanawha County, for the term ending June 30, 2018.

56. For Member and Chair, Workforce Development Board, John Sorrenti, Weirton, Hancock County, for the term ending June 30, 2018.

57. For Member, Workforce Development Board, Steve Stalnaker, Williamstown, Wood County, for the term ending June 30, 2016.

58. For Member, Workforce Development Board, Diane Strong-Treister, Charleston, Kanawha County, for the term ending June 30, 2018.

59. For Member, Workforce Development Board, Homer Sweeney, St. Albans, Kanawha County, for the term ending June 30, 2017.

61. For Member, Workforce Development Board, Roy Smith, Beckley, Raleigh County, for the term ending June 30, 2016.

62. For Member, Workforce Development Board, Kim Tieman, Charleston, Kanawha County, for the term ending June 30, 2018.

63. For Member, Workforce Development Board, Rev. Matthew Watts, Charleston, Kanawha County, for the term ending June 30, 2018.

64. For Member, Workforce Development Board, Logan Williams, Hurricane, Putnam County, for the term ending June 30, 2018.

65. For Member, Workforce Development Board, Penny Brown, Philippi, Barbour County, for the term ending June 30, 2018.

66. For Member, Workforce Development Board, Steve Whited, Grantsville, Calhoun County, for the term ending June 30, 2016.

67. For Member, Workforce Development Board, Nancy Paxton, South Charleston, Kanawha County, for the term ending June 30, 2018.

68. For Member, Workforce Development Board, Patrick Martin, Hurricane, Putnam County, for the term ending June 30, 2018.

69. For Member, Workforce Development Board, Will Turani, Wheeling, Ohio County, for the term ending June 30, 2016.

70. For Member, Workforce Development Board, Todd Shell, Huntington, Cabell County, for the term ending June 30, 2017.

71. For Member, Workforce Development Board, Beverly Jo Harris, Charleston, Kanawha County, for the term ending June 30, 2018.

72. For Member, Workforce Development Board, Brian Ulery, South Charleston, Kanawha County, for the term ending June 30, 2017.

73. For Member, Workforce Development Board, Barry Pearson, Buffalo, Putnam County, for the term ending June 30, 2017.

74. For Member, Workforce Development Board, Fred Clark, Nitro, Kanawha County, for the term ending June 30, 2017.

75. For Member, Workforce Development Board, Tim McLean, Belle, Kanawha County, for the term ending June 30, 2017.

76. For Member, Workforce Development Board, Guy Schiller, Danbury, Connecticut, for the term ending June 30, 2016.

77. For Member, Workforce Development Board, Matthew D. Wender, Oak Hill, Fayette County, for the term ending June 30, 2018.

78. For Member, Workforce Development Board, Randall Rapp, Vienna, Wood County, for the term ending June 30, 2017.

79. For Member, Workforce Development Board, Ray Woods, Jr., Charleston, Kanawha County, for the term ending June 30, 2017.

80. For Member, Workforce Development Board, Donna Ashworth, Charleston, Kanawha County, for the term ending June 30, 2017.

81. For Member, Workforce Development Board, Russell L. Fry, Charleston, Kanawha County, for the term ending June 30, 2017.

82. For Member, Workforce Development Board, Daniel J. Poling, Charleston, Kanawha County, for the term ending June 30, 2017.

83. For Member, Workforce Development Board, Karen Bowling, Charleston, Kanawha County, for the term ending June 30, 2017.

84. For Member, Workforce Development Board, Kathy D'Antoni, Charleston, Kanawha County, for the term ending June 30, 2017.

85. For Member, Workforce Development Board, John Moses, Wheeling, Ohio County, for the term ending June 30, 2016.

86. For Member, Workforce Development Board, Michelle Foster, Dunbar, Kanawha County, for the term ending June 30, 2017.

87. For Member, Workforce Development Board, Stephanie Ahart, Charleston, Kanawha County, for the term ending June 30, 2018.

88. For Member, Commission on the Arts, Susan Landis, Daniels, Raleigh County, for the term ending June 30, 2017.

89. For Member, Commission on the Arts, Carol Templeton, Milton, Cabell County, for the term ending June 30, 2016.

90. For Member, Commission on the Arts, Max Armentrout, Elkins, Randolph County, for the term ending June 30, 2018.

91. For Member, Commission on the Arts, Sam Winans, Parkersburg, Wood County, for the term ending June 30, 2017.

92. For Member, Commission on the Arts, Cindy McGhee, Charleston, Kanawha County, for the term ending June 30, 2018.

93. For Member, Commission on the Arts, Selina Midkiff, Charleston, Kanawha County, for the term ending June 30, 2016.

94. For Member, Commission on the Arts, DeEtta King Hunter, Lewisburg, Greenbrier County, for the term ending June 30, 2017.

95. For Member, Commission on the Arts, John Strickland, Charleston, Kanawha County, for the term ending June 30, 2018.

96. For Member, Commission on the Arts, Susan Hogan, Wheeling, Ohio County, for the term ending June 30, 2018.

97. For Member, Commission on the Arts, Dr. Bernie Schultz, Morgantown, Monongalia County, for the term ending June 30, 2017.

98. For Member, Commission on the Arts, Micky Blackwell, Charleston, Kanawha County, for the term ending June 30, 2018.

99. For Member, Commission on the Arts, Jamie Dempsey-Butcher, Chapmanville, Logan County, for the term ending June 30, 2018.

100. For Member, Commission on the Arts, Jack Thompson, Morgantown, Monongalia County, for the term ending June 30, 2016.

101. For Member, Commission on the Arts, Charles Mathena, Princeton, Mercer County, for the term ending June 30, 2016.

102. For Member, Commission on the Arts, Amy Panzarella, Charles Town, Jefferson County, for the term ending June 30, 2017.

103. For Member, National Coal Heritage Area Authority, Debrina Williams, Delbarton, Mingo County, for the term ending June 30, 2018.

104. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Tammy Phillips, Romney, Hampshire County, for the term ending June 30, 2018.

105. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Roy Forman, Williamstown, Wood County, for the term ending June 30, 2017.

106. For Member, Marshall University Board of Governors, Wyatt Scaggs, Logan, Logan County, for the term ending June 30, 2019.

107. For Member, Marshall University Board of Governors, Phyllis Arnold, Charleston, Kanawha County, for the term ending June 30, 2019.

108. For Member, Marshall University Board of Governors, David Haden, Charleston, Kanawha County, for the term ending June 30, 2019.

109. For Member, Board of Risk and Insurance Management, James A. Dodrill, Hurricane, Putnam County, for the term ending June 30, 2019.

110. For Member, West Virginia Hospital Finance Authority, James Christie, Bridgeport, Harrison County, for the term ending January 9, 2020.

111. For Member, West Virginia Hospital Finance Authority, David Williams, Hurricane, Putnam County, for the term ending January 9, 2021.

112. For Member, West Virginia Board of Dentistry, C. Richard Gerber, St. Marys, Pleasants County, for the term ending June 30, 2020.

113. For Member, Property Valuation Training and Procedures Commission, Dick Waybright, Ravenswood, Jackson County, for the term ending June 30, 2016.

114. For Member, Property Valuation Training and Procedures Commission, Andrew Robinson, Charleston, Kanawha County, for the term ending June 30, 2016.

118. For Member, Public Employees Insurance Agency Finance Board, James W. Dailey II, Martinsburg, Berkeley County, for the term ending June 30, 2017.

119. For Member, Board of Accountancy, Louis Costanzo III, Wheeling, Ohio County, for the term ending June 30, 2018.

120. For Member, Board of Accountancy, Reed Tanner, Morgantown, Monongalia County, for the term ending June 30, 2017.

121. For Member, Board of Accountancy, David Hill, Charleston, Kanawha County, for the term ending June 30, 2017.

122. For Member, West Virginia Board of Chiropractic, Roger Kritzer, Fairmont, Marion County, for the term ending June 30, 2017.

123. For Member, West Virginia Board of Chiropractic, Barry Stowers, Oak Hill, Fayette County, for the term ending June 30, 2016.

124. For Member, West Virginia Board of Chiropractic, Jeffrey Summers, Charleston, Kanawha County, for the term ending June 30, 2018.



125. For Member, West Virginia Board of Chiropractic, H. Jarrett Walker, Charleston, Kanawha County, for the term ending June 30, 2018.

126. For Member, Board of Examiners for Registered Professional Nurses, Ann Bostic, Charleston, Kanawha County, for the term ending June 30, 2020.

127. For Member, Board of Examiners for Registered Professional Nurses, Teresa Ritchie, Big Springs, Calhoun County, for the term ending June 30, 2019.

128. For Member, Board of Examiners for Registered Professional Nurses, Theresa L. Dennison, Mount Hope, Raleigh County, for the term ending June 30, 2020.

129. For Member, Board of Examiners for Registered Professional Nurses, Nancy V. Atkins, Charleston, Kanawha County, for the term ending June 30, 2018.

130. For Member, Board of Examiners for Registered Professional Nurses, Tara F. Hulsey, Morgantown, Monongalia County, for the term ending June 30, 2017.

131. For Member, Board of Examiners for Registered Professional Nurses, Doris F. Burkey, Berkeley Springs, Morgan County, for the term ending June 30, 2016.

132. For Member, Regional Jail and Correctional Facility Authority, Steve Deweese, Winfield, Putnam County, for the term ending June 30, 2019.

133. For Member, Regional Jail and Correctional Facility Authority, Stephen Jory, Elkins, Randolph County, for the term ending June 30, 2017.

134. For Member, Regional Jail and Correctional Facility Authority, Tim McCormick, Wheeling, Ohio County, for the term ending June 30, 2016.

135. For Member, Regional Jail and Correctional Facility Authority, Gary Ellyson, Gassaway, Braxton County, for the term ending June 30, 2016.

136. For Member, Center for Professional Development Board, Cari Pauley, Alum Creek, Lincoln County, for the term ending June 30, 2016.

137. For Member, Center for Professional Development Board, Dan Berry, Morgantown, Monongalia County, for the term ending June 30, 2016.

138. For Member, Center for Professional Development Board, David R. Deuell, Martinsburg, Berkeley County, for the term ending June 30, 2017.

139. For Member, Center for Professional Development Board, Ray Londeree, Mount Hope, Fayette County, for the term ending June 30, 2017.

140. For Member, Center for Professional Development Board, Emily Waugh, St. Albans, Kanawha County, for the term ending June 30, 2017.

141. For Member, Center for Professional Development Board, Will Hosaflook, Ripley, Jackson County, for the term ending June 30, 2016.

142. For Member, Board of Examiners for Licensed Practical Nurses, Francine Kirby, Princeton, Mercer County, for the term ending June 30, 2017.

143. For Member, Board of Examiners for Licensed Practical Nurses, Orpha Swiger, Clarksburg, Harrison County, for the term ending June 30, 2017.

144. For Member, Board of Examiners for Licensed Practical Nurses, Gregory Chirtas, Charleston, Kanawha County, for the term ending June 30, 2017.

145. For Member, Board of Examiners for Licensed Practical Nurses, Grady M. Bowyer, St. Albans, Kanawha County, for the term ending June 30, 2018.

146. For Member, Board of Examiners for Licensed Practical Nurses, Coralee Hatcher, Fairdale, Raleigh County, for the term ending June 30, 2016.

147. For Member, Board of Examiners for Licensed Practical Nurses, Megan Johnson, Beckley, Raleigh County, for the term ending June 30, 2016.

148. For Member, Bluefield State College Board of Governors, Bob Buzzo, Bluefield, Virginia, for the term ending June 30, 2019.

149. For Member, Bluefield State College Board of Governors, Dreama Denver, Princeton, Mercer County, for the term ending June 30, 2017.

150. For Member, Bluefield State College Board of Governors, Jennifer J. Douglas, Beckley, Raleigh County, for the term ending June 30, 2017.

151. For Member, Fire Commission, Carl Eastham, Huntington, Cabell County, for the term ending June 30, 2020.

152. For Member, Board of Manufactured Housing Construction and Safety, George Gunnell, Winfield, Putnam County, for the term ending June 30, 2018.

153. For Member, Board of Manufactured Housing Construction and Safety, Samuel Bonasso, Fairmont, Marion County, for the term ending June 30, 2020.

154. For Member, Board of Manufactured Housing Construction and Safety, Jack Albert, Charleston, Kanawha County, for the term ending June 30, 2020.

155. For Member, Board of Manufactured Housing Construction and Safety, Thomas Belasco II, Bridgeport, Harrison County, for the term ending June 30, 2018.

156. For Member, Board of Manufactured Housing Construction and Safety, Gary D. Shaw, Fairmont, Marion County, for the term ending June 30, 2016.

157. For Member, Board of Manufactured Housing Construction and Safety, Johnnie E. Brown, Charleston, Kanawha County, for the term ending June 30, 2016.

158. For Member, National Coal Heritage Area Authority, Kris Mitchell, Madison, Boone County, for the term ending June 30, 2016.

159. For Member, National Coal Heritage Area Authority, Cherie Coogle, Fairmont, Marion County, for the term ending June 30, 2019.

160. For Member, West Virginia University Board of Governors, David Alvarez, Bridgeport, Harrison County, for the term ending June 30, 2018.

161. For Member, West Virginia University Board of Governors, Thomas V. Flaherty, Charleston, Kanawha County, for the term ending June 30, 2018.

162. For Member, West Virginia University Board of Governors, Kim Weaver, Silver Spring, Maryland, for the term ending June 30, 2017.

163. For Member, West Virginia Board of Funeral Service Examiners, Ira Handley, Danville, Boone County, for the term ending June 30, 2019.

164. For Member, West Virginia Board of Funeral Service Examiners, Sarah Lobban, Alderson, Greenbrier County, for the term ending June 30, 2017.

165. For Member, West Virginia Board of Funeral Service Examiners, Keith Kimble, Franklin, Pendleton County, for the term ending June 30, 2017.

166. For Member, West Virginia Board of Funeral Service Examiners, Robert C. Fields, Martinsburg, Berkeley County, for the term ending June 30, 2016.

167. For Member, West Virginia Board of Funeral Service Examiners, John H. Taylor, Spencer, Roane County, for the term ending June 30, 2018.

168. For Member, West Virginia Board of Funeral Service Examiners, Connie Grisell, Glen Dale, Marshall County, for the term ending June 30, 2017.

169. For Member, West Virginia Board of Funeral Service Examiners, Bill Davis, Chapmanville, Logan County, for the term ending June 30, 2019.

170. For Member, West Virginia State Rail Authority, Steve Sherrard, Elkins, Randolph County, for the term ending June 30, 2019.

171. For Member, West Virginia State Rail Authority, Elwood Williams, Moorefield, Hardy County, for the term ending June 30, 2021.

172. For Member, West Virginia State Rail Authority, James Schoonover, Montrose, Randolph County, for the term ending June 30, 2019.

173. For Member, West Virginia State Rail Authority, William Hartman, Franklin, Pendleton County, for the term ending June 30, 2021.

174. For Member, Blue Ridge Community and Technical College Board of Governors, Chuck Basa, Winchester, Virginia, for the term ending June 30, 2019.

175. For Member, Blue Ridge Community and Technical College Board of Governors, Heather McIntyre, Charles Town, Jefferson County, for the term ending June 30, 2019.

176. For Member, Blue Ridge Community and Technical College Board of Governors, Taylor Perry, Martinsburg, Berkeley County, for the term ending June 30, 2017.

177. For Member, Blue Ridge Community and Technical College Board of Governors, James C. Rodgers, Martinsburg, Berkeley County, for the term ending June 30, 2017.

178. For Member, Eastern West Virginia Community and Technical College Board of Governors, Dixie Bean, Moorefield, Hardy County, for the term ending June 30, 2019.

179. For Member, Eastern West Virginia Community and Technical College Board of Governors, Rob Tissue, Moorefield, Hardy County, for the term ending June 30, 2018.

180. For Member, Eastern West Virginia Community and Technical College Board of Governors, Douglas Lambert, Petersburg, Grant County, for the term ending June 30, 2018.

181. For Member, Eastern West Virginia Community and Technical College Board of Governors, Melinda S. Chambers, Romney, Hampshire County, for the term ending June 30, 2017.

182. For Member, BridgeValley Community and Technical College Board of Governors, Don Stewart, Leon, Mason County, for the term ending June 30, 2016.

183. For Member, West Virginia University Board of Governors, Greg Babe, Pittsburgh, Pennsylvania, for the term ending June 30, 2018.

184. For Member, Statewide Independent Living Council, Cathy Hutchinson, Huntington, Cabell County, for the term ending June 30, 2018.

185. For Member, Statewide Independent Living Council, Marian Steele, Summersville, Nicholas County, for the term ending June 30, 2018.

186. For Member, Statewide Independent Living Council, Sarah Mathis, Grassy Meadows, Greenbrier County, for the term ending June 30, 2018.

187. For Member, Statewide Independent Living Council, Sandy Haberbosch, Shinnston, Harrison County, for the term ending June 30, 2018.

188. For Member, Statewide Independent Living Council, Jan Derry, Morgantown, Monongalia County, for the term ending June 30, 2018.

189. For Member, Statewide Independent Living Council, Mark Fordyce, Charlton Heights, Fayette County, for the term ending June 30, 2018.

190. For Member, Statewide Independent Living Council, Scott Gossard, Petersburg, Grant County, for the term ending June 30, 2018.

191. For Member, Statewide Independent Living Council, Kevin Smith, Parkersburg, Wood County, for the term ending June 30, 2018.

192. For Member, Statewide Independent Living Council, Beverly Jones, Hurricane, Putnam County, for the term ending June 30, 2017.

193. For Member, Statewide Independent Living Council, Emily Robinson, Nitro, Kanawha County, for the term ending June 30, 2017.

194. For Member, Statewide Independent Living Council, Sheryl Johnson, Charleston, Kanawha County, for the term ending June 30, 2018.

195. For Member, Athletic Commission, Paul Thornton, Vienna, Wood County, for the term ending June 30, 2019.

196. For Member, Athletic Commission, Leon Ramsey, Glenville, Gilmer County, for the term ending June 30, 2019.

197. For Member, Athletic Commission, Tim Peasak, Bridgeport, Harrison County, for the term ending June 30, 2016.

198. For Member, Glenville State College Board of Governors, Greg Smith, Glenville, Gilmer County, for the term ending June 30, 2018.

199. For Member, Glenville State College Board of Governors, Richard Heffelfinger, Charleston, Kanawha County, for the term ending June 30, 2019.

200. For Member, Glenville State College Board of Governors, William Deel, Milton, Cabell County, for the term ending June 30, 2019.

201. For Member, West Virginia Northern Community and Technical College Board of Governors, Robert Contraguerro, Jr., Wheeling, Ohio County, for the term ending June 30, 2019.

202. For Member, West Virginia Northern Community and Technical College Board of Governors, The Honorable Larry J. Edgell, New Martinsville, Wetzel County, for the term ending June 30, 2019.

203. For Member, New River Community and Technical College Board of Governors, John Barnes, Lewisburg, Greenbrier County, for the term ending June 30, 2019.

204. For Member, New River Community and Technical College Board of Governors, Sandy Epling, Lewisburg, Greenbrier County, for the term ending June 30, 2019.

205. For Member, Higher Education Policy Commission, Jenny Allen, Shepherdstown, Jefferson County, for the term ending June 30, 2019.

206. For Member, Higher Education Policy Commission, Andrew A. Payne III, Charleston, Kanawha County, for the term ending June 30, 2018.



207. For Member, Industrial Council, Dan Marshall, Parkersburg, Wood County, for the term ending June 30, 2016.

208. For Member, Industrial Council, Bill Dean, Wheeling, Ohio County, for the term ending June 30, 2016.

209. For Member, Industrial Council, Kent Hartsog, Hurricane, Putnam County, for the term ending June 30, 2019.

210. For Member, Industrial Council, James H. Dissen, Charleston, Kanawha County, for the term ending June 30, 2017.

211. For Member, Industrial Council, Sydney Thornhill-Brown, Logan, Logan County, for the term ending June 30, 2017.

212. For Member, Board of Control for Southern Regional Education, The Honorable Roman W. Prezioso, Jr., Fairmont, Marion County, for the term ending June 30, 2019.

213. For Member, Public Service Commission, Kara Cunningham Williams, Lewisburg, Greenbrier County, for the term ending June 30, 2017.

214. For Member, Public Service Commission, The Honorable Brooks F. McCabe, Jr., Charleston, Kanawha County, for the term ending June 30, 2021.

215. For Member, West Virginia Board of Barbers and Cosmetologists, Susan M. Poveromo, South Charleston, Kanawha County, for the term ending June 30, 2019.

216. For Member, West Virginia Board of Barbers and Cosmetologists, Michael Belcher, Charleston, Kanawha County, for the term ending June 30, 2018.

217. For Member, West Virginia Board of Barbers and Cosmetologists, Sarah B. Hamrick, Hurricane, Putnam County, for the term ending June 30, 2018.

218. For Member, West Virginia Board of Barbers and Cosmetologists, Justina J. Gabbert, Martinsburg, Berkeley County, for the term ending June 30, 2017.

219. For Member, West Virginia Board of Barbers and Cosmetologists, Melissa J. Delaney, Vienna, Wood County, for the term ending June 30, 2020.

220. For Member, National Coal Heritage Area Authority, Sharon Cruikshank, Oak Hill, Fayette County, for the term ending June 30, 2018.

221. For Member, National Coal Heritage Area Authority, Dyane Corcoran, Beckley, Raleigh County, for the term ending June 30, 2018.

222. For Member, National Coal Heritage Area Authority, Mike Vinciguerra, Jr., Bluefield, Mercer County, for the term ending June 30, 2016.

223. For Member, Unemployment Compensation Board of Review, Jack Canfield, Charleston, Kanawha County, for the term ending January 1, 2017.

224. For Member, Nursing Home Administrators Licensing Board, Kay Cottrill, Clarksburg, Harrison County, for the term ending June 30, 2020.

225. For Member, Nursing Home Administrators Licensing Board, Roger Topping, Princeton, Mercer County, for the term ending June 30, 2019.

226. For Member, Nursing Home Administrators Licensing Board, Joan Armbruster, Davis, Tucker County, for the term ending June 30, 2019.

227. For Member, Nursing Home Administrators Licensing Board, Joseph Bucher, Elkins, Randolph County, for the term ending June 30, 2020.

228. For Member, West Virginia Records Management and Preservation Board, Mark Musick, Morgantown, Monongalia County, to serve at the will and pleasure of the Governor.

229. For Member, West Virginia Records Management and Preservation Board, Jack Woodrum, Hinton, Summers County, to serve at the will and pleasure of the Governor.

230. For Member, Board of Examiners in Counseling, Christine J. Schimmel, Buckhannon, Upshur County, for the term ending June 30, 2018.

231. For Member, Board of Examiners in Counseling, Beth Bragg, Elkins, Randolph County, for the term ending June 30, 2019.

232. For Member, Board of Examiners in Counseling, Lori Ellison, Hurricane, Putnam County, for the term ending June 30, 2019.

233. For Member, Board of Examiners in Counseling, Guy Gage III, Bridgeport, Harrison County, for the term ending June 30, 2019.

234. For Member, Board of Examiners in Counseling, Marilyn J. Cassis, St. Albans, Kanawha County, for the term ending June 30, 2019.

235. For Member, Board of Examiners in Counseling, Lisa A. Westfall, Charleston, Kanawha County, for the term ending June 30, 2018.

236. For Member, Board of Examiners in Counseling, Jeffrey T. Jones, Charleston, Kanawha County, for the term ending June 30, 2017.

237. For Member, Fire Commission, Doug Mongold, Moorefield, Hardy County, for the term ending June 30, 2018.

238. For Member, Fire Commission, Doug Estep, Morrisvale, Boone County, for the term ending June 30, 2017.

239. For Member, Fire Commission, Jim Oldaker, Alum Creek, Lincoln County, for the term ending June 30, 2020.

240. For Member, Workforce Development Board, Megan Harris, Belle, Kanawha County, for the term ending June 30, 2016.

241. For Member, National Coal Heritage Area Authority, Fred Barkey, Charleston, Kanawha County, for the term ending June 30, 2019.

242. For Member, National Coal Heritage Area Authority, Christy Laxton, Pineville, Wyoming County, for the term ending June 30, 2016.

243. For Member, Board of Pharmacy, Dennis Lewis, Chapmanville, Logan County, for the term ending June 30, 2020.

244. For Member, Board of Pharmacy, Chuck Jones, Charleston, Kanawha County, for the term ending June 30, 2018.

245. For Member, Board of Pharmacy, John J. Bernabei, Weirton, Hancock County, for the term ending June 30, 2019.

246. For Member, Board of Pharmacy, Kim Knuckles, Beaver, Raleigh County, for the term ending June 30, 2017.

247. For Member, Board of Pharmacy, Everett Frazier, Cyclone, Wyoming County, for the term ending June 30, 2019.

248. For Member, Board of Pharmacy, Vicky Skaff, Charleston, Kanawha County, for the term ending June 30, 2018.

250. For Member, Auctioneers Board of Review, Oscar Click, Leon, Mason County, for the term ending January 1, 2018.

251. For Member, Chief Administrative Law Judge of the Workers' Compensation Office of Judges within the Office of the Insurance Commissioner, Rebecca Roush, Mason, Mason County, for the term ending December 1, 2019.

252. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Dale Clowser, Charleston, Kanawha County, for the term ending June 30, 2016.

253. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Mary Beth Aliveto, Bridgeport, Harrison County, for the term ending June 30, 2016.

254. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Anthony Julian, Fairmont, Marion County, for the term ending June 30, 2017.

255. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Glenn Summers, Clendenin, Kanawha County, for the term ending June 30, 2018.

256. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Nathan D. Nibert, Barboursville, Cabell County, for the term ending June 30, 2018.

257. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Rachel Phillips, Morgantown, Monongalia County, for the term ending June 30, 2016.

258. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Dean Dawson, Scott Depot, Putnam County, for the term ending June 30, 2016.

259. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, R. Michael Shaw, Jr., Point Pleasant, Mason County, for the term ending June 30, 2016.

260. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Douglas Butcher, Beckley, Raleigh County, for the term ending June 30, 2017.

261. For Member, Workforce Development Board, David Hobba, Buffalo, Putnam County, for the term ending June 30, 2017.

262. For Member, Fire Commission, Phil Hart, Belington, Barbour County, for the term ending June 30, 2016.

263. For Member, West Virginia Agricultural Land Protection Authority Board of Trustees, Gary Foster, Farmington, Marion County, for the term ending June 30, 2016.

264. For Member and Chairman, West Virginia Agricultural Land Protection Authority Board of Trustees, Bob Baird, Gallipolis Ferry, Mason County, for the term ending June 30, 2018.

265. For Member, West Virginia Agricultural Land Protection Authority Board of Trustees, Rod Graves, Sinks Grove, Monroe County, for the term ending June 30, 2017.

266. For Member, West Virginia Agricultural Land Protection Authority Board of Trustees, Denzil Huff, Coxs Mills, Gilmer County, for the term ending June 30, 2016.

267. For Member, West Virginia Agricultural Land Protection Authority Board of Trustees, Bill Coffindaffer, Jane Lew, Harrison County, for the term ending June 30, 2017.

268. For Member, West Virginia Agricultural Land Protection Authority Board of Trustees, David Hammer, Martinsburg, Berkeley County, for the term ending June 30, 2016.

269. For Member, West Virginia Agricultural Land Protection Authority Board of Trustees, Amy Moloney, Lindside, Monroe County, for the term ending June 30, 2018.

270. For Member, West Virginia Agricultural Land Protection Authority Board of Trustees, Dennis Funk, Kirby, Hardy County, for the term ending June 30, 2017.

271. For Member, Property Valuation Training and Procedures Commission, Cheryl Romano, Clarksburg, Harrison County, for the term ending June 30, 2016.

272. For Member, Capitol Building Commission, H. Wood Thrasher, Clarksburg, Harrison County, for the term ending June 30, 2018.

273. For Member, Capitol Building Commission, David M. Marshall, Charleston, Kanawha County, for the term ending June 30, 2018.

274. For Member, Auctioneers Board of Review, Shelby Crouse, St. Albans, Kanawha County, for the term ending January 1, 2019.

275. For Member, West Virginia Board of Licensed Dietitians, Joan Starliper, Martinsburg, Berkeley County, for the term ending June 30, 2016.

276. For Member, Catastrophic Illness Commission, Victoria Shuman, Lewisburg, Greenbrier County, for the term ending August 31, 2017.

277. For Member, Catastrophic Illness Commission, Sandra L. Cotton, Morgantown, Monongalia County, for the term ending August 31, 2018.

278. For Member, Catastrophic Illness Commission, Frances Roberts-Buchanan, Huntington, Cabell County, for the term ending August 31, 2018.

279. For Member, Catastrophic Illness Commission, Jacques R. Williams, Morgantown, Monongalia County, for the term ending August 31, 2017.

280. For Member, Catastrophic Illness Commission, Patricia Davis, Romney, Hampshire County, for the term ending August 31, 2019.

281. For Member, Catastrophic Illness Commission, John R. Davidson, Jr., Charleston, Kanawha County, for the term ending August 31, 2019.

282. For Member, West Virginia Archives and History Commission, Melissa Bingmann, Morgantown, Monongalia County, for the term ending June 30, 2018.

283. For Member, West Virginia Archives and History Commission, Charles T. Ledbetter, Scott Depot, Putnam County, for the term ending June 30, 2018.

284. For Member, West Virginia Archives and History Commission, Victor Greco, Wheeling, Ohio County, for the term ending June 30, 2018.

285. For Member, West Virginia Archives and History Commission, Billy Joe Peyton, Institute, Kanawha County, for the term ending June 30, 2017.

286. For Member, West Virginia Archives and History Commission, Tommy Bailey, St. Albans, Kanawha County, for the term ending June 30, 2016.

287. For Member, West Virginia Archives and History Commission, Nat DeBruin, Huntington, Cabell County, for the term ending June 30, 2018.

288. For Member, West Virginia Archives and History Commission, Alison Thornton, Beverly, Randolph County, for the term ending June 30, 2016.

289. For Member, Board of the College Prepaid Tuition and Savings Program, Terri Underhill, Charleston, Kanawha County, for the term ending June 30, 2020.

290. For Member, Board of the College Prepaid Tuition and Savings Program, Phyllis Arnold, Charleston, Kanawha County, for the term ending June 30, 2019.

291. For Member, Shepherd University Board of Governors, Eric J. Lewis, Shepherdstown, Jefferson County, for the term ending June 30, 2019.

292. For Member, Board of Coal Mine Health and Safety, Gary Trout, Leivasy, Nicholas County, for the term ending June 30, 2018.



293. For Member, Board of Coal Mine Health and Safety, Theodore B. Hapney, Reedy, Roane County, for the term ending June 30, 2016.

294. For Member, Board of Coal Mine Health and Safety, Carl Egnor, Given, Jackson County, for the term ending June 30, 2018.

295. For Member, Board of Coal Mine Health and Safety, Chris Hamilton, Elkview, Kanawha County, for the term ending June 30, 2018.

296. For Member, Board of Coal Mine Health and Safety, Terry Hudson, Flat Top, Mercer County, for the term ending June 30, 2018.

297. For Member, Board of Coal Mine Health and Safety, Brian S. Keaton, South Charleston, Kanawha County, for the term ending June 30, 2018.

298. For Member, West Virginia Health Care Authority, Marilyn G. White, Wheeling, Ohio County, for the term ending March 12, 2021.

299. For Member and Chair, Women's Commission, Stacy C. North, Morgantown, Monongalia County, for the term ending June 30, 2018.

300. For Member and Vice-Chair, Women's Commission, Kathleen McDermott, Wheeling, Ohio County, for the term ending June 30, 2017.

301. For Member, Women's Commission, Diana Bell, Wheeling, Ohio County, for the term ending June 30, 2017.

302. For Member, Women's Commission, Robin Young, South Charleston, Kanawha County, for the term ending June 30, 2017.

304. For Member, Women's Commission, Kameron Miller, Charleston, Kanawha County, for the term ending June 30, 2016.

305. For Member, Women's Commission, Jean Ford, Williamstown, Wood County, for the term ending June 30, 2016.

306. For Member, Women's Commission, Michelle Barnes Russell, Martinsburg, Berkeley County, for the term ending June 30, 2017.

307. For Member, Women's Commission, Kenyatta Grant, Elkview, Kanawha County, for the term ending June 30, 2016.

308. For Member, Broadband Enhancement Council, John Reasbeck, Wheeling, Ohio County, to serve at the will and pleasure of the Governor.

309. For Member, Broadband Enhancement Council, Robert L. Cole, Burlington, Mineral County, to serve at the will and pleasure of the Governor.

310. For Member, Broadband Enhancement Council, Robert Hinton, Buckhannon, Upshur County, to serve at the will and pleasure of the Governor.

311. For Member, Broadband Enhancement Council, Michael Shaffer, Buckhannon, Upshur County, to serve at the will and pleasure of the Governor.

312. For Member, Broadband Enhancement Council, Michael J. Holstine, Green Bank, Pocahontas County, to serve at the will and pleasure of the Governor.

313. For Member, Broadband Enhancement Council, Romie A. Hobbs, Ansted, Fayette County, to serve at the will and pleasure of the Governor.

314. For Member, Broadband Enhancement Council, Alissa Novoselick, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

315. For Member, Broadband Enhancement Council, Robert L. Morris, Elkins, Randolph County, to serve at the will and pleasure of the Governor.

316. For Member, Broadband Enhancement Council, Brittany Carns, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

317. For Member, West Virginia Center for Nursing Board of Directors, Pamela Alderman, Chapmanville, Logan County, for the term ending June 30, 2018.

318. For Member, West Virginia Center for Nursing Board of Directors, Shelia Kyle, Huntington, Cabell County, for the term ending June 30, 2016.

319. For Member, West Virginia Center for Nursing Board of Directors, Brenda Mason, Philippi, Barbour County, for the term ending June 30, 2016.

320. For Member, West Virginia Center for Nursing Board of Directors, Gregory B. Chiartas, Charleston, Kanawha County, for the term ending June 30, 2018.

321. For Member, West Virginia Center for Nursing Board of Directors, Mary Beth Barr, Petersburg, Grant County, for the term ending June 30, 2018.

322. For Member, West Virginia Center for Nursing Board of Directors, Ronald Moore, Charleston, Kanawha County, for the term ending June 30, 2018.

323. For Member, West Virginia Center for Nursing Board of Directors, Cynthia Persily, Charleston, Kanawha County, for the term ending June 30, 2020.

324. For Member, West Virginia Center for Nursing Board of Directors, Eugenia Cheryl Basham, Cool Ridge, Raleigh County, for the term ending June 30, 2016.

325. For Member, West Virginia Center for Nursing Board of Directors, Gerald Bragg, Charleston, Kanawha County, for the term ending June 30, 2016.

326. For Member, West Virginia Center for Nursing Board of Directors, Leah P. Salyers, Logan, Logan County, for the term ending June 30, 2016.

327. For Member, West Virginia Center for Nursing Board of Directors, R. Franklin Mace, Pinch, Kanawha County, for the term ending June 30, 2020.

328. For Member, Shepherd University Board of Governors, Chauncey Winbush, Elkridge, Maryland, for the term ending June 30, 2019.

329. For Member, Family Protection Services Board, Judy King, Morgantown, Monongalia County, for the term ending June 30, 2019.

330. For Member, Family Protection Services Board, Patricia M. Bailey, Beckley, Raleigh County, for the term ending June 30, 2019.

331. For Member, Family Protection Services Board, Pepper Arrowood, Charleston, Kanawha County, for the term ending June 30, 2019.

332. For Member, Family Protection Services Board, Trudi Blaylock, Charleston, Kanawha County, for the term ending June 30, 2019.

333. For Member, Family Protection Services Board, Samuel J. Leizear, Morgantown, Monongalia County, for the term ending June 30, 2019.

334. For Member, Consolidated Public Retirement Board, David Stover, Maben, Wyoming County, for the term ending June 30, 2020.

335. For Member, Consolidated Public Retirement Board, Mike Corsaro, South Charleston, Kanawha County, for the term ending June 30, 2020.

336. For Member, Consolidated Public Retirement Board, Michael S. Haney, Wheeling, Ohio County, for the term ending June 30, 2020.

337. For Member, Consolidated Public Retirement Board, Mike McKown, Charleston, Kanawha County, for the term ending June 30, 2020.

338. For Member, West Virginia Infrastructure and Jobs Development Council, Louis Spadafore, Clarksburg, Harrison County, for the term ending June 30, 2018.

339. For Member, West Virginia Infrastructure and Jobs Development Council, Parry G. Petroplus, Morgantown, Monongalia County, for the term ending June 30, 2018.

340. For Member, Workers' Compensation Board of Review, Rita F. Hedrick-Helmick, Charleston, Kanawha County, for the term ending December 31, 2020.

341. For Member, Library Commission, Dennis Taylor, Huntington, Cabell County, for the term ending June 30, 2018.

342. For Member, Library Commission, Mary Bland Strickland, Glenville, Gilmer County, for the term ending June 30, 2019.

343. For Member, Library Commission, Katy White, Charleston, Kanawha County, for the term ending June 30, 2019.

344. For Member, Library Commission, Betty Gunnoe, Martinsburg, Berkeley County, for the term ending June 30, 2016.

345. For Member, Library Commission, Connie Shumate, Bluefield, Mercer County, for the term ending June 30, 2017.

346. For Member, Library Commission, David B. Dalzell, Jr., Moundsville, Marshall County, for the term ending June 30, 2017.

347. For Member, Library Commission, David Nalker, Lewisburg, Greenbrier County, for the term ending June 30, 2017.

348. For Member, Library Commission, Charles A. Julian, Keyser, Mineral County, for the term ending June 30, 2018.

349. For Member, Library Commission, Debra K. Sullivan, Charleston, Kanawha County, for the term ending June 30, 2016.

350. For Member, Ethics Commission, Monte Williams, Morgantown, Monongalia County, for the term ending June 30, 2020.

351. For Member, Ethics Commission, Lawrence J. Tweel, Huntington, Cabell County, for the term ending June 30, 2020.

352. For Member, West Virginia Investment Management Board of Trustees, David H. McKinley, Wheeling, Ohio County, for the term ending January 31, 2021.

353. For Member, West Virginia Investment Management Board of Trustees, Steve Antoline, Mount Lookout, Nicholas County, for the term ending January 31, 2021.

354. For Member, West Virginia Investment Management Board of Trustees, Steve L. Smith, Poca, Putnam County, for the term ending January 31, 2022.

355. For Member, West Virginia Investment Management Board of Trustees, Marie L. Prezioso, Charleston, Kanawha County, for the term ending January 31, 2022.

356. For Member, West Virginia Public Port Authority, Patrick Ford, Weirton, Hancock County, for the term ending June 30, 2017.

357. For Member, West Virginia Public Port Authority, Newton Thomas, Jr., Charleston, Kanawha County, for the term ending June 30, 2018.

358. For Member, West Virginia Public Port Authority, Jim Llanaza, Clarksburg, Harrison County, for the term ending June 30, 2018.

359. For Member, West Virginia Public Port Authority, J. Eric Peters, Sistersville, Tyler County, for the term ending June 30, 2016.

360. For Member, West Virginia Public Port Authority, Gerald R. Sites, Petersburg, Grant County, for the term ending June 30, 2017.

361. For Member, West Virginia Public Port Authority, David Efaw, Blount, Kanawha County, for the term ending June 30, 2017.

362. For Member, West Virginia Public Port Authority, Mark Carroll, Buckhanon, Upshur County, for the term ending June 30, 2017.

363. For Member, West Virginia Public Port Authority, Stratus George Fotos, Huntington, Cabell County, for the term ending June 30, 2018.

364. For Member, West Virginia Public Port Authority, Robert Milam, Whitesville, Boone County, for the term ending June 30, 2017.

365. For Member, West Virginia Public Port Authority, Jacob Meck, Green Bank, Pocahontas County, for the term ending June 30, 2017.

366. For Member, West Virginia Emergency Medical Services Advisory Council, Stephen McIntire, Clarksburg, Harrison County, for the term ending June 30, 2017.

367. For Member, West Virginia Emergency Medical Services Advisory Council, Richard B. Rock, Clarksburg, Harrison County, for the term ending June 30, 2017.

368. For Member, West Virginia Emergency Medical Services Advisory Council, Jim Kranz, Charleston, Kanawha County, for the term ending June 30, 2017.

369. For Member, West Virginia Emergency Medical Services Advisory Council, Connie J. Hall, Coal City, Raleigh County, for the term ending June 30, 2017.

370. For Member, West Virginia Emergency Medical Services Advisory Council, Paul Seamann, Beckley, Raleigh County, for the term ending June 30, 2017.

371. For Member, West Virginia Emergency Medical Services Advisory Council, A. Gordon Merry III, Huntington, Cabell County, for the term ending June 30, 2017.

372. For Member, West Virginia Emergency Medical Services Advisory Council, Donna Steward, Springfield, Hampshire County, for the term ending June 30, 2017.

373. For Member, West Virginia Emergency Medical Services Advisory Council, Glen Satterfield, Fairmont, Marion County, for the term ending June 30, 2017.

374. For Member, West Virginia Emergency Medical Services Advisory Council, Lisa Hrutkay, Triadelphia, Ohio County, for the term ending June 30, 2018.

375. For Member, West Virginia Emergency Medical Services Advisory Council, Nancy Cartmill, Huntington, Cabell County, for the term ending June 30, 2017.

376. For Member, West Virginia Emergency Medical Services Advisory Council, David J. Weller, Hedgesville, Berkeley County, for the term ending June 30, 2017.

377. For Member, West Virginia Emergency Medical Services Advisory Council, Marsha Knight, Huntington, Cabell County, for the term ending June 30, 2017.

378. For Member, West Virginia Emergency Medical Services Advisory Council, William A. Weese, Jr., Man, Logan County, for the term ending June 30, 2017.



379. For Member, West Virginia Emergency Medical Services Advisory Council, Jeff Kady, McMechen, Marshall County, for the term ending June 30, 2018.

380. For Member, West Virginia Emergency Medical Services Advisory Council, Barry Kelly, Charleston, Kanawha County, for the term ending June 30, 2017.

381. For Member, West Virginia State University Board of Governors, E. Gail Pitchford, Charleston, Kanawha County, for the term ending June 30, 2019.

382. For Member, West Virginia State University Board of Governors, William W. Lipscomb, Institute, Kanawha County, for the term ending June 30, 2019.

383. For Member, Tourism Commission, Richard A. Atkinson III, South Charleston, Kanawha County, for the term ending May 1, 2020.

384. For Member, Tourism Commission, Kelly Palmer, Morgantown, Monongalia County, for the term ending May 1, 2019.

385. For Member, Tourism Commission, Peggy Myers-Smith, Morgantown, Monongalia County, for the term ending May 1, 2019.

386. For Member, Tourism Commission, John Klemish, White Sulphur Springs, Greenbrier County, for the term ending May 1, 2019.

387. For Member, Tourism Commission, Jeffrey T. Lusk, Man, Logan County, for the term ending May 1, 2019.

388. For Member, Tourism Commission, Ronald E. Marcus, Charles Town, Jefferson County, for the term ending May 1, 2016.

389. For Member, Tourism Commission, Joseph Manchin IV, Fairmont, Marion County, for the term ending May 1, 2016.

390. For Member, Tourism Commission, The Honorable Oshel B. Craigo, Nitro, Kanawha County, for the term ending May 1, 2019.

391. For Member, Tourism Commission, William T. Bright, Summersville, Nicholas County, for the term ending May 1, 2018.

392. For Member, Tourism Commission, Steve F. White, Charleston, Kanawha County, for the term ending May 1, 2018.

393. For Member, Tourism Commission, Sharon Horton Rowe, Lewisburg, Greenbrier County, for the term ending May 1, 2016.

394. For Member, Tourism Commission, David Arnold, Lansing, Fayette County, for the term ending May 1, 2019.

395. For Member, Tourism Commission, Stephen Hilliard, Wheeling, Ohio County, for the term ending May 1, 2016.

396. For Member, Women's Commission, Alicia Besenyei, Daniels, Raleigh County, for the term ending June 30, 2016.

397. For Member, West Virginia Board of Professional Surveyors, R. Michael Shepp, Shepherdstown, Jefferson County, for the term ending June 30, 2019.

398. For Member, West Virginia Board of Professional Surveyors, Nelson Douglass, Parkersburg, Wood County, for the term ending June 30, 2018.

399. For Member, West Virginia Board of Professional Surveyors, Tom Rayburn, Chapmanville, Logan County, for the term ending June 30, 2017.

400. For Member, West Virginia Board of Professional Surveyors, Sefton Stewart, Pineville, Wyoming County, for the term ending June 30, 2017.

401. For Member, West Virginia Board of Professional Surveyors, Paul Hill, Chapmanville, Logan County, for the term ending June 30, 2016.

402. For Member, State Personnel Board, Mark W. Carbone, Charleston, Kanawha County, for the term ending June 30, 2018.

403. For Member, State Personnel Board, Mark Dellinger, Charleston, Kanawha County, for the term ending June 30, 2017.

404. For Member, State Personnel Board, Jeff C. Woods, Hurricane, Putnam County, for the term ending June 30, 2017.

406. For Member, Surface Mine Board, The Honorable Jon Blair Hunter, Morgantown, Monongalia County, for the term ending June 30, 2016.

407. For Member, Surface Mine Board, Mark G. Schuerger, Charleston, Kanawha County, for the term ending June 30, 2016.

408. For Member, Surface Mine Board, James Smith, South Charleston, Kanawha County, for the term ending June 30, 2016.

409. For Member, Surface Mine Board, Ron Crites, Kingwood, Preston County, for the term ending June 30, 2018.

410. For Member, Surface Mine Board, Ed Grafton, Heaters, Braxton County, for the term ending June 30, 2016.

411. For Member, Surface Mine Board, Henry Rauch, Morgantown, Monongalia County, for the term ending June 30, 2018.

412. For Member, Surface Mine Board, Charles K. Meadows II, Gassaway, Braxton County, for the term ending June 30, 2019.

413. For Member, Surface Mine Board, Stephen Butler, French Creek, Upshur County, for the term ending June 30, 2019.

415. For Member, West Virginia Board of Acupuncture, Kathryn Hastings, Charleston, Kanawha County, for the term ending June 30, 2017.

416. For Member, West Virginia Board of Acupuncture, Stacy L. Roman, Morgantown, Monongalia County, for the term ending June 30, 2018.

417. For Member, West Virginia Board of Acupuncture, Christina Peraino, Charleston, Kanawha County, for the term ending June 30, 2018.

418. For Member, West Virginia Board of Acupuncture, Tara Welty, Parkersburg, Wood County, for the term ending June 30, 2017.

419. For Member, Economic Development Authority, Jeff Vickers, Lewisburg, Greenbrier County, for the term ending June 30, 2019.

420. For Member, Economic Development Authority, Marcus W. Estlack, Parkersburg, Wood County, for the term ending June 30, 2017.

421. For Member, Economic Development Authority, Timothy R. Duke, Huntington, Cabell County, for the term ending June 30, 2018.

422. For Member, Economic Development Authority, Richard L. Slater, Hurricane, Putnam County, for the term ending June 30, 2018.

423. For Member, Economic Development Authority, Joe Eddy, Wellsburg, Brooke County, for the term ending June 30, 2019.

424. For Member, Economic Development Authority, Patrick J. Farrell, Huntington, Cabell County, for the term ending June 30, 2016.

425. For Member, Economic Development Authority, James Rick Barton, Parkersburg, Wood County, for the term ending June 30, 2016.

426. For Member, Southern West Virginia Community and Technical College Board of Governors, Wilma J. Zigmund, Logan, Logan County, for the term ending June 30, 2018.

427. For Member, Southern West Virginia Community and Technical College Board of Governors, Glenn T. Yost, Logan, Logan County, for the term ending June 30, 2016.

428. For Member, Southern West Virginia Community and Technical College Board of Governors, Kevin G. Zachary, Chapmanville, Logan County, for the term ending June 30, 2017.

429. For Member, Southern West Virginia Community and Technical College Board of Governors, Fletcher Raamie Barker, Jr., Chapmanville, Logan County, for the term ending June 30, 2017.

430. For Member, West Liberty University Board of Governors, James R. Stultz, Moundsville, Marshall County, for the term ending June 30, 2019.

431. For Member, West Liberty University Board of Governors, Jack C. Adams, McMurray, Pennsylvania, for the term ending June 30, 2016.

432. For Member, West Virginia Board of Education, Scott Rotruck, Morgantown, Monongalia County, for the term ending November 4, 2017.

433. For Member, Concord University Board of Governors, Myra Susan Rogers, Hinton, Summers County, for the term ending June 30, 2019.

434. For Member, Concord University Board of Governors, Richard Jarrell, Beckley, Raleigh County, for the term ending June 30, 2016.

435. For Member, Concord University Board of Governors, Brittany Anderson, Athens, Mercer County, for the term ending June 30, 2016.

436. For Member, Air Quality Board, Robert Orndorff, Bridgeport, Harrison County, for the term ending June 30, 2017.

437. For Member, Air Quality Board, Robert Thomas Hansen, Charleston, Kanawha County, for the term ending June 30, 2019.

438. For Member, Air Quality Board, J. Michael Koon, Weirton, Hancock County, for the term ending June 30, 2019.

439. For Member, Air Quality Board, Stanley B. Mills, Huntington, Cabell County, for the term ending June 30, 2016.

440. For Member, Air Quality Board, The Honorable Jon Blair Hunter, Morgantown, Monongalia County, for the term ending June 30, 2018.

441. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Robert B. Holstein, Venice, Florida, for the term ending June 30, 2019.

442. For Member, West Virginia Municipal Pensions Oversight Board, John Kee, Charleston, Kanawha County, for the term ending January 1, 2019.

443. For Member, West Virginia Municipal Pensions Oversight Board, Stephen Neddo, Scott Depot, Putnam County, for the term ending January 1, 2018.

444. For Member, West Virginia Municipal Pensions Oversight Board, C. Seth Wilson, Morgantown, Monongalia County, for the term ending January 1, 2017.

445. For Member, West Virginia Municipal Pensions Oversight Board, Lisa K. Dooley, Madison, Boone County, for the term ending January 1, 2021.

446. For Member, West Virginia Municipal Pensions Oversight Board, John E. Dawson II, Hurricane, Putnam County, for the term ending January 1, 2020.

447. For Member, West Virginia Municipal Pensions Oversight Board, Michael Payne, Weirton, Hancock County, for the term ending January 1, 2020.

448. For Member, School Building Authority, Victor L. Gabriel, Bridgeport, Harrison County, for the term ending July 31, 2018.

449. For Member, School Building Authority, Robert Holroyd, Princeton, Mercer County, for the term ending July 31, 2018.

450. For Member, School Building Authority, Christopher G. Morris, Charleston, Kanawha County, for the term ending July 31, 2018.

451. For Member, School Building Authority, Steven L. Burton, Prichard, Wayne County, for the term ending July 31, 2018.

452. For Member, School Building Authority, T. Bart Willis, Logan, Logan County, for the term ending July 31, 2016.

453. For Member, West Virginia Board of Medicine, Ashish P. Sheth, Cross Lanes, Kanawha County, for the term ending September 30, 2019.

454. For Member, West Virginia Parole Board, Mark W. Neal, Spencer, Roane County, for the term ending June 30, 2021.

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

Respectfully submitted,

Donna J. Boley,  
*Chair.*

The Senate proceeded to the tenth order of business.

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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 Cole (Mr. President) laid before the Senate the following executive message:

**Senate Executive Message 2**, dated March 2, 2016 (*shown in the Senate Journal of Friday, March 4, 2016, pages 1647 to 1690, inclusive*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of the Honorable Roman W. Prezioso, Jr., to the Board of Control for Southern Regional Education (being nomination number 212 in Executive Message 2) and the nomination of Marie L. Prezioso to the West Virginia Investment Management Board of Trustees (being nomination number 355 in Executive Message 2).

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

The roll was then taken; and

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of the Honorable Roman W. Prezioso, Jr., to the Board of Control for Southern Regional Education (being nomination number 212 in Executive Message 2) and the nomination of Marie L. Prezioso to the West Virginia



Investment Management Board of Trustees (being nomination number 355 in Executive Message 2) had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of the Honorable Roman W. Prezioso, Jr., to the Board of Control for Southern Regional Education (being nomination number 212 in Executive Message 2) and the nomination of Marie L. Prezioso to the West Virginia Investment Management Board of Trustees (being nomination number 355 in Executive Message 2).

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: None.

Excused from voting: Prezioso—1.

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

Senator Boley moved that the Senate advise and consent to the nomination of Kenny Perdue to the Workforce Development Board (being nomination number 60 in Executive Message 2), the

nomination of Elaine A. Harris to the Public Employees Insurance Agency Finance Board (being nomination number 115 in Executive Message 2), the nomination of Michael T. Smith to the Public Employees Insurance Agency Finance Board (being nomination number 116 in Executive Message 2), the nomination of Troy Giatras to the Public Employees Insurance Agency Finance Board (being nomination number 117 in Executive Message 2), the nomination of James Frio to the Auctioneers Board of Review (being nomination number 249 in Executive Message 2) and the nomination of Belinda Biafore to the Women's Commission (being nomination number 303 in Executive Message 2).

The roll was then taken; and

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of Kenny Perdue to the Workforce Development Board, the nomination of Elaine A. Harris to the Public Employees Insurance Agency Finance Board, the nomination of Michael T. Smith to the Public Employees Insurance Agency Finance Board, the nomination of Troy Giatras to the Public Employees Insurance Agency Finance Board, the nomination of James Frio to the Auctioneers Board of Review and the nomination of Belinda Biafore to the Women's Commission had been confirmed.

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Consideration of executive nominations having been concluded,

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Carmichael, 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 the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, of

**Eng. Senate Bill 306**, Permitting sale of county or district property online.

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 427**, Transferring funds from State Excess Lottery Fund to Department of Revenue.

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 then passage as amended, of

**Eng. Com. Sub. for Senate Bill 524**, Rewriting Board of Barbers and Cosmetologists article.

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

**Senate Concurrent Resolution 1**, Urging Congress propose regulation freedom amendment.

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 27**, Herman Daner Rogers 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 32**, CW2 Robert D. Taylor Memorial Bridge.

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

**Senate Concurrent Resolution 36**, US Army SPC5 Joseph Richard “Rick” Schafer 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**, Clifford Family 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**, US Army SGT Deforest Lee Talbert 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 64**, Requesting DOH study 2015 performance audit and report to Joint Committee on Government and Finance any action taken as result of audit.

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 2205**, Creating the crime of prohibited sexual contact by a psychotherapist.

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 4038**, Relating to insurance requirements for the refilling of topical eye medication.

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 4146**, Providing insurance cover abuse-deterrent opioid analgesic drugs.

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 4307**, Clarifying that a firearm may be carried for self defense in state parks, state forests and state recreational areas.

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 4323**, Relating to the reporting of emergency incidents by well operators and pipeline operators.

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 4537**, Relating to the regulation of chronic pain clinics.

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 4554**, Allowing an increase of gross weight limitations on certain roads in Greenbrier County.

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 4558**, Relating to victim notification and designation of additional individuals to receive notice of an offender's release.

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 4561**, Creating a special hiring process for West Virginia Division of Highways employees.

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

**Com. Sub. for House Concurrent Resolution 3**, North River Mills Historic Trace.

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

**Com. Sub. for House Concurrent Resolution 5**, U.S. Army PV2 Eskridge A. Waggoner 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

**Com. Sub. for House Concurrent Resolution 17**, SGT Larry Joseph Whitt 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

**Com. Sub. for House Concurrent Resolution 56**, U.S. Army CPL Robert Eugene Jackson 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

**Com. Sub. for House Concurrent Resolution 57**, U.S. Army PVT Leander Reel 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

**Com. Sub. for House Concurrent Resolution 72**, Max G. Parkinson Memorial Bridge.

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 4013**, Requiring a person desiring to vote to present documentation identifying the voter.

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

Senators Gaunch, Ferns 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 4174**, Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house.

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

Senators Ashley, Cline and Beach.

*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 4009**, Letting Our Counties Act Locally 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 4009 pass?”

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—28.

The nays were: Facemire, Karnes, Miller, Palumbo, Romano and Snyder—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. 4009) 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.

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

**Eng. House Bill 4009**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-27-1, §7-27-2, §7-27-3, §7-27-4, §7-27-5, §7-27-6, §7-27-7, §7-27-8, §7-27-9, §7-27-10, §7-27-11, §7-27-12, §7-27-13, §7-27-14, §7-27-15, §7-27-16, §7-27-17, §7-27-18, §7-27-19, §7-27-20, §7-27-21, §7-27-22, §7-27-23, §7-27-24, §7-27-25, §7-27-26, §7-27-27, §7-27-28, §7-27-29, §7-27-30, §7-27-31, §7-27-32, §7-27-33, §7-27-34, §7-27-35, §7-27-36, §7-27-37, §7-27-38, §7-27-39, §7-27-40, §7-27-41, §7-27-42, §7-27-43, §7-27-44 and §7-27-45; and to amend said code by adding thereto a new section, designated §31-15-16c, all relating to road construction projects; creating a short title; setting forth legislative findings and purpose; defining terms; authorizing county commissions to propose creation of road construction project plans; requiring public hearing; setting requirements for notice of public hearing; permitting submission of written comments; authorizing finalization of road construction project plan after public hearing by resolution of county commission; requiring prioritization of projects within road construction project plan; requiring consent of municipalities when road construction project plan located within its boundaries; authorizing submission of road construction project plan to Commissioner of Highways; identifying contents of application; requiring Commissioner of Highways review all proposed road construction project plans; setting forth criteria for review of plans; requiring decision of Commissioner of Highways within sixty days of receipt; providing certification of approved project by Commissioner of Highways; requiring assignment of name to project plan and individual projects within plan by Commissioner of Highways; granting legislative rule-making authority; requiring referendum for approval of certain road construction project plans; setting requirements for referendum election; prohibiting proceeding with road construction project

plan to be financed by county transportation sales and use tax or by issuance of special revenue bonds unless approved by the voters; providing for amendments to road construction plans; providing for termination of road construction project plan; providing for termination of county transportation sales and use taxes; prohibiting termination or rate reduction as long as revenue bonds remain outstanding, unless payment of special revenue bonds has been secured in full; directing county commission to enter order describing road construction project plan after approval of plan by Commissioner of Highways and voters of county; setting forth contents of order, including establishment of county transportation sales and use taxes; limiting county transportation sales and use taxes to one percent; requiring transportation sales and use taxes to be identical; allowing joint road construction project plans; clarifying that obligations of parties under intergovernmental agreements may not be considered debt within the meaning of section six or eight, article X of the Constitution of West Virginia; authorizing county commissions and Commissioner of Highways enter into intergovernmental agreements; creating County Road Improvement Account and subaccounts; authorizing deposit of funds from certain sources into account; authorizing certain expenditures from county subaccount; allowing road construction projects be financed on cash basis or by special revenue bonds issued by West Virginia Economic Development Authority; giving Commissioner of Highways final approval of all road construction projects; providing that all road construction projects accepted into state road system are under exclusive jurisdiction and control of Commissioner of Highways; specifying that road construction projects are public improvements; requiring annual reporting by Commissioner of Highways on county road construction projects; providing procedures and requirements for issuance of special revenue bonds by West Virginia Economic Development Authority; permitting special revenue bonds to be secured by trust agreement between Authority and corporate trustee; providing procedures and requirements for refunding bonds for county road construction projects; providing that bonds are not debts of state, county or any political subdivisions; providing that bonds are negotiable instruments; providing that bonds are exempt from taxation; specifying that neither West Virginia Economic

Development Authority nor its officers or employees nor any persons executing bonds have personal liability on issued bonds; providing that powers relating to road construction project plans, construction of projects and issuance of special revenue bonds are additional powers; requiring county to enter into one or more intergovernmental agreements with Commissioner of Highways prior to imposing county transportation sales and use taxes; allowing county commissions with approved road construction projects to impose county transportation sales and use taxes; limiting rate of taxes; establishing tax base for county transportation sales and use taxes; providing exceptions to tax base; setting forth provisions for when purchases are made in county without county transportation sales and use taxes and purchase are used in county that does impose county transportation sales and use taxes; requiring county to notify Tax Commissioner at least one hundred eighty days before effective date of imposition of county transportation sales and use taxes; requiring copy of notice be sent to State Auditor and State Treasurer; requiring Tax Commissioner to administer, collect and enforce county transportation sales and use tax; authorizing Tax Commissioner to assess a fee for collection of county transportation sales and use taxes; providing for calculation of cost of service; providing for deposit of fees retained by Tax Commissioner into Local Sales Tax and Excise Tax Administration Fund; requiring certain vendors to collect county transportation sales tax; providing for payment of county transportation use tax to Tax Commissioner; clarifying that county transportation sales and use taxes are to be collected and paid in addition to certain other taxes; granting purchaser credit against county transportation use tax for sales tax paid in another county; making county transportation sales and use taxes subject to sourcing rules; making applicable provisions of law related to state consumer sales and service tax provisions and state consumer use tax provisions; making county transportation sales and use taxes subject to West Virginia Tax Procedure and Administration Act; making West Virginia Tax Crimes and Penalties Act applicable to county transportation sales and use taxes; providing for date of first application for county transportation sales and use taxes; providing for deposit of county transportation sales and use taxes into subaccount of county in County Road Improvement Account;

providing for crediting of county transportation sales and use taxes; authorizing issuance of requisition to Auditor to request issuance of state warrant for funds in county subaccount; requiring actions by State Auditor and State Treasurer upon receipt of requisition; providing for correction and adjustment to payments; setting effective date of county transportation sales and use tax; requiring county commissions to develop and maintain county rate and boundary databases; requiring county commission to notify Tax Commissioner if tax has been imposed or tax rate has changed; authorizing early retirement of special revenue bonds under certain conditions; authorizing termination of county transportation sales and use taxes once special revenue bonds are no longer outstanding or have been defeased; providing for excess funds be forwarded to county commission for deposit in county's general fund; providing that all powers are supplemental; exempting public officers from personal liability; providing for severability; authorizing West Virginia Economic Development Authority to issue bonds for county capital improvements; setting requirements on issuance of bonds; setting certain terms for revenue bonds; providing for handling of moneys deposited in account; providing for establishment of debt service fund for each bond issue; requiring West Virginia Economic Development Authority certify annually to county commission certain information regarding bond issue; providing for disposition of balance remaining in debt service fund after bond issued and requirements have been satisfied; and directing generally how the West Virginia Economic Development Authority implements and manages bonds issued for county road construction projects.

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

**Eng. House Bill 4033**, Adding criminal penalties for the unauthorized practice of pharmacists care.

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

On motion of Senator Prezioso, the Senate reconsidered the vote by which on yesterday, Friday, March 11, 2016, it adopted the

Judiciary committee amendment to the bill (*shown in the Senate Journal of that day, pages 2627 to 2632, inclusive*).

The vote thereon having been reconsidered,

The question again being on the adoption of the Judiciary committee amendment to the bill.

On motions of Senators Prezioso and Trump, the following amendments to the Judiciary committee amendment to the bill (Eng. H. B. 4033) were reported by the Clerk, considered simultaneously, and adopted:

On page three, section twelve-b, after subsection (f), by inserting a new subsection, designated subsection (g), to read as follows:

(g) All savings in the retail price of the prescription shall be passed on to the purchaser; these savings shall be equal to the difference between the retail price of the brand name product and the customary and usual price of the generic product substituted therefor: *Provided*, That in no event shall such savings be less than the difference in acquisition cost of the brand name product prescribed and the acquisition cost of the substituted product.;

And,

By relettering the remaining subsections.

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

Having been engrossed, the bill (Eng. H. B. 4033), as just amended, was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4033) passed.

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

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

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

**Eng. House Bill 4033**—A Bill to amend and reenact §30-5-12b and §30-5-34 of the Code of West Virginia, 1931, as amended, all relating to prohibiting the practice of pharmacist care without a license; prohibiting assistance to practice of pharmacist care without a registration; establishing a criminal penalty for the illegal practice or pharmacy care or assisting in the practice of pharmacy care; permitting the board to contact law enforcement with information concerning a criminal offense; permitting the fining of a person practicing with an encumbered license; permitting the fining of a person practicing with an encumbered registration; and establishing a fine.

*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 4035**, Permitting pharmacists to furnish naloxone hydrochloride.

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

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

**Eng. Com. Sub. for House Bill 4046**, Relating to the promulgation of rules by the Department of Administration.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Miller and Unger—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4046) 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 4046**—A Bill to amend and reenact article two, chapter sixty-four of the Code of West Virginia, 1931, as amended, relating generally to administrative rules of the Department of Administration; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various amendments by the legislature; repealing certain legislative, procedural or interpretative rules that are no longer authorized or are obsolete of certain agencies and commissions under Department of Administration; authorizing the Department of Administration to promulgate a legislative rule relating to the Purchasing Division;

repealing Department of Administration legislative rule relating to the availability of state surplus buildings and equipment to charity food banks; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to benefit determination and appeal; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Teachers' Defined Contribution System; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Teachers' Retirement System; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to refund, reinstatement, retroactive service, loan and correction of error interest factors; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to service credit for accrued and unused sick leave; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Deputy Sheriff Retirement System; authorizing the Ethics Commission to promulgate a legislative rule relating to the public use of names or likenesses; repealing Ethics Commission legislative rule relating to advisory opinions; repealing Ethics Commission legislative rule relating to guidelines and standards for determining the existence of disqualifying financial interests; repealing Ethics Commission legislative rule relating to contributions; authorizing the Division of Personnel to promulgate a legislative rule relating to the administrative rule of the West Virginia Division of Personnel; repealing State Building Commission procedural rule relating to procedural rules for meetings; repealing Public Employees Insurance Agency procedural rules relating to procedural rules for the Public Employees Insurance Agency Advisory Board; and repealing Board of Risk and Insurance Management legislative rule relating to discontinuation of professional malpractice insurance.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins,



Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Miller and Unger—2.

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. 4046) takes effect from passage.

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

**Eng. House Bill 4150**, Making a supplementary appropriation to the Department of Health and Human Resources.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4150) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt,

Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4150) takes effect from passage.

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

**Eng. House Bill 4151**, Making a supplementary appropriation to the Department of Education.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4151) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4151) takes effect from passage.

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

**Eng. House Bill 4152**, Making a supplementary appropriation to the Division of Environmental Protection – Protect Our Water 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Facemire—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. H. B. 4152) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4152) takes effect from passage.

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

**Eng. House Bill 4155**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Miller—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. H. B. 4155) passed.

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

**Eng. House Bill 4155**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2016, to the Department of Health and Human

Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2016, organization 0506, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund, fund 5185, fiscal year 2016, organization 0511; and expiring funds to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund, fund 5185, organization 0511, for the fiscal year ending June 30, 2016.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Miller—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4155) 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 4176**, Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt,

Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4176) 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 4176**—A Bill to amend and reenact §62-15A-1, §62-15A-2 and §62-15A-3 of the Code of West Virginia, 1931, as amended, all relating to the addiction treatment pilot program; defining terms; permitting the Regional Jail and Correctional Facility Authority to participate in the pilot program; establishing criteria for participants authorizing inmates to receive good time credit for successful completion of the program; and including the Director of the Regional Jail and Correctional Facility Authority and the Secretary of the Department of Military Affairs and Public Safety in the list of recipients of the report required to be made by the Department of Health and Human Resources.

*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 4186**, Relating to additional duties of the Public Service Commission.

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: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt,

Takubo, Trump, Unger, Walters, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Beach and Williams—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4186) 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 4186**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24A-2-2b, relating to Public Service Commission; requiring the Public Service Commission promulgate rules related to rates charged by a carrier for the recovery, towing, hauling, carrying or storing of a wrecked or disabled vehicle; establishing a complaint review process; developing a process for aggrieved parties to recover charges; providing the burden of proof be on the carrier; establishing factors for Public Service Commission to consider in determining whether rates are fair, effective and reasonable; requiring carriers to list rates on invoices; providing for promulgated rules to sunset; and requiring a review of rules by the Legislative Auditor.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Beach and Williams—2.

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. 4186) 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 4201**, Increasing the criminal penalties for participating in an animal fighting venture.

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

At the request of Senator Carmichael, 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 4218**, Expanding the definition of "underground facility" in the One-Call System 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4218) 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 4261**, Prohibiting the sale or transfer of student data to vendors and other profit making entities.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4261) 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 4261**—A Bill to amend and reenact §18-2-5h of the Code of West Virginia, 1931, as amended, relating to student data; prohibiting the West Virginia Department of Education from transferring confidential student information or certain redacted data to any federal, state or local agency or other person or entity; establishing exception when the department enters into a contract that governs student or redacted data with a contractor for the purposes of state level reporting; establishing exception that, in the event the ACT or the SAT tests are adopted as the state summative assessment, allows the ACT or the College Board to use certain information; requiring written consent if information classified as confidential is required; and requiring consent contain a detailed list of confidential information required and the purpose of its requirement.

*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 4271**, Ending discretionary transfers to the Licensed Racetrack Modernization Fund.

On third reading, coming up in regular order, with the unreported Finance committee amendment pending and with the right having been granted on yesterday, Friday, March 11, 2016, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Carmichael, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar, following consideration of Engrossed Committee Substitute for House Bill 4201, already placed in that position.

**Eng. House Bill 4315**, Relating to air-ambulance fees for emergency treatment or air transportation.

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: Ashley, Boley, Cline, Facemire, Gaunch, Hall, Kessler, Laird, Leonhardt, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Williams, Yost and Cole (Mr. President)—23.

The nays were: Blair, Boso, Carmichael, Ferns, Karnes, Kirkendoll, Maynard, Takubo, Walters and Woelfel—10.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4315) passed with its title.

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

**Eng. House Bill 4321**, Relating to tax credits for apprenticeship training in construction trades.

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: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4321) passed.

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

**Eng. House Bill 4321**—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to tax credits for apprenticeship training in construction trades; removing requirement that eligibility is limited to programs jointly administered by labor and management trustees; and limiting the total amount of the credit.

Senator Carmichael moved that the bill take effect January 1, 2017.

On this question, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4321) takes effect January 1, 2017.

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

**Eng. House Bill 4347**, Providing pregnant women priority to substance abuse treatment.

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: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4347) passed with its title.

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

**Eng. House Bill 4364**, Internet Privacy Protection 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall,

Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sybolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4364) 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 4364**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5G-1, relating to employee personal social media; prohibiting an employer from requesting or requiring that an employee or potential employee disclose any user name, password or other authentication information for accessing a personal account; prohibiting an employer from requesting or requiring that an employee or potential employee access his or her personal account in the employer's presence; setting forth permissible actions for an employer; specifying required action when an employer inadvertently receives an employee's or potential employee's username, password or other authentication information; setting forth circumstances under which an employer is liable for having that information; setting forth authority and obligation of employer to investigate complaints, allegations or the occurrence of sexual, racial or other harassment; and defining the term "personal account".

*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 4380**, Adding the spouse of an indigent person as a possible individual who may be liable for the funeral service expenses.

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 4380 pass?”

On the passage of the bill, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Ferns, Karnes, Kirkendoll, Leonhardt, Maynard, Mullins, Plymale, Prezioso, Stollings, Trump, Walters, Williams, Yost and Cole (Mr. President)—20.

The nays were: Beach, Facemire, Gaunch, Hall, Kessler, Laird, Miller, Palumbo, Romano, Snyder, Sypolt, Takubo, Unger and Woelfel—14.

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. 4380) 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 4380**—A Bill to amend and reenact §9-5-9 and §9-5-18 of the Code of West Virginia, 1931, as amended, all relating to indigent burial; providing for liability of spouses or relatives for certain expenses of an indigent person; eliminating liability of certain persons for support of an indigent person; defining terms; limiting liability of certain persons for funeral expenses of an indigent person; authorizing department to require certain financial information; requiring certain sworn statements regarding ability to pay for funeral services for an indigent person; limiting the total number of indigent funeral services that may be paid for by the Department of Health and Human Resources per year; and requiring cremation under certain circumstances.

*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, 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 4388**, Relating to stroke centers.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4388) passed with its title.

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

**Eng. House Bill 4428**, Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4428) 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 4542,** Allowing persons with property within rural fire protection districts to opt out of fire protection coverage.

On third reading, coming up in regular order, with the Government Organization committee amendment pending, and with the right having been granted on yesterday, Friday, March 11, 2016, for other amendments to be received on third reading, was reported by the Clerk.

The question being on the adoption of the Government Organization committee amendment to the bill (*shown in the Senate Journal of yesterday, Friday, March 11, 2016, pages 2666 to 2670, inclusive*).

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

**Eng. Com. Sub. for House Bill 4566,** Relating to school personnel.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4566) passed with its title.

Senator Carmichael moved that the bill take effect July 1, 2016.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4566) takes effect July 1, 2016.

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

At the request of Senator Ashley, and by unanimous consent, Senator Ashley announced a meeting of the committee of conference as to Engrossed Committee Substitute for House Bill 4174 (*Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house*).

**Eng. Com. Sub. for House Bill 4605**, Prohibiting contracting with a state agency unless business entity submits disclosure of interested parties.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4605) 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 4605**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6B-4-1, relating to the disclosure of interested parties to a government contract; defining terms; and requiring applicable contracts of state agencies to contain a certification that no interested party has a conflict that had any effect on the award of the contract or that would impair the business entity's performance of the applicable contract.

*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 4606**, Relating to the recusal of certain public officials from voting for appropriation of moneys to nonprofit entities.

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

At the request of Senator Carmichael, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar, following consideration of Engrossed Committee Substitute for House Bill 4271, already placed in that position.

**Eng. Com. Sub. for House Bill 4633**, 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.

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 4633 pass?"

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: None.

Absent: Ashley, Beach and Cline—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. 4633) 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 4633**—A Bill to amend and reenact §49-4-720 of the Code of West Virginia, 1931, as amended, relating to prohibiting juveniles from being incarcerated with adult offenders; directing that the Division of Juvenile Services begin operating and maintaining a facility or a unit within a facility for persons committed to the division's custody who are eighteen years of age or older on or before June 30, 2016, which is in compliance with state and federal laws regarding the housing of juvenile offenders; requiring notice to the sentencing court regarding a juvenile's impending eighteenth birthday; authorizing a sentencing court to hold a hearing upon the reaching age eighteen who had previously been transferred to the criminal jurisdiction of the circuit court in order to consider and order further action; and establishing an internal effective date.

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

At the request of Senator Carmichael, 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 3:58 p.m. today:

**Eng. Com. Sub. for Senate Bill 597**, Relating generally to Health Care Authority.

At the request of Senator Unger, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced 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 4013**, Requiring a person desiring to vote to present documentation identifying the voter.

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

Delegates Lane, McCuskey and Rowe.

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 4174**, Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house.

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

Delegates Azinger, Foster and Moore.

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 4013 (*Requiring a person desiring to vote to present documentation identifying the voter*).

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

**Eng. House Bill 4655**, Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers to provide discounts on noncovered services or materials.

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: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo,

Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: None.

Absent: Ashley, Beach and Cline—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4655) passed.

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

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

**Eng. House Bill 4655**—A Bill to amend and reenact §33-25E-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-25E-5, all relating to vision care insurance, benefit and discount plans; defining terms; prohibiting requirement that eye care providers give discounts on noncovered services or materials; prohibiting eye care providers from charging more to enrollees for noncovered services than the customary rate; requiring reasonable reimbursements, requiring fee schedule and stating that plans may not provide for nominal reimbursements in order to claim that a service or material is covered; prohibiting plans from falsely representing benefits; specifying application to subcontractors; prohibiting the requirement that eye care providers be credentialed through a designated vision plan as a condition of participation in a health care network; providing pay parity for optometrists and ophthalmologists; providing that optometrists and ophthalmologists be held to the same credentialing standards; setting forth requirements for alterations to and content of eye care provider agreements; requiring that eye care providers be permitted

to use any lab or supplier; creating a private right of action for persons or entities adversely affected, including injunctive relief, specifying damages and providing for attorney fees and costs; placing limits on chargebacks of administrative fees and other recoupments; authorizing suits for injunctions by Insurance Commissioner; prohibiting discrimination against a provider based on geographic location of the eye care provider; and providing effective date.

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

**Eng. Com. Sub. for House Bill 4659**, Authorizing local health departments to bill health insurance plans for services.

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: Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: None.

Absent: Ashley, Beach and Cline—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. 4659) 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 4659**—A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to local health departments; and authorizing local health

departments to bill for medical services without obtaining approval from the commissioner and allowing billing to be at a payor's maximum allowable rate.

*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 4660**, Relating to the information required to be included in support of an application to the Public Service Commission for a certificate of convenience and necessity for a water, sewer and/or stormwater service project.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, March 11, 2016, for amendments to be received on third reading, was reported by the Clerk.

There being no amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4660) was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4660 pass?”

On this question, the yeas were: Blair, Boley, Carmichael, Cline, Ferns, Gaunch, Leonhardt, Maynard, Mullins, Trump and Cole (Mr. President)—11.

The nays were: Ashley, Beach, Boso, Facemire, Hall, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Unger, Walters, Williams and Yost—21.

Absent: Karnes and Woelfel—2.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4660) rejected.



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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the opening remarks by Senator Snyder regarding the rejection of Engrossed Committee Substitute for House Bill 4660 were ordered printed in the Appendix to the Journal.

**Eng. Com. Sub. for House Bill 4662**, Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Maynard—1.

Absent: Karnes—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. 4662) passed.

At the request of Senator Walters, as chair of the Committee on Transportation and Infrastructure, and by unanimous consent, the unreported Transportation and Infrastructure 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 4662**—A Bill to amend and reenact §17C-16-5 and §17C-16-6 of the Code of West Virginia, 1931, as amended, all relating to permitting the Superintendent of

the State Police to collect \$3 from the sale of motor vehicle inspection stickers to purchase, equip and maintain vehicles; and increasing the allowable fee from \$12 to \$14 for vehicle inspection and any necessary headlight adjustment.

Senator Carmichael moved that the bill take effect July 1, 2016.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Maynard—1.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4662) takes effect July 1, 2016.

*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 4668**, Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Karnes—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. 4668) passed with its title.

Senator Carmichael moved that the bill take effect July 1, 2016.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4668) takes effect July 1, 2016.

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

**Eng. House Bill 4724**, Relating to adding a requirement for the likelihood of imminent lawless action to the prerequisites for the crime of intimidation and retaliation.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4724) 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 4724**—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to adding a requirement for the likelihood of imminent lawless action of a violent nature that could cause bodily harm to the prerequisites for the crime of intimidation and retaliation.

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

**Eng. House Bill 4730**, Relating to computer science courses of instruction.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4730) passed with its title.

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

The end of today's third reading calendar having been reached, the Senate returned to the consideration of

**Eng. Com. Sub. for House Bill 4201**, Increasing the criminal penalties for participating in an animal fighting venture.

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

At the request of Senator Carmichael, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar, following consideration of Engrossed Committee Substitute for House Bill 4606, already placed in that position.

The Senate next proceeded to the consideration of

**Eng. Com. Sub. for House Bill 4271**, Ending discretionary transfers to the Licensed Racetrack Modernization Fund.

On third reading, coming up in deferred order, with the unreported Finance committee amendment pending and with the right having been granted on yesterday, Friday, March 11, 2016, for further amendments to be received on third reading, was again reported by the Clerk.

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

On page four, section ten, line fifty-nine, by striking out the words "March 1," and inserting in lieu thereof the words "the effective date of the amendment and reenactment of this section during the regular session of the Legislature in".

On motion of Senator Walters, the following amendment to the bill (Eng. Com. Sub. for H. B. 4271) was next reported by the Clerk and adopted:

On pages one through eleven, lines one through two hundred forty-two, by striking out all of section ten and inserting in in lieu thereof a new section, designated section ten, to read as follows:

**ARTICLE 22A RACETRACK VIDEO LOTTERY.**

**§29-22A-10. Accounting and reporting; commission to provide communications protocol data; distribution of net terminal income; remittance through electronic transfer of funds; establishment of accounts and nonpayment penalties; commission control of accounting for net terminal income; settlement of accounts; manual reporting and payment may be required; request for reports; examination of accounts and records.**

(a) The commission shall provide to manufacturers, or applicants applying for a manufacturer's permit, the protocol documentation data necessary to enable the respective manufacturer's video lottery terminals to communicate with the commission's central computer for transmitting auditing program information and for activation and disabling of video lottery terminals.

(b) The gross terminal income of a licensed racetrack shall be remitted to the commission through the electronic transfer of funds. Licensed racetracks shall furnish to the commission all information and bank authorizations required to facilitate the timely transfer of moneys to the commission. Licensed racetracks must provide the commission thirty days' advance notice of any proposed account changes in order to assure the uninterrupted electronic transfer of funds. From the gross terminal income remitted by the licensee to the commission:

(1) The commission shall deduct an amount sufficient to reimburse the commission for its actual costs and expenses incurred in administering racetrack video lottery at the licensed racetrack and the resulting amount after the deduction is the net terminal income. The amount deducted for administrative costs and expenses of the commission may not exceed four percent of gross terminal income: *Provided*, That any amounts deducted by the commission for its actual costs and expenses that exceeds its actual costs and expenses shall be deposited into the State Lottery Fund.

For the fiscal years ending June 30, 2011 through June 30, 2020, the term “actual costs and expenses” may include transfers of up to \$10 million in surplus allocations for each fiscal year, as calculated by the commission when it has closed its books for the fiscal year, to the Licensed Racetrack Modernization Fund created by subdivision (2), subsection (b) of this section: Provided, That for fiscal years beginning July 1, 2016, through fiscal year ending June 30, 2020, \$4.5 million of the surplus allocations for each fiscal year shall be transferred to the Licensed Racetrack Modernization Fund and \$4.5 million shall be transferred to the General Revenue Fund. For all fiscal years beginning on or after July 1, 2001, the commission shall not receive an amount of gross terminal income in excess of the amount of gross terminal income received during the fiscal year ending on June 30, 2001, but four percent of any amount of gross terminal income received in excess of the amount of gross terminal income received during the fiscal year ending on June 30, 2001, shall be deposited into the fund established in section eighteen-a, article twenty-two of this chapter; and

(2) A Licensed Racetrack Modernization Fund is created within the lottery fund. For all fiscal years beginning on or after July 1, 2011, and ending with the fiscal year beginning July 1, 2020, the commission shall deposit such amounts as are available according to subdivision (1), subsection (b) of this section into a separate facility modernization account maintained within the Licensed Racetrack Modernization Fund for each racetrack. Each racetrack’s share of each year’s deposit shall be calculated in the same ratio as each racetrack’s apportioned contribution to the four percent administrative costs and expenses allowance provided for in subdivision (1), subsection (b) of this section for that year. For each two dollars expended by a licensed racetrack for facility modernization improvements at the racetrack, having a useful life of three or more years and placed in service after July 1, 2011, the licensed racetrack shall receive \$1 in recoupment from its facility modernization account. If the licensed racetrack’s facility modernization account contains a balance in any fiscal year, the unexpended balance from that fiscal year will be available for matching for one additional fiscal year, after which time, the

remaining unused balance carried forward shall revert to the ~~lottery fund~~ General Revenue Fund: *Provided, That for fiscal year ending June 30, 2016, a licensed racetrack may, pursuant to the provisions of this subsection (b) and the rules of the commission, seek recoupment only for facility modernization improvements ordered before the effective date of this amendment. Any money remaining in the Licensed Racetrack Modernization Fund for which recoupment has not been requested by a licensed racetrack pursuant to the provisions of this subsection shall be deposited into the General Revenue Fund.* For purposes of this section, the term “facility modernization improvements” includes acquisitions of new and unused video lottery terminals and related equipment. Video lottery terminals financed through the recoupment provided in this subdivision must be retained by the licensee in its West Virginia licensed location for a period of not less than five years from the date of initial installation.

(c) The amount resulting after the deductions required by subsection (b) of this section constitutes net terminal income that shall be divided as set out in this subsection. For all fiscal years beginning on or after July 1, 2001, any amount of net terminal income received in excess of the amount of net terminal income received during the fiscal year ending on June 30, 2001, shall be divided as set out in section ten-b of this article. The licensed racetrack’s share is in lieu of all lottery agent commissions and is considered to cover all costs and expenses required to be expended by the licensed racetrack in connection with video lottery operations. The division shall be made as follows:

(1) The commission shall receive thirty percent of net terminal income, which shall be paid into the State Lottery Fund as provided in section ten-a of this article;

(2) Until July 1, 2005, fourteen percent of net terminal income at a licensed racetrack shall be deposited in the special fund established by the licensee, and used for payment of regular purses in addition to other amounts provided for in article twenty-three, chapter nineteen of this code, on and after July 1, 2005, the rate shall be seven percent of net terminal income;



(3) The county where the video lottery terminals are located shall receive two percent of the net terminal income: *Provided, That:*

(A) Beginning July 1, 1999, and thereafter, any amount in excess of the two percent received during the fiscal year 1999 by a county in which a racetrack is located that has participated in the West Virginia Thoroughbred Development Fund since on or before January 1, 1999 shall be divided as follows:

(i) The county shall receive fifty percent of the excess amount; and

(ii) The municipalities of the county shall receive fifty percent of the excess amount, said fifty percent to be divided among the municipalities on a per capita basis as determined by the most recent decennial United States census of population; and

(B) Beginning July 1, 1999, and thereafter, any amount in excess of the two percent received during the fiscal year 1999 by a county in which a racetrack other than a racetrack described in paragraph (A) of this proviso is located and where the racetrack has been located in a municipality within the county since on or before January 1, 1999 shall be divided, if applicable, as follows:

(i) The county shall receive fifty percent of the excess amount; and

(ii) The municipality shall receive fifty percent of the excess amount; and

(C) This proviso shall not affect the amount to be received under this subdivision by any other county other than a county described in paragraph (A) or (B) of this proviso;

(4) One percent of net terminal income shall be paid for and on behalf of all employees of the licensed racing association by making a deposit into a special fund to be established by the Racing Commission to be used for payment into the pension plan for all employees of the licensed racing association;

(5) The West Virginia Thoroughbred Development Fund created under section thirteen-b, article twenty-three, chapter nineteen of this code and the West Virginia Greyhound Breeding Development Fund created under section ten of said article shall receive an equal share of a total of not less than one and one-half percent of the net terminal income;

(6) The West Virginia Racing Commission shall receive one percent of the net terminal income which shall be deposited and used as provided in section thirteen-c, article twenty-three, chapter nineteen of this code.

(7) A licensee shall receive forty-six and one-half percent of net terminal income.

(8)(A) The Tourism Promotion Fund established in section twelve, article two, chapter five-b of this code shall receive three percent of the net terminal income: *Provided*, That for the fiscal year beginning July 1, 2003, the tourism commission shall transfer from the Tourism Promotion Fund \$5 million of the three percent of the net terminal income described in this section and section ten-b of this article into the fund administered by the West Virginia Economic Development Authority pursuant to section seven, article fifteen, chapter thirty-one of this code, \$5 million into the Capitol Renovation and Improvement Fund administered by the Department of Administration pursuant to section six, article four, chapter five-a of this code and \$5 million into the Tax Reduction and Federal Funding Increased Compliance Fund; and

(B) Notwithstanding any provision of paragraph (A) of this subdivision to the contrary, for each fiscal year beginning after June 30, 2004, this three percent of net terminal income and the three percent of net terminal income described in paragraph (B), subdivision (8), subsection (a), section ten-b of this article shall be distributed as provided in this paragraph as follows:

(i) 1.375 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the Tourism Promotion Fund created under section twelve, article two, chapter five-b of this code;

(ii) 0.375 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the Development Office Promotion Fund created under section three-b, article two, chapter five-b of this code;

(iii) 0.5 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the Research Challenge Fund created under section ten, article one-b, chapter eighteen-b of this code;

(iv) 0.6875 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the Capitol Renovation and Improvement Fund administered by the Department of Administration pursuant to section six, article four, chapter five-a of this code; and

(v) 0.0625 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the 2004 Capitol Complex Parking Garage Fund administered by the Department of Administration pursuant to section five-a, article four, chapter five-a of this code;

(9)(A) On and after July 1, 2005, seven percent of net terminal income shall be deposited into the Workers' Compensation Debt Reduction Fund created in section five, article two-d, chapter twenty-three of this code: *Provided*, That in any fiscal year when the amount of money generated by this subdivision totals \$11 million, all subsequent distributions under this subdivision shall be deposited in the special fund established by the licensee and used for the payment of regular purses in addition to the other amounts provided in article twenty-three, chapter nineteen of this code;

(B) The deposit of the seven percent of net terminal income into the Worker's Compensation Debt Reduction Fund pursuant to this subdivision shall expire and not be imposed with respect to these funds and shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to the other amounts provided in article twenty-three, chapter nineteen of this code, on and after the first day of the month following the month in which the Governor certifies to the Legislature that: (i)

The revenue bonds issued pursuant to article two-d, chapter twenty-three of this code, have been retired or payment of the debt service provided for; and (ii) that an independent certified actuary has determined that the unfunded liability of the old fund, as defined in chapter twenty-three of this code, has been paid or provided for in its entirety; and

(10) The remaining one percent of net terminal income shall be deposited as follows:

(A) For the fiscal year beginning July 1, 2003, the veterans memorial program shall receive one percent of the net terminal income until sufficient moneys have been received to complete the veterans memorial on the grounds of the State Capitol Complex in Charleston, West Virginia. The moneys shall be deposited in the State Treasury in the Division of Culture and History special fund created under section three, article one-i, chapter twenty-nine of this code: *Provided*, That only after sufficient moneys have been deposited in the fund to complete the veterans memorial and to pay in full the annual bonded indebtedness on the veterans memorial, not more than \$20,000 of the one percent of net terminal income provided in this subdivision shall be deposited into a special revenue fund in the State Treasury, to be known as the "John F. 'Jack' Bennett Fund". The moneys in this fund shall be expended by the Division of Veterans Affairs to provide for the placement of markers for the graves of veterans in perpetual cemeteries in this state. The Division of Veterans Affairs shall promulgate legislative rules pursuant to the provisions of article three, chapter twenty-nine-a of this code specifying the manner in which the funds are spent, determine the ability of the surviving spouse to pay for the placement of the marker and setting forth the standards to be used to determine the priority in which the veterans grave markers will be placed in the event that there are not sufficient funds to complete the placement of veterans grave markers in any one year, or at all. Upon payment in full of the bonded indebtedness on the veterans memorial, \$100,000 of the one percent of net terminal income provided in this subdivision shall be deposited in the special fund in the Division of Culture and History created under section three, article one-i, chapter twenty-nine of this code and be expended by

the Division of Culture and History to establish a West Virginia veterans memorial archives within the Cultural Center to serve as a repository for the documents and records pertaining to the veterans memorial, to restore and maintain the monuments and memorial on the capitol grounds: *Provided, however,* That \$500,000 of the one percent of net terminal income shall be deposited in the State Treasury in a special fund of the Department of Administration, created under section five, article four, chapter five-a of this code, to be used for construction and maintenance of a parking garage on the state Capitol Complex; and the remainder of the one percent of net terminal income shall be deposited in equal amounts in the Capitol Dome and Improvements Fund created under section two, article four, chapter five-a of this code and Cultural Facilities and Capitol Resources Matching Grant Program Fund created under section three, article one of this chapter.

(B) For each fiscal year beginning after June 30, 2004:

(i) Five hundred thousand dollars of the one percent of net terminal income shall be deposited in the State Treasury in a special fund of the Department of Administration, created under section five, article four, chapter five-a of this code, to be used for construction and maintenance of a parking garage on the State Capitol Complex; and

(ii) The remainder of the one percent of net terminal income and all of the one percent of net terminal income described in paragraph (B), subdivision (9), subsection (a), section ten-b of this article shall be distributed as follows: The net terminal income shall be deposited in equal amounts into the Capitol Dome and Capitol Improvements Fund created under section two, article four, chapter five-a of this code and the Cultural Facilities and Capitol Resources Matching Grant Program Fund created under section three, article one, chapter twenty-nine of this code until a total of \$1,500,000 is deposited into the Cultural Facilities and Capitol Resources Matching Grant Program Fund; thereafter, the remainder shall be deposited into the Capitol Dome and Capitol Improvements Fund.

(d) Each licensed racetrack shall maintain in its account an amount equal to or greater than the gross terminal income from its operation of video lottery machines, to be electronically transferred by the commission on dates established by the commission. Upon a licensed racetrack's failure to maintain this balance, the commission may disable all of a licensed racetrack's video lottery terminals until full payment of all amounts due is made. Interest shall accrue on any unpaid balance at a rate consistent with the amount charged for state income tax delinquency under chapter eleven of this code. The interest shall begin to accrue on the date payment is due to the commission.

(e) The commission's central control computer shall keep accurate records of all income generated by each video lottery terminal. The commission shall prepare and mail to the licensed racetrack a statement reflecting the gross terminal income generated by the licensee's video lottery terminals. Each licensed racetrack shall report to the commission any discrepancies between the commission's statement and each terminal's mechanical and electronic meter readings. The licensed racetrack is solely responsible for resolving income discrepancies between actual money collected and the amount shown on the accounting meters or on the commission's billing statement.

(f) Until an accounting discrepancy is resolved in favor of the licensed racetrack, the commission may make no credit adjustments. For any video lottery terminal reflecting a discrepancy, the licensed racetrack shall submit to the commission the maintenance log which includes current mechanical meter readings and the audit ticket which contains electronic meter readings generated by the terminal's software. If the meter readings and the commission's records cannot be reconciled, final disposition of the matter shall be determined by the commission. Any accounting discrepancies which cannot be otherwise resolved shall be resolved in favor of the commission.

(g) Licensed racetracks shall remit payment by mail if the electronic transfer of funds is not operational or the commission notifies licensed racetracks that remittance by this method is required. The licensed racetracks shall report an amount equal to

the total amount of cash inserted into each video lottery terminal operated by a licensee, minus the total value of game credits which are cleared from the video lottery terminal in exchange for winning redemption tickets, and remit the amount as generated from its terminals during the reporting period. The remittance shall be sealed in a properly addressed and stamped envelope and deposited in the United States mail no later than noon on the day when the payment would otherwise be completed through electronic funds transfer.

(h) Licensed racetracks may, upon request, receive additional reports of play transactions for their respective video lottery terminals and other marketing information not considered confidential by the commission. The commission may charge a reasonable fee for the cost of producing and mailing any report other than the billing statements.

(i) The commission has the right to examine all accounts, bank accounts, financial statements and records in a licensed racetrack's possession, under its control or in which it has an interest and the licensed racetrack shall authorize all third parties in possession or in control of the accounts or records to allow examination of any of those accounts or records by the commission.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4271), 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 4271 pass?"

On this question, the yeas were: Carmichael, Hall, Sypolt, Takubo, Trump and Walters—6.

The nays were: Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso,

Romano, Snyder, Stollings, Unger, Williams, Woelfel, Yost and Cole (Mr. President)—28.

Absent: None.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4271) rejected.

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

At the request of Senator Carmichael, 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 4:43 p.m. today:

**Eng. Com. Sub. for House Bill 4174**, Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house.

Senator Carmichael, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 13**, Increasing penalties for overtaking and passing stopped school buses.

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 13 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 of Delegates, striking out everything after the enacting clause, and agree to the same as follows:



That §17C-12-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 12. SPECIAL STOPS REQUIRED.**

### **§17C-12-7. Overtaking and passing school bus; penalties; signs and warning lights upon buses; requirements for sale of buses; mounting of cameras; educational information campaign; limitation on idling.**

(a) The driver of a vehicle, upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching the school bus when there is in operation on the school bus flashing warning signal lights, as referred to in section eight of this article, and the driver may not proceed until the school bus resumes motion, or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. This section applies wherever the school bus is receiving or discharging children including, but not limited to, any street, highway, parking lot, private road or driveway: *Provided*, That the driver of a vehicle upon a controlled access highway need not stop upon meeting or passing a school bus which is on a different roadway or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

(b) Any driver acting in violation of subsection (a) of this section is guilty of a misdemeanor and, upon conviction for a first offense, shall be fined not less than ~~\$150~~ \$250 or more than \$500, or confined in jail not more than six months, or both fined and confined. Upon conviction of a second violation of subsection (a), the driver shall be fined not less than \$500 nor more than \$1,000, or confined in jail not more than six months, or both fined and confined. Upon conviction of a third or subsequent violation of subsection (a), the driver shall be fined ~~\$500~~ \$1,000, and confined not less than ~~twenty-four~~ forty-eight hours in jail but not more than six months.

(c) Where the actual identity of the operator of a motor vehicle operated in violation of subsection (a) of this section is unknown but the license plate number of the motor vehicle is known, it may be inferred that the operator was an owner or lessee of the motor vehicle for purposes of the probable cause determination. Where there is more than one registered owner or lessee, the inference created by this subsection shall apply to the first listed owner or lessee as found on the motor vehicle registration: *Provided, That a person charged with a violation of subsection (a) of this section under the provisions of this subsection where the sole evidence against the owner or lessee is the presence of the vehicle at the scene at the time of the offense shall only be subject to the applicable fine set forth in subsection (b) of this section upon conviction: *Provided, however, That, the offenses set forth in subsection (f) and (g) of this section are separate and distinct from that set forth in subsection (a) of this section.**

(d) Service of process of a complaint issued pursuant to subsection (c) of this section shall be effected consistent with West Virginia Rule of Criminal Procedure 4.

~~(e)~~(e) In addition to the penalties prescribed in subsections (b) of this section, the Commissioner of Motor Vehicles shall, upon conviction, suspend the driver's license of the person so convicted:

(1) Of a first offense under subsection (b) of this section, for a period of thirty days;

(2) Of a second offense under subsection (b) of this section, for a period of ninety days; or

(3) Of a third or subsequent offense under subsection (b) of this section, for a period of one hundred ~~and~~ eighty days.

~~(f)~~(f) Any driver of a vehicle who willfully violates the provisions of subsection (a) of this section and the violation causes serious bodily injury to any person other than the driver, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility not less than one year nor more than three years and fined not less than \$500 nor more than \$2,000.

~~(e)~~(g) Any driver of a vehicle who willfully violates the provisions of subsection (a) of this section, and the violation causes death, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility not less than one year nor more than ten years and fined not less than \$1,000 nor more than \$3,000.

~~(f)~~(h) Every bus used for the transportation of school children shall bear upon the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. When a contract school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings on the contract school bus indicating "school bus" shall be covered or concealed. Any school bus sold or transferred to another owner by a county board of education, agency or individual shall have all flashing warning lights disconnected and all lettering removed or permanently obscured, except when sold or transferred for the transportation of school children.

~~(g)~~(i) Every county board of education is hereby authorized to mount a camera on any school bus for the purpose of enforcing this section or for any other lawful purpose.

~~(h)~~(j) To the extent that state, federal or other funds are available, the State Police shall conduct an information campaign to educate drivers concerning the provisions of this section and the importance of school bus safety.

~~(i)~~(k) The State Board of Education shall promulgate a rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code governing the idling of school buses.;

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 13**—A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to offense of overtaking and passing school bus stopped for the purpose of receiving and discharging children;

creating rebuttable inference for charging purposes that registered owner or lessee was operating vehicle in the event that the driver of the passing vehicle cannot be ascertained at time of alleged offense; limiting penalty for violation to a fine where identity of operator is unknown; increasing certain penalties; clarifying that service of process is pursuant to West Virginia Rule of Criminal Procedure 4 where the vehicle is involved in violation, but identity of operator is not determined at the scene; and clarifying that offenses set forth in this section are separate and distinct from each other.

Respectfully submitted,

Mitch Carmichael, *Chair*, Bob Ashley, Jeffrey V. Kessler,  
*Conferees on the part of the Senate.*

Roger Hanshaw, *Chair*, Lynwood Ireland, Andrew D. Byrd,  
*Conferees on the part of the House of Delegates.*

On motions of Senator Carmichael, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 13, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 S. B. 13) 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 Ferns, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 283**, Creating crime when fire is caused by operation of a clandestine drug laboratory.

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 283 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 of Delegates, striking out everything after the enacting clause, and agree to the same as follows:

That §60A-4-411 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

#### **ARTICLE 4. OFFENSES AND PENALTIES.**

##### **§60A-4-411. Operating or attempting to operate clandestine drug laboratories; offenses; penalties.**

(a) Any person who operates or attempts to operate a clandestine drug laboratory is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for not less than two years nor more than ten years or fined not less than \$5,000 nor more than \$25,000, or both.

(b) Any person who operates or attempts to operate a clandestine drug laboratory and who as a result of, or in the course of doing so, causes to be burned any dwelling, outbuilding, building or structure of any class or character is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000.

or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(b) (c) For purposes of this section, a “clandestine drug laboratory” means any property, real or personal, on or in which a person assembles any chemicals or equipment or combination thereof for the purpose of manufacturing methamphetamine, methylenedioxyamphetamine or lysergic acid diethylamide in violation of the provisions of section four hundred one of this article.

(d) The offenses in subsections (a) and (b) of this section are separate and distinct offenses, and subsection (a) of this section shall not be construed to be a lesser included offense of subsection (b) of this section.

(e) For purposes of section one, article two of this chapter, both subsections (a) and (b) of this section shall be deemed qualifying felony offenses of manufacturing and delivery of a controlled substance.

(e) (f) Any person convicted of a violation of subsection (a) or (b) of this section shall be responsible for all reasonable costs, if any, associated with remediation of the site of the clandestine drug laboratory.;

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 283**—A Bill to amend and reenact §60A-4-411 of the Code of West Virginia, 1931, as amended, relating to creating a crime of causing the burning of a dwelling, outbuilding, building or other structure while operating or attempting to operate a clandestine drug laboratory; establishing criminal penalties; clarifying the offense as a separate and distinct offense from operation or attempted operation of a clandestine drug laboratory; making clear that the operation or attempted operation of a clandestine drug lab is not a lesser included offense; providing

that the offenses are qualifying felony offenses of manufacturing and delivery of a controlled substance for purposes of first degree murder; and providing for payment of all reasonable costs, if any, associated with remediation of the site of the clandestine drug laboratory upon conviction.

Respectfully submitted,

Ryan J. Ferns, *Chair*, Gregory L. Boso, Michael A. Woelfel,  
*Conferees on the part of the Senate.*

Ryan W. Weld, *Chair*, Kelli Sobonya, Steven Shaffer,  
*Conferees on the part of the House of Delegates.*

Senator Ferns, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Ferns, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 283, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 S. B. 283) 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.

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 and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 36**—Applying for an Article V Amendments Convention to Propose a Constitutional Amendment permitting a calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints.

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

Following discussion,

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

The result of the voice vote being inconclusive, Senator Blair demanded a division of the vote.

A standing vote being taken, there were seventeen “yeas” and sixteen “nays”.

Whereupon, the President declared the resolution (H. C. R. 36) adopted.

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

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,



On motion of Senator Carmichael, the Senate recessed until 6:30 p.m. today.

### **Night Session**

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 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 378**, Relating to truancy intervention.

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

Delegates Cowles, Zatezalo and Byrd.

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

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

Senators Trump, Ashley and Williams.

*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 Com. Sub. for Senate Bill 454**, Licensing and regulating medication-assisted treatment programs for substance use disorders.

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

Delegates Stansbury, Rohrbach and Campbell.

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

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

Senators Takubo, Leonhardt and Stollings.

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

At the request of Senator Trump, and by unanimous consent, Senator Trump announced a meeting of the committee of conference as to Engrossed Committee Substitute for Senate Bill 378 (*Relating to truancy intervention*).

At the request of Senator Takubo, and by unanimous consent, Senator Takubo announced a meeting of the committee of conference as to Engrossed Committee Substitute for Committee Substitute for Senate Bill 454 (*Licensing and regulating medication-assisted treatment programs for substance use disorders*).

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 4014**, Preventing the State Board of Education from implementing common core academic standards and assessments.

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

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

On page four, section five, subsection (e), subdivision (1), by striking out the words “and once in early high school”;

On page six, section five, subsection (e), subdivision (4), after the words “or instruments” by inserting the words “or test items”;

One page seven, section five, subsection (e), by striking out all of subdivision (7);

And by renumbering the remaining subdivisions;

And,

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

**Eng. Com. Sub. for House Bill 4014**—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, all relating generally to process for improving education; removing reference to No Child Left Behind Act; adding digital literacy to list of areas that State Board of Education is required to adopt high-quality education standards in; making findings with respect to Legislature’s constitutional authority; defining “academic standards”; recognizing state board’s adoption and renaming of certain standards; establishing Academic Standards Evaluation Panel; establishing membership of panel; establishing duties of panel; requiring withdrawal from Memorandum of Agreement relating to adoption of Common Core State Standards; requiring withdrawal as governing state in Smarter Balanced Assessment Consortium; establishing criteria for any academic standards adopted by state board; requiring Legislative Oversight Commission on Education and Accountability to review any proposed rules relating to academic standards; removing requirement for state board rule establishing comprehensive statewide student assessment program; removing requirement that assessment be aligned with certain standards and associated alternative; removing state board authority to require ACT EXPLORE and ACT PLAN or other comparable assessments;

requiring state board to review and approve summative assessment for certain grade levels to assess in certain subject areas; requiring summative assessment include students as required by certain federal laws; requiring that summative assessment meet certain requirements; requiring state board to review and approve college readiness assessment for students in eleventh grade; requiring college readiness assessment to be administered at least once to each eleventh-grade student; requiring college readiness assessment meet certain requirements; requiring state board to review and approve career readiness assessments and assessment based credentials; providing that career readiness assessment is voluntary for students; requiring that assessment-based credential be available to any student that achieves at required level on the required assessments; requiring career readiness assessments meet certain requirements; prohibiting implementation of any assessment or test items developed specifically to align with Common Core State Standards; requiring online assessment preparation for any online assessment; requiring state board to develop plan and make recommendations regarding end-of-course assessments and student accountability measures; establishing reporting requirements; establishing maximum percentage of instructional time for summative assessment; and removing required report to Legislative Oversight Commission on Education Accountability pertaining to on-site review finding appeals.

Senator Carmichael moved that the Senate concur in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Following discussion,

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

Engrossed Committee Substitute for House Bill 4014, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo,

Plymale, Prezioso, Stollings, Sypolt, Takubo, Unger, Walters, Woelfel, Yost and Cole (Mr. President)—27.

The nays were: Beach, Kirkendoll, Romano and Snyder—4.

Absent: Ashley, Trump and Williams—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 H. B. 4014) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 157**, Authorizing Department of Revenue to promulgate legislative rules.

Whereupon, the Senate refused to recede from its amendments to the House of Delegates amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

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

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

Senators Trump, Blair and Kirkendoll.

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

The Senate again proceeded to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 7:29 p.m. tonight:

**Eng. Com. Sub. for Com. Sub. for Senate Bill 454**, Licensing and regulating medication-assisted treatment programs for substance use disorders.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate 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 4365**, Relating to the certificate of need process.

On motion of Senator Carmichael, 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 two, section two, subdivision (7), after the words “mental illness” by inserting the words “or developmental disabilities”;

On page six, section two, subdivision (30), by striking out the words “home health” and inserting in lieu thereof the words “personal care”;

On page nineteen, section eleven, subsection (b), subdivision (25), by striking out the words “owned and” and inserting in lieu thereof the words “owned or”;

And,

On page nineteen, section eleven, subsection (b), subdivision (25), by striking out the word “imagining” and inserting in lieu thereof the word “imaging”.

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

Engrossed Committee Substitute for House Bill 4365, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Beach and Trump—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. 4365) passed with its title.

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

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

**Eng. House Bill 4334**, Clarifying the requirements for a license to practice as an advanced practice registered nurse and expanding prescriptive authority.

On motion of Senator Carmichael, 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 thirteen, by striking out all of section fifteen-e and inserting in lieu thereof a new section, designated section fifteen-e, to read as follows:

**§30-7-15e. Joint Advisory Council on Limited Prescriptive Authority.**

(a) On July 1, 2016, there is created the Joint Advisory Council on Limited Prescriptive Authority. The purpose of the Council is to advise the board regarding collaborative agreements and prescriptive authority for advanced practice registered nurses.

(b) The Governor shall appoint:

(1) Two allopathic physicians as recommended by the Board of Medicine who are in a collaborative relationship with advanced practice registered nurses;

(2) Two osteopathic physicians who are in active collaborative relationships as recommended by the Board of Osteopathic Medicine who are in a collaborative relationship with advanced practice registered nurses;

(3) Six advanced practice registered nurses as recommended by the Board of Examiners for Registered Professional Nurses who have at least three years full-time practice experience, and shall include at least one certified nurse practitioner, one certified nurse-midwife, and one certified registered nurse anesthetist, all of whom actively prescribe prescription drugs;

(4) One licensed pharmacist as recommended by the Board of Pharmacy;

(5) One consumer representative; and

(6) One representative from a school of public health of an institution of higher education.



(c) All members of the Council who are healthcare providers shall have at least three years full-time practice experience and hold active state licenses.

(d) Each member shall serve for a term of three years. The Governor shall stagger the terms so that no more than five appointments shall expire annually. Prior to the election of a chairman, the board shall be called together by the representative from a school of public health of an institution of higher education.

(e) A majority of members appointed to the Council shall constitute a quorum to conduct official business.

(f) The Council shall choose its own chairman and shall meet at the call of the chairman at least biannually.

(g) The Council may perform the following duties:

(1) Review and evaluate applications for advanced practice registered nurses to prescribe without a collaborative agreement;

(2) Assist advanced practice registered nurses with entering into collaborative agreements in non-emergency situations, including providing the contact information for physicians with whom the advanced practice registered nurses may collaborate;

(3) Advise the board in emergency situations of a rescinded collaborative agreement, giving a sixty day grace period;

(4) Assist the board in developing and proposing emergency rules;

(5) Review and advise on complaints against advanced practice registered nurses;

(6) Develop pilot project allowing independent prescribing of controlled substances by advanced practice registered nurses and study results to assure patient/public safety;

(7) Develop other studies and/or pilot projects, including but not limited to:

(A) Issues of access, outcomes and cost effectiveness of services;

(B) The development of recommendations for reciprocity;

(C) The optimal length of time for transition into independent prescribing; and

(D) Methods to foster effective interprofessional communication.;

And,

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

**Eng. House Bill 4334**—A Bill to repeal §30-15-1, §30-15-2, §30-15-3, §30-15-4, §30-15-5, §30-15-6, §30-15-7, §30-15-7a, §30-15-7b, §30-15-7c and §30-15-8, of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5-19 of said code; to amend and reenact §30-7-1, §30-7-2, §30-7-4, §30-7-6, §30-7-7, §30-7-15a, §30-7-15b and §30-7-15c of said code; and to amend said code by adding thereto two new sections, designated §30-7-15d and §30-7-15e, all relating to the regulation of the practice of advanced practice registered nurses; providing advanced practice registered nurses authority relating to death certificates; defining terms; requiring a license to practice as an advanced practice registered nurse; modifying license requirements for an advanced practice registered nurse; modifying requirements for prescriptive authority; providing rule-making authority; providing emergency rule-making authority; modifying prescriptive authority of certain controlled substances; providing collaborative practice requirements; modifying the requirements for application for prescription authority; permitting the board review qualifications of applicants; authorizing advanced practice registered nurses be granted prescriptive authority without the requirement of a collaborative agreement upon application; requiring an advanced practice registered nurses complete certain prerequisites; requiring certain reports; permitting the board to discipline advanced practice registered nurses; eliminating required qualifications of the

executive secretary of the board; creating a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; providing advance practice registered nurses with certain signatory authority; and requiring certain training.

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

Engrossed House Bill 4334, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Stollings—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. H. B. 4334) passed with its House of Delegates amended title.

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

The Senate again proceeded to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 7:35 p.m. tonight:

**Eng. Com. Sub. for House Bill 4013**, Requiring a person desiring to vote to present documentation identifying the voter.

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 amendment, as to

**Eng. Com. Sub. for Senate Bill 272**, Allowing investigators from Attorney General's office to carry concealed weapons.

On motion of Senator Carmichael, 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 section, designated §5-3-6; and that said code be amended by adding thereto a new section, designated §60-3-24a, all to read as follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF  
THE GOVERNOR, SECRETARY OF STATE AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 3. ATTORNEY GENERAL.**

**§5-3-6. Attorney General's investigators authority to carry  
concealed weapon.**

Notwithstanding any provision of this code to the contrary, the Attorney General may designate investigators in his or her employ to carry a firearm in the course of performing their official duties: *Provided*, That as a precondition of being authorized to carry a concealed weapon in the course of their official duties, any such

designated investigator must have first successfully completed a firearms training and certification program and maintain certification in a manner which is equivalent to that which is required of members of the State Police. The designated investigator must also obtain and maintain a license to carry a concealed deadly weapon issued pursuant to article seven, chapter sixty-one of this code.

## **CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.**

### **ARTICLE 3. SALES BY COMMISSIONER.**

#### **§60-3-24a. Authority of employees of the Commission to carry concealed weapon.**

Notwithstanding any provision of this code to the contrary, the Commissioner may designate certain employees of the Enforcement Division in his or her employ to carry a firearm in the course of performing their official duties: *Provided*, That as a precondition of being authorized to carry a concealed weapon in the course of their official duties, any such designated employee must have first successfully completed a firearms training and certification program and maintain certification in a manner which is equivalent to that which is required of members of the State Police. The designated employee must also obtain and maintain a license to carry a concealed deadly weapon issued pursuant to article seven, chapter sixty-one of this code.

On motion of Senator Carmichael, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 272) 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 272**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6; and to amend said code by adding thereto a new section, designated §60-3-24a, all relating to Attorney General's investigators; allowing them to carry concealed

weapons under certain circumstances; limiting liability for certain acts of investigators; relating to employees of the Enforcement Division of the West Virginia Alcohol Beverage Control Administration; and allowing them to carry concealed weapons under certain circumstances.

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

Engrossed Committee Substitute for Senate Bill 272, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 272) 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 passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

**Eng. Com. Sub. for Senate Bill 278**, Clarifying physicians' mutual insurance company is not state or quasi-state actor.

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

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

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 278) takes effect from passage.

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

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

**Eng. Com. Sub. for Senate Bill 404**, Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases.

On motion of Senator Carmichael, 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 §16-3C-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §16-4-19 of said code be amended and reenacted, all to read as follows:

**ARTICLE 3C. AIDS-RELATED MEDICAL TESTING AND RECORDS CONFIDENTIALITY ACT.**

**§16-3C-2. ~~Testing~~ HIV-related testing; methods for obtaining consent; billing patient health care providers.**

(a) HIV-related testing ~~on a voluntary basis~~ should be recommended by ~~any~~ healthcare ~~provider in a health facility providers~~ as part of a routine screening for treatable conditions and as part of routine prenatal and perinatal care. A physician, dentist, nurse practitioner, nurse midwife, physician assistant or the commissioner may also request targeted testing for any of the following:

(1) When there is cause to believe that the test could be positive. Persons who engage in high risk behavior should be encouraged to be screened for HIV at least annually;

(2) When there is cause to believe that the test could provide information important in the care of the patient; or

(3) When there is cause to believe that the results of HIV-testing of samples of blood or body fluids from a source patient could provide information important in the care of medical or emergency responders or other persons identified in ~~regulations~~ rules proposed by the department for approval by the Legislature in accordance with the provisions of article three, chapter twenty-nine-a of this code: *Provided*, That the source patient whose blood or body fluids is being tested pursuant to this section must have come into contact with a medical or emergency responder or other person in such a way that a significant exposure has occurred;

(4) When there is no record of any HIV-related or other sexually transmitted disease testing during pregnancy and the woman presents for labor and delivery.



(b) All health care providers, the bureau, or a local health department that routinely bill insurance companies or other third-party providers may bill for HIV-related testing and treatment.

~~(b)~~ (c) A patient voluntarily consents to the test as follows: HIV-related testing when:

(1) The patient is informed either orally or in writing that:

(A) HIV-related testing will be performed as part of his or her routine care; that

(B) HIV-related testing is voluntary; and that the patient

(C) He or she may decline HIV-related testing (opt-out); or

(2) The patient is informed that the patient's general consent for medical care includes consent for HIV-related testing.

~~(c)~~ (d) A patient refuses to consent to the test if a patient who opts-out of HIV-related testing the patient is informed when the health care provider in the provider's professional opinion believes HIV-related testing is recommended, and must be informed that HIV-related testing may be obtained anonymously at a local or county health department.

~~(d)~~ (e) Any person seeking an HIV-related test in a local or county health department or at other HIV test setting provided by the commissioner who wishes to remain anonymous has the right to do so, and to must be provided written informed consent through the use of a coded system with no linking of individual identity to the test request or results.

(f) County or local health departments that routinely bill insurance companies or other third-party payers for service may bill for an HIV-related test if the person requesting the test does not request anonymity. No person may be refused a test at a local health department due to a lack of insurance or due to a request to remain anonymous.

~~(e)~~ (g) No option to A person may not decline or opt-out of HIV-related testing is required and the provisions of subsection subsections (a) and ~~(b)~~ (c) of this section do not apply ~~for the following:~~ when:

(1) A health care provider or health facility ~~performing an HIV-related test on the donor or recipient when the health care provider or health facility~~ procures, processes, distributes or uses: a

(A) A human body part, including tissue and blood or blood products, donated for: a

(i) A purpose specified under the uniform anatomical gift act; or for transplant

(ii) Transplant recipients; or semen

(B) Semen provided for the purpose of artificial insemination and such an HIV-related test is necessary to assure ensure medical acceptability of a recipient or such gift or semen for the purposes intended;

(2) ~~The performance of an HIV related test in A person is unable or unwilling to grant or withhold consent as the result of a documented bona fide medical emergencies emergency,~~ as determined by a treating physician taking into account the nature and extent of the exposure to another person ~~when the subject of the test is unable or unwilling to grant or withhold consent,~~ and the HIV-related test results are necessary for medical diagnostic purposes to provide appropriate emergency care or treatment to a medical or emergency responder, or any other person who has come into contact with a source patient in such a way that a significant exposure necessitates HIV testing or to a source patient who is unable to consent in accordance with rules proposed by the department for approval by the Legislature in accordance with article three, chapter twenty-nine-a of this code: *Provided*, That necessary treatment may not be withheld pending HIV test results: *Provided, however*, That all sampling and HIV testing of samples of blood and body fluids, without the opportunity for the source

patient or patient's representative to opt-out of the testing, shall be through the use of a pseudonym and in accordance with rules proposed by the department for approval by the Legislature in accordance with article three, chapter twenty-nine-a of this code; or

(3) The performance of an HIV-related test for the purpose of research if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

~~(f)~~ (h) Mandated testing:

(1) The performance of any HIV-related testing that is or becomes mandatory by court order or other legal process described herein does not require consent of the subject but will include counseling.

(2) The court having jurisdiction of the criminal prosecution shall order that an HIV-related test be performed on any persons charged with any of the following crimes or offenses:

(i) Prostitution; or

(ii) Sexual abuse, sexual assault, incest or sexual molestation.

(3) HIV-related tests performed on persons charged with prostitution, sexual abuse, sexual assault, incest or sexual molestation shall be confidentially administered by a designee of the bureau or the local or county health department having proper jurisdiction. The commissioner may designate health care providers in regional jail facilities to administer HIV-related tests on such persons if he or she determines it necessary and expedient.

(4) Costs associated with tests performed on persons charged with prostitution, sexual abuse, sexual assault, incest or sexual molestation may be charged to the defendant or juvenile respondent unless a court determines that the person charged with prostitution, sexual abuse, sexual assault, incest or sexual molestation is pecuniary unable to pay.

(A) If a person charged with prostitution, sexual abuse, sexual assault, incest or sexual molestation who is ordered to be tested is unable to pay, the cost of the HIV testing may be borne by the regional jail or other correctional or juvenile facility, the bureau or the local health department.

(B) If persons charged with prostitution, sexual abuse, sexual assault, incest or sexual molestation who is ordered to be tested has health insurance, the local health department or other providers performing the test may bill the health insurance of the person charged with prostitution, sexual abuse, sexual assault, incest or sexual molestation for the cost of the test.

(C) A person charged with prostitution, sexual abuse, sexual assault, incest or sexual molestation ordered to submit to a HIV-related test may not be permitted to remain anonymous and a local health department may administer and bill for the test.

~~(4)~~(5) When the Commissioner of the Bureau of Public Health knows or has reason to believe, because of medical or epidemiological information, that a person, including, but not limited to, a person such as an IV drug abuser, or a person who may have a sexually transmitted disease, or a person who has sexually molested, abused or assaulted another, has HIV infection and is or may be a danger to the public health, he or she may issue an order to:

(i) Require a person to be examined and tested to determine whether the person has HIV infection;

(ii) Require a person with HIV infection to report to a qualified physician or health worker for counseling; and

(iii) Direct a person with HIV infection to cease and desist from specified conduct which endangers the health of others.

~~(5)~~(6) If any person violates a cease and desist order issued pursuant to this section and, by virtue of that violation, the person presents a danger to the health of others, the commissioner shall apply to the circuit court of Kanawha County to enforce the cease and desist order by imposing any restrictions upon the person that

are necessary to prevent the specific conduct that endangers the health of others.

~~(6)~~(7) A person convicted of the offenses described in this section shall be required to undergo HIV-related testing and counseling immediately upon conviction and the court having jurisdiction of the criminal prosecution may not release the convicted person from custody and shall revoke any order admitting the defendant to bail until HIV-related testing and counseling have been performed and the result is known. The HIV-related test result obtained from the convicted person is to be transmitted to the court and, after the convicted person is sentenced, made part of the court record. If the convicted person is placed in the custody of the Division of Corrections, the court shall transmit a copy of the convicted person's HIV-related test results to the Division of Corrections. The HIV-related test results shall be closed and confidential and disclosed by the court and the bureau only in accordance with the provisions of section three of this article.

~~(7)~~(8) The prosecuting attorney shall inform the victim, or parent or guardian of the victim, at the earliest stage of the proceedings of the availability of voluntary HIV-related testing and counseling conducted by the bureau and that his or her best health interest would be served by submitting to HIV-related testing and counseling. HIV-related testing for the victim shall be administered at his or her request on a confidential basis and shall be administered in accordance with the Centers for Disease Control and Prevention guidelines of the United States Public Health Service in effect at the time of such request. The victim who obtains an HIV-related test shall be provided with pre and post-test counseling regarding the nature, reliability and significance of the HIV-related test and the confidential nature of the test. HIV-related testing and counseling conducted pursuant to this subsection shall be performed by the designee of the commissioner of the bureau or by any local or county health department having proper jurisdiction.

~~(8)~~(9) If a person receives counseling or is tested under this subsection and is found to be HIV infected and the person is not

incarcerated, the person shall be referred by the health care provider performing the counseling or testing for appropriate medical care and support services. The local or county health departments or any other agency under this subsection may not be financially responsible for medical care and support services.

~~(9) The commissioner of the bureau or his or her designees may require an HIV test for the protection of a person who was possibly exposed to HIV infected blood or other body fluids as a result of receiving or rendering emergency medical aid or who possibly received such exposure as a funeral director. Results of such a test of the person causing exposure may be used by the requesting physician for the purpose of determining appropriate therapy, counseling and psychological support for the person rendering emergency medical aid including good Samaritans, as well as for the patient, or individual receiving the emergency medical aid.~~ (10) The Commissioner of the bureau or his or her designees may require a person to undergo an HIV or other sexually transmitted disease test if a person was possibly exposed to HIV or other sexually transmitted disease infected blood or other body fluids as a result of receiving or rendering emergency medical aid, providing funeral services or providing law-enforcement services. The commissioner of the bureau or his or her designees may use the results to determine the appropriate therapy, counseling and psychological support for the exposed person.

~~(10)~~(11) If an HIV-related test required on persons convicted of prostitution, sexual abuse, sexual assault, incest or sexual molestation results in a negative reaction, upon motion of the state, the court having jurisdiction over the criminal prosecution may require the subject of the test to submit to further HIV-related tests performed under the direction of the bureau in accordance with the Centers for Disease Control and Prevention guidelines of the United States Public Health Service in effect at the time of the motion of the state.

~~(11)~~(12) The costs of mandated testing and counseling provided under this subsection and pre and postconviction HIV-related testing and counseling provided the victim under the direction of the bureau pursuant to this subsection shall be paid by the ~~bureau~~

by the individual to be tested or counseled or his or her medical insurance provider, if possible.

~~(12)~~(13) The court having jurisdiction of the criminal prosecution shall order a person convicted of prostitution, sexual abuse, sexual assault, incest or sexual molestation to pay restitution to the state for the costs of any HIV-related testing and counseling provided the convicted person and the victim, unless the court has determined the convicted person to be indigent.

~~(13)~~(14) Any funds recovered by the state as a result of an award of restitution under this subsection shall be paid into the State Treasury to the credit of a special revenue fund to be known as the HIV-testing fund which is hereby created. The moneys so credited to the fund may be used solely by the bureau for the purposes of facilitating the performance of HIV-related testing and counseling under the provisions of this article.

(g) Nothing in this section is applicable to any insurer regulated under chapter thirty-three of this code: *Provided*, That the commissioner of insurance shall develop standards regarding consent for use by insurers which test for the presence of the HIV antibody.

(h) Whenever consent of the subject to the performance of HIV-related testing is required under this article, any such consent obtained, whether orally or in writing, shall be considered to be a valid and informed consent if it is given after compliance with the provisions of subsection ~~(b)~~ (c) of this section.

#### **ARTICLE 4. SEXUALLY TRANSMITTED DISEASES.**

##### **§16-4-19. Voluntary submission to examination and treatment; charges; disposition of money collected.**

~~(a)(1) Any resident of the~~ Any person state may at any time report to any municipal or county health officer having jurisdiction of the case department and voluntarily submit himself or herself to all tests and ~~examination as are~~ examinations necessary to ascertain whether ~~in fact the person submitting himself for examination~~ he or she is infected with a ~~venereal~~ sexually transmitted disease; and

~~said health officer to whom any party has applied as above for tests and examination shall provide for making all such~~ the health department shall conduct and administer all necessary tests and examinations as are necessary to ascertain whether in fact said party so applying be so infected with a venereal the person has any sexually transmitted disease.

(2) A person who is tested for sexually transmitted diseases at a local health department pursuant to this subsection shall be responsible for paying the reasonable costs of testing, either directly or through billing the person's medical provider.

(3) Local health departments may charge in accordance with their existing fee schedules and may charge patients for such testing on a sliding fee scale.

~~(b)(1) If such tests and examinations show said party so applying to be so infected, then said party~~ a person tested and examined pursuant to subsection (a) of this section to have a sexually transmitted disease, then the person shall elect whether he or she will take treatment of from a private physician, or whether he or she will take treatment to be provided by the health officer through a clinic or otherwise, and from the local health department.

~~if he~~ (2) If a person elects to take treatment through the local health officer's arrangement department, he or she may be required to pay for such treatment at a charge which shall in no case exceed the sum of \$5 for each dose of "neo" or arsphenamine administered for syphilis, and at a nominal cost for other medicines used; but if the patient is unable to pay anything, he shall be treated free of charge under the direction of the local health officer, at a clinic or otherwise either directly or by the local health department billing the person's health insurance provider.

(3) Local health departments may charge in accordance with their existing fee schedules and may charge patients for treatment on a sliding fee scale.

(4) No individual may be refused treatment at a local health department due to a lack of insurance or inability to pay.



(c) All proper charges for ~~such~~ examination and treatment as that may be necessary hereunder ~~shall be a proper charge against the municipality or county, as the case may be, whether said party so taking treatment lived in or out of a municipal corporation. And whether said person proposing to take treatment as provided hereunder elect to take from a private physician or elect to take treatment under the direction of the local health officer, he shall first sign the agreement required to be signed by persons about to be released from detention or quarantine, and shall observe all its provisions, and so long as such person so signing shall so observe these provisions he need not be detained or quarantined pending treatment, except that no person who is known as a prostitute, or as a person associating with such, or as a person who resides in any house having the reputation of being a house of prostitution, or who frequents the same, shall be allowed at liberty if infected with a venereal disease in an infectious stage, even though he or she does voluntarily submit for examination and treatment and does take treatment under the provisions of this section.~~ pursuant to this section shall be paid by the individual or by that person's health insurance provider.

(d) All money collected under this section shall be paid ~~into a clinic fund, if one is provided, and if not then into the county or city treasury, as the case may be;~~ to the local health department and the local health officer having jurisdiction shall collect and account for such funds collected hereunder.;

And,

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

**Eng. Com. Sub. for Senate Bill 404**—A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4-19 of said code, all relating to testing for HIV and sexually transmitted diseases; authorizing billing of persons for HIV and sexually transmitted disease testing or sexually transmitted disease treatment done by state or local public health agencies; informing persons who wish to opt-out of HIV-related testing that anonymous testing is available; providing

that costs associated with testing may be borne by the state when the person charged with certain sex crimes is financially unable to pay; authorizing billing of a person charged with certain sex crimes health insurance provider; providing for mandatory disease testing when a person renders or receives certain services and comes in contact with inflected bodily fluids; providing that the costs for mandated testing and counseling are to be paid by the individual receiving the tests or counseling; providing that a person who is tested for sexually transmitted diseases at a local health department are responsible for the costs of such testing; providing for fee schedules by which local health departments may charge for such testing; removing limitation on amount that can be charged for medication used to treat sexually transmitted diseases; and removing language related to testing of sexually transmitted diseases.

On motion of Senator Carmichael, the following amendment to the House of Delegates amendments to the bill was reported by the Clerk and adopted:

On page seven, section two, subsection (h), subdivision (13), after the word “state” by inserting the words “or the victim”.

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

Engrossed Committee Substitute for Senate Bill 404, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 404) passed with its House of Delegates 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 465**, Allowing professional employer insure certain risks through pure insurance captive.

On motion of Senator Carmichael, 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 §33-31-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §33-46A-9 of said code be amended and reenacted, all to read as follows:

## **ARTICLE 31. CAPTIVE INSURANCE.**

### **§33-31-2. Licensing; authority.**

(a) Any captive insurance company, when permitted by its articles of association, charter or other organizational document, may apply to the commissioner for a license to do any and all insurance comprised in section ten, article one of this chapter: *Provided*, That all captive insurance companies, except pure captive insurance companies, shall maintain their principal office and principal place of business in this state: *Provided, however*, That:

(1) No pure captive insurance company may insure any risks other than those of its parent and affiliated companies or controlled unaffiliated business;

(2) No association captive insurance company may insure any risks other than those of the member organizations of its association and their affiliated companies;

(3) No industrial insured captive insurance company may insure any risks other than those of the industrial insureds that comprise the industrial insured group and their affiliated companies;

(4) No risk retention group may insure any risks other than those of its members and owners;

(5) No captive insurance company may provide personal motor vehicle or homeowner's insurance coverage or any component thereof;

(6) No captive insurance company may accept or cede reinsurance except as provided in section eleven of this article;

(7) No risk retention group may retain any risk on any one subject of insurance, whether located or to be performed in West Virginia or elsewhere, in an amount exceeding ten percent of the surplus required by section four of this article unless approved by the commissioner;

(8) Any captive insurance company may provide excess workers' compensation insurance to its parent and affiliated companies, unless prohibited by the federal law or laws of the state having jurisdiction over the transaction. Any captive insurance company, unless prohibited by federal law, may reinsure workers' compensation of a qualified self-insured plan of its parent and affiliated companies; and

(9) Any captive insurance company which insures risks described in subsections (a) and (b), section ten, article one of this chapter shall comply with all applicable state and federal laws.

(10) A professional employer organization licensed pursuant to the provisions of article forty-six-a of this chapter may insure its risks for insurance coverage for accident and sickness, as such insurance coverage is defined under subsection (b), section ten, article one of this chapter for all employees and covered employees through a captive insurance company.

(b) No captive insurance company may do any insurance business in this state unless:

(1) It first obtains from the commissioner a license authorizing it to do insurance business in this state;

(2) Its board of directors or, in the case of a reciprocal insurer, its subscribers' advisory committee, holds at least one meeting each year in this state; and

(3) It appoints a registered agent to accept service of process and to otherwise act on its behalf in this state: *Provided*, That whenever such registered agent cannot with reasonable diligence be found at the registered office of the captive insurance company, the Secretary of State shall be an agent of such captive insurance company upon whom any process, notice, or demand may be served.

(c) (1) Before receiving a license, a captive insurance company shall:

(A) File with the commissioner a certified copy of its organizational documents, a statement under oath of its president and secretary showing its financial condition, and any other statements or documents required by the commissioner; and

(B) Submit to the commissioner for approval a description of the coverages, deductibles, coverage limits and rates, together with such additional information as the commissioner may reasonably require. In the event of any subsequent material change in any item in such description, the captive insurance company shall submit to the commissioner for approval an appropriate revision and shall not offer any additional kinds of insurance until a revision of such description is approved by the commissioner. The captive

insurance company shall inform the commissioner of any material change in rates within thirty days of the adoption of such change.

(2) Each applicant captive insurance company shall also file with the commissioner evidence of the following:

(A) The amount and liquidity of its assets relative to the risks to be assumed;

(B) The adequacy of the expertise, experience and character of the person or persons who will manage it;

(C) The overall soundness of its plan of operation;

(D) The adequacy of the loss prevention programs of its insureds; and

(E) Such other factors deemed relevant by the commissioner in ascertaining whether the proposed captive insurance company will be able to meet its policy obligations.

(3) Information submitted pursuant to this subsection shall be and remain confidential and may not be made public by the commissioner or an employee or agent of the commissioner without the written consent of the company, except that:

(A) Such information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted such information is a party, upon a showing by the party seeking to discover such information that:

(i) The information sought is relevant to and necessary for the furtherance of such action or case;

(ii) The information sought is unavailable from other nonconfidential sources; and

(iii) A subpoena issued by a judicial or administrative officer of competent jurisdiction has been submitted to the commissioner: *Provided*, That the provisions of this subdivision shall not apply to any risk retention group; and

(B) The commissioner may, in the commissioner's discretion, disclose such information to a public officer having jurisdiction over the regulation of insurance in another state if:

(i) The public official shall agree in writing to maintain the confidentiality of such information; and

(ii) The laws of the state in which such public official serves require such information to be and to remain confidential.

(d) Each captive insurance company shall pay to the commissioner a nonrefundable fee of \$200 for examining, investigating and processing its application for license, and the commissioner is authorized to retain legal, financial and examination services from outside the department, the reasonable cost of which may be charged against the applicant. The provisions of subsection (r), section nine, article two of this chapter shall apply to examinations, investigations and processing conducted under the authority of this section. In addition, each captive insurance company shall pay a license fee for the year of registration and a renewal fee for each year thereafter of \$300.

(e) If the commissioner is satisfied that the documents and statements that such captive insurance company has filed comply with the provisions of this article, the commissioner may grant a license authorizing it to do insurance business in this state until May 31, thereafter, which license may be renewed.

(f) A captive insurance company shall notify the commissioner in writing within thirty days of becoming aware of any material change in information previously submitted to the commissioner, including information submitted in or with the license application.

## **ARTICLE 46A. PROFESSIONAL EMPLOYER ORGANIZATIONS.**

**§33-46A-9. Study of health plans, taxation, unemployment and labor laws; self-funded plans prohibited Health benefit plans; self-funded plans permitted under certain circumstances.**

~~(a) The Joint Committee on Government and Finance shall, in consultation with the Insurance Commissioner, the Secretary of the Department of Revenue and the Secretary of the Department of Commerce, study the issue of professional employer organization sponsorship of and involvement in employee health plans, including their role in insuring the uninsured and underinsured and their impact on the small group market, as well as issues related to how the operation of professional employer organizations affects other areas such as taxation and unemployment insurance. The joint committee shall report back to the Legislature on or before December 31, 2008, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations.~~

~~(b) PEOs are expressly prohibited from self funding health plans for covered employees.~~

A professional employer organization that sponsors a health benefit plan shall be considered the employer of all of its covered employees, and all covered employees of one or more client employers participating in a health benefit plan sponsored by a single professional employer organization shall be considered employees of that professional employer organization. For purposes of state law, such health benefit plans shall be treated as a single employer welfare benefit plan.

(b) If a professional employer organization offers to its covered employees any health benefit plan which is not fully insured by an authorized insurer, the professional employer organization must comply with the provisions of article thirty-one of this chapter. The Insurance Commissioner of West Virginia is authorized to promulgate and adopt rules with respect to professional employer organizations sponsoring health benefit plans in accordance with this section.;

And,

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



**Eng. Com. Sub. for Senate Bill 465**—A Bill to amend and reenact §33-31-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-46A-9 of said code, all relating to allowing professional employer organizations to insure certain risks; permitting professional employer organizations to insure certain risks through a pure insurance captive; permitting professional employer organizations to sponsor health benefit plans for covered employees; requiring professional employer organizations to comply with captive insurance law if a benefit plan is not fully insured; and authorizing insurance commissioner to promulgate and adopt rules with respect to professional employer organizations sponsoring health benefit plans.

On motion of Senator Carmichael, the following amendment to the House of Delegates amendments 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 465**—A Bill to amend and reenact §33-31-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-46A-9 of said code, all relating to allowing professional employer organizations to insure certain risks through an insurance captive; establishing that professional employer organizations holding the appropriate license may insure its risks for insurance for accident and sickness as defined in current code; providing that such coverage for all employees and covered employees may be through a captive insurance company; eliminating prohibition against professional employer organizations offering or establishing self-funding health plans for covered employees; providing that professional employer organizations can offer plans not fully insured by authorized insurers so long as the plan complies with current code requirements; clarifying that all employees covered by a professional employer organization's health benefit plan shall be considered employees of the professional employer organization; clarifying that health benefit plans offered under this provision shall be treated as a single employer welfare benefit plan; deleting obsolete code provision related to a study that was never

conducted; and authorizing insurance commissioner to promulgate and adopt rules with respect to professional employer organizations sponsoring health benefit plans.

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

Engrossed Committee Substitute for Senate Bill 465, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 465) 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.

The Senate again proceeded to the fifth order of business.

Senator Ferns, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 597**, Relating generally to Health Care Authority.

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 597 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 position and accept the amendments as proposed by the house, and agree to the same as follows:

That §16-29B-26 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a two new sections, designated §16-29B-28 and §16-29B-29, all to read as follows:

## **ARTICLE 29B. HEALTH CARE AUTHORITY.**

### **§16-29B-26. Exemptions from state antitrust laws.**

Actions of the board shall be exempt from antitrust action as ~~provided in section five, article eighteen, chapter forty seven of this code~~ under state and federal antitrust laws. Any actions of hospitals and health care providers under the board's jurisdiction, when made in compliance with orders, directives, rules, approvals or regulations issued or promulgated by the board, shall likewise be exempt. ~~Health care providers shall be subject to the antitrust guidelines of the federal trade commission and the department of justice.~~

It is the intention of the Legislature that this chapter shall also immunize cooperative agreements approved and subject to supervision by the authority and activities conducted pursuant thereto from challenge or scrutiny under both state and federal antitrust law: *Provided*, That a cooperative agreement that is not approved and subject to supervision by the authority shall not have such immunity.

### **§16-29B-28. Review of Cooperative agreements.**

(a) *Definitions.* — As used in this section the following terms have the following meanings:

(1) “Academic medical center” means an accredited medical school, one or more faculty practice plans affiliated with the

medical school or one or more affiliated hospitals which meet the requirements set forth in 42 C. F. R. 411.355(e).

(2) “Cooperative agreement” means an agreement between a qualified hospital which is a member of an academic medical center and one or more other hospitals or other health care providers. The agreement shall provide for the sharing, allocation, consolidation by merger or other combination of assets, or referral of patients, personnel, instructional programs, support services and facilities or medical, diagnostic, or laboratory facilities or procedures or other services traditionally offered by hospitals or other health care providers.

(3) “Commercial health plan” means a plan offered by any third party payor that negotiates with a party to a cooperative agreement with respect to patient care services rendered by health care providers.

(4) “Health care provider” means the same as that term is defined in section three of this article.

(5) “Teaching hospital” means a hospital or medical center that provides clinical education and training to future and current health professionals whose main building or campus is located in the same county as the main campus of a medical school operated by a state university.

(6) “Qualified hospital” means a teaching hospital which meets the requirements of 42 C. F. R. 411.355(e) and which has entered into a cooperative agreement with one or more hospitals or other health care providers but is not a critical access hospital for purposes of this section.

(b) Findings. —

(1) The Legislature finds that the state’s schools of medicine, affiliated universities and teaching hospitals are critically important in the training of physicians and other healthcare providers who practice health care in this state. They provide access to healthcare and enhance quality healthcare for the citizens of this state.

(2) A medical education is enhanced when medical students, residents and fellows have access to modern facilities, state of the art equipment and a full range of clinical services and that, in many instances, the accessibility to facilities, equipment and clinical services can be achieved more economically and efficiently through a cooperative agreement among a teaching hospital and one or more hospitals or other health care providers.

(c) *Legislative purpose.* — The Legislature encourages cooperative agreements if the likely benefits of such agreements outweigh any disadvantages attributable to a reduction in competition. When a cooperative agreement, and the planning and negotiations of cooperative agreements, might be anticompetitive within the meaning and intent of state and federal antitrust laws the Legislature believes it is in the state's best interest to supplant such laws with regulatory approval and oversight by the Health Care Authority as set out in this article. The authority has the power to review, approve or deny cooperative agreements, ascertain that they are beneficial to citizens of the state and to medical education, to ensure compliance with the provisions of the cooperative agreements relative to the commitments made by the qualified hospital and conditions imposed by the Health Care Authority.

(d) *Cooperative Agreements.* —

(1) A hospital which is a member of an academic medical center may negotiate and enter into a cooperative agreement with other hospitals or health care providers in the state:

(A) In order to enhance or preserve medical education opportunities through collaborative efforts and to ensure and maintain the economic viability of medical education in this state and to achieve the goals hereinafter set forth; and

(B) When the likely benefits outweigh any disadvantages attributable to a reduction in competition that may result from the proposed cooperative agreement.

(2) The goal of any cooperative agreement would be to:

(A) Improve access to care;

(B) Advance health status;

(C) Target regional health issues;

(D) Promote technological advancement;

(E) Ensure accountability of the cost of care;

(F) Enhance academic engagement in regional health;

(G) Preserve and improve medical education opportunities;

(H) Strengthen the workforce for health-related careers; and

(I) Improve health entity collaboration and regional integration, where appropriate.

(3) A qualified hospital located in this state may submit an application for approval of a proposed cooperative agreement to the authority. The application shall state in detail the nature of the proposed arrangement including the goals and methods for achieving:

(A) Population health improvement;

(B) Improved access to health care services;

(C) Improved quality;

(D) Cost efficiencies;

(E) Ensuring affordability of care;

(F) Enhancing and preserving medical education programs; and

(G) Supporting the authority's goals and strategic mission, as applicable.

(4) (A) If the cooperative agreement involves a combination of hospitals through merger, consolidation or acquisition, the qualified hospital must have been awarded a certificate of need for the project by the authority, as set forth in article two-d of this

chapter prior to submitting an application for review of a cooperative agreement.

(B) In addition to a certificate of need, the authority may also require that an application for review of a cooperative agreement as provided in this section be submitted and approved prior to the finalization of the cooperative agreement, if the cooperative agreement involves the merger, consolidation or acquisition of a hospital located within a distance of twenty highway miles of the main campus of the qualified hospital, and the authority shall have determined that combination is likely to produce anti-competitive effects due to a reduction of competition. Any such determination shall be communicated to the parties to the cooperative agreement within seven days from approval of a certificate of need for the project.

(C) In reviewing an application for cooperative agreement, the authority shall give deference to the policy statements of the Federal Trade Commission.

(D) If an application for a review of a cooperative agreement is not required by the authority, the parties to the agreement may then complete the transaction following a final order by the authority on the certificate of need as set forth in article two-d of this code. The qualified hospital may apply to the authority for approval of the cooperative agreement either before or after the finalization of the cooperative agreement.

(E) A party who has received a certificate of need prior to the enactment of this provision during the 2016 regular session of the Legislature may apply for approval of a cooperative agreement whether or not the transaction contemplated thereby has been completed.

(F) The complete record in the certificate of need proceeding shall be part of the record in the proceedings under this section and information submitted by an applicant in the certificate of need proceeding need not be duplicated in proceedings under this section.

(e) Procedure for review of cooperative agreements. —

(1) Upon receipt of an application, the authority shall determine whether the application is complete. If the authority determines the application is incomplete, it shall notify the applicant in writing of additional items required to complete the application. A copy of the complete application shall be provided by the parties to the Office of the Attorney General simultaneous with the submission to the authority. If an applicant believes the materials submitted contain proprietary information that is required to remain confidential, such information must be clearly identified and the applicant shall submit duplicate applications, one with full information for the authority's use and one redacted application available for release to the public.

(2) The authority shall upon receipt of a completed application, publish notification of the application on its website as well as provide notice of such application placed in the State Register. The public may submit written comments regarding the application within ten days following publication. Following the close of the written comment period, the authority shall review the application as set forth in this section. Within thirty days of the receipt of a complete application the authority may:

(i) Issue a certificate of approval which shall contain any conditions the authority finds necessary for the approval;

(ii) Deny the application; or

(iii) Order a public hearing if the authority finds it necessary to make an informed decision on the application.

(3) The authority shall issue a written decision within seventy-five days from receipt of the completed application. The authority may request additional information in which case they shall have an additional fifteen days following receipt of the supplemental information to approve or deny the proposed cooperative agreement.

(4) Notice of any hearing shall be sent by certified mail to the applicants and all persons, groups or organizations who have



submitted written comments on the proposed cooperative agreement as well as to all persons, groups or organizations designated as affected parties in the certificate of need proceeding. Any individual, group or organization who submitted written comments regarding the application and wishes to present evidence at the public hearing shall request to be recognized as an affected party as set forth in article two-d of this chapter. The hearing shall be held no later than forty-five days after receipt of the application. The authority shall publish notice of the hearing on the authority's website fifteen days prior to the hearing. The authority shall additionally provide timely notice of such hearing in the State Register.

(5) Parties may file a motion for an expedited decision.

(f) Standards for review of cooperative agreements. —

(1) In its review of an application for approval of a cooperative agreement submitted pursuant to this section, the authority may consider the proposed cooperative agreement and any supporting documents submitted by the applicant, any written comments submitted by any person and any written or oral comments submitted, or evidence presented, at any public hearing.

(2) The authority shall consult with the Attorney General of this state regarding his or her assessment of whether or not to approve the proposed cooperative agreement.

(3) The authority shall approve a proposed cooperative agreement and issue a certificate of approval if it determines, with the written concurrence of the Attorney General, that the benefits likely to result from the proposed cooperative agreement outweigh the disadvantages likely to result from a reduction in competition from the proposed cooperative agreement.

(4) In evaluating the potential benefits of a proposed cooperative agreement, the authority shall consider whether one or more of the following benefits may result from the proposed cooperative agreement:

(A) Enhancement and preservation of existing academic and clinical educational programs;

(B) Enhancement of the quality of hospital and hospital-related care, including mental health services and treatment of substance abuse provided to citizens served by the authority;

(C) Enhancement of population health status consistent with the health goals established by the authority;

(D) Preservation of hospital facilities in geographical proximity to the communities traditionally served by those facilities to ensure access to care;

(E) Gains in the cost-efficiency of services provided by the hospitals involved;

(F) Improvements in the utilization of hospital resources and equipment;

(G) Avoidance of duplication of hospital resources;

(H) Participation in the state Medicaid program; and

(I) Constraints on increases in the total cost of care.

(5) The authority's evaluation of any disadvantages attributable to any reduction in competition likely to result from the proposed cooperative agreement shall include, but need not be limited to, the following factors:

(A) The extent of any likely adverse impact of the proposed cooperative agreement on the ability of health maintenance organizations, preferred provider organizations, managed health care organizations or other health care payors to negotiate reasonable payment and service arrangements with hospitals, physicians, allied health care professionals or other health care providers;

(B) The extent of any reduction in competition among physicians, allied health professionals, other health care providers

or other persons furnishing goods or services to, or in competition with, hospitals that is likely to result directly or indirectly from the proposed cooperative agreement;

(C) The extent of any likely adverse impact on patients in the quality, availability and price of health care services; and

(D) The availability of arrangements that are less restrictive to competition and achieve the same benefits or a more favorable balance of benefits over disadvantages attributable to any reduction in competition likely to result from the proposed cooperative agreement.

(6) (A) After a complete review of the record, including, but not limited to, the factors set out in subsection (e) of this section, any commitments made by the applicant or applicants and any conditions imposed by the authority, if the authority determines that the benefits likely to result from the proposed cooperative agreement outweigh the disadvantages likely to result from a reduction in competition from the proposed cooperative agreement, the authority shall approve the proposed cooperative agreement.

(B) The authority may reasonably condition approval upon the parties' commitments to:

(i) Achieving improvements in population health;

(ii) Access to health care services;

(iii) Quality and cost efficiencies identified by the parties in support of their application for approval of the proposed cooperative agreement; and

(iv) Any additional commitments made by the parties to the cooperative agreement.

Any conditions set by the authority shall be fully enforceable by the authority. No condition imposed by the authority, however, shall limit or interfere with the right of a hospital to adhere to religious or ethical directives established by its governing board.

(7) The authority's decision to approve or deny an application shall constitute a final order or decision pursuant to the West Virginia Administrative Procedure Act (§ 29A-1-1, et seq.). The authority may enforce commitments and conditions imposed by the authority in the circuit court of Kanawha County or the circuit court where the principal place of business of a party to the cooperative agreement is located.

(g) *Enforcement and supervision of cooperative agreements.* — The authority shall enforce and supervise any approved cooperative agreement for compliance.

(1) The authority is authorized to promulgate legislative rules in furtherance of this section. Additionally, the authority shall promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code to accomplish the goals of this section. These rules shall include, at a minimum:

(A) An annual report by the parties to a cooperative agreement. This report is required to include:

(i) Information about the extent of the benefits realized and compliance with other terms and conditions of the approval;

(ii) A description of the activities conducted pursuant to the cooperative agreement, including any actions taken in furtherance of commitments made by the parties or terms imposed by the authority as a condition for approval of the cooperative agreement;

(iii) Information relating to price, cost, quality, access to care and population health improvement;

(iv) Disclosure of any reimbursement contract between a party to a cooperative agreement approved pursuant to this section and a commercial health plan or insurer entered into subsequent to the finalization of the cooperative agreement. This shall include the amount, if any, by which an increase in the average rate of reimbursement exceeds, with respect to inpatient services for such year, the increase in the Consumer Price Index for all Urban

Consumers for hospital inpatient services as published by the Bureau of Labor Statistics for such year and, with respect to outpatient services, the increase in the Consumer Price Index for all Urban Consumers for hospital outpatient services for such year; and

(v) Any additional information required by the authority to ensure compliance with the cooperative agreement.

(B) If an approved application involves the combination of hospitals, disclosure of the performance of each hospital with respect to a representative sample of quality metrics selected annually by the authority from the most recent quality metrics published by the Centers for Medicare and Medicaid Services. The representative sample shall be published by the authority on its website.

(C) A procedure for a corrective action plan where the average performance score of the parties to the cooperative agreement in any calendar year is below the fiftieth percentile for all United States hospitals with respect to the quality metrics as set forth in (B) of this subsection. The corrective action plan is required to:

(i) Be submitted one hundred twenty days from the commencement of the next calendar year; and

(ii) Provide for a rebate to each commercial health plan or insurer with which they have contracted an amount not in excess of one percent of the amount paid to them by such commercial health plan or insurer for hospital services during such two-year period if in any two consecutive-year period the average performance score is below the fiftieth percentile for all United States hospitals. The amount to be rebated shall be reduced by the amount of any reduction in reimbursement which may be imposed by a commercial health plan or insurer under a quality incentive or awards program in which the hospital is a participant.

(D) A procedure where if the excess above the increase in the Consumer Price Index for all Urban Consumers for hospital inpatient services or hospital outpatient services is two percent or

greater the authority may order the rebate of the amount which exceeds the respective indices by two percent or more to all health plans or insurers which paid such excess unless the party provides written justification of such increase satisfactory to the authority taking into account case mix index, outliers and extraordinarily high cost outpatient procedure utilizations.

(E) The ability of the authority to investigate, as needed, to ensure compliance with the cooperative agreement.

(F) The ability of the authority to take appropriate action, including revocation of a certificate of approval, if it determines that:

(i) The parties to the agreement are not complying with the terms of the agreement or the terms and conditions of approval;

(ii) The authority's approval was obtained as a result of an intentional material misrepresentation;

(iii) The parties to the agreement have failed to pay any required fee; or

(iv) The benefits resulting from the approved agreement no longer outweigh the disadvantages attributable to the reduction in competition resulting from the agreement.

(G) If the authority determines the parties to an approved cooperative agreement have engaged in conduct that is contrary to state policy or the public interest, including the failure to take action required by state policy or the public interest, the authority may initiate a proceeding to determine whether to require the parties to refrain from taking such action or requiring the parties to take such action, regardless of whether or not the benefits of the cooperative agreement continue to outweigh its disadvantages. Any determination by the authority shall be final. The authority is specifically authorized to enforce its determination in the circuit court of Kanawha County or the circuit court where the principal place of business of a party to the cooperative agreement is located.

(H) Fees as set forth in subsection (h).

(2) Until the promulgation of the emergency rules, the authority shall monitor and regulate cooperative agreements to ensure that their conduct is in the public interest and shall have the powers set forth in subdivision (1) of this subsection, including the power of enforcement set forth in paragraph (G), subdivision (1) of this subsection.

(h) Fees. — The authority may set fees for the approval of a cooperative agreement. These fees shall be for all reasonable and actual costs incurred by the authority in its review and approval of any cooperative agreement pursuant to this section. These fees shall not exceed \$75,000. Additionally, the authority may assess an annual fee not to exceed \$75,000 for the supervision of any cooperative agreement approved pursuant to this section and to support the implementation and administration of the provisions of this section.

(i) Miscellaneous provisions. —

(1) (A) An agreement entered into by a hospital party to a cooperative agreement and any state official or state agency imposing certain restrictions on rate increases shall be enforceable in accordance with its terms and may be considered by the authority in determining whether to approve or deny the application. Nothing in this chapter shall undermine the validity of any such agreement between a hospital party and the Attorney General entered before the effective date of this legislation.

(B) At least ninety days prior to the implementation of any increase in rates for inpatient and outpatient hospital services and at least sixty days prior to the execution of any reimbursement agreement with a third party payor, a hospital party to a cooperative agreement involving the combination of two or more hospitals through merger, consolidation or acquisition which has been approved by the authority shall submit any proposed increase in rates for inpatient and outpatient hospital services and any such reimbursement agreement to the Office of the West Virginia Attorney General together with such information concerning costs, patient volume, acuity, payor mix and other data as the Attorney General may request. Should the Attorney General determine that

the proposed rates may inappropriately exceed competitive rates for comparable services in the hospital's market area which would result in unwarranted consumer harm or impair consumer access to health care, the Attorney General may request the authority to evaluate the proposed rate increase and to provide its recommendations to the Office of the Attorney General. The Attorney General may approve, reject or modify the proposed rate increase and shall communicate his or her decision to the hospital no later than 30 days prior to the proposed implementation date. The hospital may then only implement the increase approved by the Attorney General. Should the Attorney General determine that a reimbursement agreement with a third party payor includes pricing terms at anti-competitive levels, the Attorney General may reject the reimbursement agreement and communicate such rejection to the parties thereto together with the rationale therefor in a timely manner.

(2) The authority shall maintain on file all cooperative agreements the authority has approved, including any conditions imposed by the authority.

(3) Any party to a cooperative agreement that terminates its participation in such cooperative agreement shall file a notice of termination with the authority thirty days after termination.

(4) No hospital which is a party to a cooperative agreement for which approval is required pursuant to this section may knowingly bill or charge for health services resulting from, or associated with, such cooperative agreement until approved by the authority. Additionally, no hospital which is a party to a cooperative agreement may knowingly bill or charge for health services resulting from, or associated with, such cooperative agreement for which approval has been revoked or terminated.

(5) By submitting an application for review of a cooperative agreement pursuant to this section, the hospitals or health care providers shall be deemed to have agreed to submit to the regulation and supervision of the authority as provided in this section.



**§16-29B-29. Severability.**

If any provision of this article or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect, impair or invalidate other provisions or applications of the article, and to this end the provisions of this article are declared to be severable.;

And by amending the title by inserting a new title to read as follows:

**Eng. Com. Sub. for Senate Bill 597**—A Bill to amend and reenact §16-29B-26 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §16-29B-28 and §16-29B-29, all relating generally to the Health Care Authority; exempting certain actions of the Health Care Authority from state and federal antitrust laws; setting forth intent to immunize cooperative agreements approved and subject to supervision by the Health Care Authority; establishing that a cooperative agreement that is not approved and subject to supervision by the Health Care Authority shall not have immunity; defining terms; setting out legislative findings and purpose; allowing cooperative agreements between certain hospitals and other hospitals or health care providers in the state; setting forth goals of a cooperative agreement; granting authority to the Health Care Authority to review proposed cooperative agreements; establishing a review process for cooperative agreements; requiring notification of application and public hearing to be published on Health Care Authority's website and the State Register; providing for public comment period; requiring notice of public hearing to be provided to all persons, groups or organizations who have submitted written comments to proposed cooperative agreements and to individuals, groups or organizations designated as affected parties in certificate of need proceeding; requiring copy of application to be provided to the Attorney General; setting forth standards for review of cooperative agreements; requiring the Health Care Authority to consult with the Attorney General regarding assessment of approval of proposed cooperative agreement; requiring approval of Health Care Authority to have written concurrence of the Attorney General;

providing that the Health Care Authority evaluate the benefits and disadvantages of the proposed cooperative agreement; providing that the Health Care Authority make a determination whether the benefits likely to result from the proposed cooperative agreement outweigh the disadvantages likely to result from a reduction in competition from the proposed cooperative agreement; providing for approval with conditions; providing that the Health Care Authority's decision to approve or deny an application is a final order; granting enforcement powers over cooperative agreements to the Health Care Authority; providing for rulemaking; requiring reporting to the Health Care Authority; setting forth reporting requirements; providing for establishment and assessment of fees; providing that these new provisions shall not undermine the validity of an agreement between a hospital and the Attorney General entered into before the effective date of this legislation; requiring submission of certain proposed rate increases to be provided to the Attorney General for review; authorizing the Attorney General to approve, reject or modify certain proposed rate increases; providing that certain proposed rate increases may only be implemented with the approval of the Attorney General; providing the Health Care Authority maintain on file all approved cooperative agreements, including conditions imposed; requiring notification of termination of cooperative agreement be filed with the Health Care Authority; prohibiting billing or charging for health services resulting from or related to a cooperative agreement until approved by the Health Care Authority; providing that submission of application constitutes agreement to certain regulation and supervision of the Health Care Authority; and providing for severability.

Respectfully submitted,

Ryan J. Ferns, *Chair*, Craig Blair, Robert H. Plymale, *Conferees on the part of the Senate*.

Joe Ellington, *Chair*, Patrick Lane, Don Perdue, *Conferees on the part of the House of Delegates*.

On motions of Senator Ferns, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 597, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Leonhardt, Maynard, Miller, Mullins, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—29.

The nays were: Facemire, Laird, Palumbo, Romano and Snyder—5.

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. 597) passed with its conference amended title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Leonhardt, Maynard, Miller, Mullins, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—29.

The nays were: Facemire, Laird, Palumbo, Romano and Snyder—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. Com. Sub. for S. B. 597) takes effect from passage.

*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 concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its Senate amended title, 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 2110**, Relating generally to the tax treatment of manufacturing entities.

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

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

On page three, section two, subsection (e), subdivision (2), paragraph (A), by striking out the word “million” and inserting in lieu thereof the word “billion”;

On page three, section two, subsection (e), subdivision (2), paragraph (A), subparagraph (i), after “211112” by striking out the comma and “332992 or 332994”;

On page three, section two, subsection (e), subdivision (2), paragraph (A), subparagraph (ii), after “211112” by striking out the comma and “332992 or 332994”;

On page three, section two, after subsection (e), subdivision (2), paragraph (A), subparagraph (iii), by inserting a new paragraph, designated paragraph (B), to read as follows:

(B) All real property and personal property, the combined original cost of which exceeds \$2 million to be constructed, located or installed at a facility, or a combination of facilities by a single entity or combination of entities engaged in a unitary business, that is or will be classified under North American Industry Classification System with a six digit code number 332992 or 332994.;

And by relettering the remaining paragraph;

And,

On page three, section two, subsection (e), subdivision (2), paragraph (B), subparagraph (ii), by striking out the words “or \$20 million” and inserting in lieu thereof a comma and the words “\$20 million or \$2 million”.

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

Engrossed Committee Substitute for House Bill 2110, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2110) 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.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 7:53 p.m. tonight:

**Eng. Com. Sub. for Senate Bill 378**, Relating to truancy intervention.

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 and requested the concurrence of the Senate in the adoption of

**Com. Sub. for House Concurrent Resolution 26**—Requesting the Division of Highways name the bridge located near Middlebourne in Tyler County (i.e., bridge number 48-11/6-0-41) that traverses Point Pleasant Creek the “Corporal Gary Wayne Weekley Memorial Bridge”.

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

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

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

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 30**—Requesting the Division of Highways to name the bridge carrying County Route 11 over the Buckhannon River in Upshur County, bridge number 49-11-17.13 (49A032), latitude 38.78276, longitude -80.22227, locally known as the Alexander Larch bridge, the “U.S. Army PFC Everett Henry Woody Memorial Bridge”.

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

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

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

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 92**—Requesting the Division of Highways to name the bridge number 1296 on Route 220, Franklin Pike, five miles South of Petersburg, Grant County, the “Captain John Bond and the West Virginia State Troops Memorial Bridge”.

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

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

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

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 22**—Requesting the Division of Highways to name the intersection of Alum Creek on SR 214 and Childress Road in Kanawha County, West Virginia, the “U. S. Army SGT Gary Lee DeBoard Memorial Intersection”.

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

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

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

At the request of Senator Miller, and by unanimous consent, Senator Miller addressed the Senate regarding the passing of the Honorable Anthony Gallo, former Senate Doorkeeper.

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

At the request of Senator Unger, 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 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 504**, Relating to confidentiality of juvenile records.

On motion of Senator Carmichael, 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 §49-5-101 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §62-6B-2 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §62-6B-6, all to read as follows:

## **CHAPTER 49. CHILD WELFARE.**

### **ARTICLE 5. RECORDKEEPING AND DATABASE.**



**§49-5-101. Confidentiality of records; nonrelease of records; exceptions; penalties.**

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of Juvenile Services, the Department of Health and Human Resources, a child agency or facility, court or law-enforcement agency are confidential and shall not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

(1) Where otherwise authorized by this chapter;

(2) To:

(A) The child;

(B) A parent whose parental rights have not been terminated; or

(C) The attorney of the child or parent;

(3) With the written consent of the child or of someone authorized to act on the child's behalf; or

(4) Pursuant to an order of a court of record. However, the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety, and may issue an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available, upon request, to:

(1) Federal, state or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court or family court.

(d) In the event of a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near fatality shall be made public by the Department of Health and Human Resources and to the entities described in subsection (c) of this section, all under the circumstances described in that subsection. However, information released by the Department of Health and Human Resources pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect. For purposes of this subsection, "near fatality" means any medical condition of the child which is certified by the attending physician to be life threatening.

(e) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile shall only be open to inspection pursuant to section one hundred three of this article.

(f) Any person who willfully violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is

also liable for damages in the amount of \$300 or actual damages, whichever is greater.

(g) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

(h)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of Juvenile Services may provide access to and the confidential use of a treatment plan, court records or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of Juvenile Services in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile.

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody and treatment of the juvenile.

(3) The Division of Juvenile Services is authorized to enter into reciprocal agreements with other states and to propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code to implement this subsection.

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

(i) The records subject to disclosure pursuant to subsection (b) of this section shall not include a recorded/videotaped interview, as defined in subdivision (6), section two, article six-b, chapter sixty-two of this code, the disclosure of which is exclusively subject to the provisions of section six of said article.

**CHAPTER 62. CRIMINAL PROCEDURE.****ARTICLE 6B. PROTECTION AND PRESERVATION OF STATEMENTS AND TESTIMONY OF CHILD WITNESS.****§62-6B-2. Definitions.**

For the purposes of this article, the words or terms defined in this section, and any variation of those words or terms required by the context, have the meanings ascribed to them in this section. These definitions are applicable unless a different meaning clearly appears from the context.

(1) "Child witness" means a person under the age of sixteen years of age who is or will be called to testify in a criminal matter concerning an alleged violation of the provisions of sections three, four, five and seven, article eight-b, chapter sixty-one of this code in which the child is the alleged victim.

(2) "Live, closed-circuit television" means a simultaneous transmission, by closed-circuit television or other electronic means, between the courtroom and the testimonial room.

(3) "Operator" means the individual authorized by the court to operate the closed-circuit television equipment used in accordance with the provisions of this article.

(4) "Testimonial room" means a room within the courthouse other than the courtroom from which the testimony of a child witness or the defendant is transmitted to the courtroom by means of live, closed-circuit television.

(5) "Interviewed child" shall mean any person under the age of eighteen who has been interviewed by means of any type of recording equipment in connection with alleged criminal behavior or allegations of abuse or neglect of any child under the age of eighteen.

(6) "Recorded interview" means any electronic recording of the interview, and any transcript thereof, of an interviewed child

conducted by: (1) An employee or representative of a child advocacy center as that term is defined in section one hundred one, article three, chapter forty-nine of this code; (2) any psychologist, psychiatrist, physician, nurse, social worker or other person appointed by the court to interview the interviewed child as provided in subsection (c), section three of this article; or (3) a child protective services worker, law-enforcement officer, prosecuting attorney or any representative of his or her office, or any other person investigating allegations of criminal behavior or behavior alleged to constitute abuse or neglect of a child.

**§62-6B-6. Confidentiality of recorded interviews of children.**

(a) Except as provided by the provisions of this article, recorded interviews of an interviewed child in any judicial or administrative proceeding shall not be published or duplicated except pursuant to the terms of an order of a court of competent jurisdiction. All written documentation in any form that is related to the recorded interview shall also be deemed confidential.

(b) Prior to the commencement of formal proceedings as contemplated in subsection (a) of this section, the persons or agencies listed in subdivision (6), section two of this article shall be entitled to access to or copies of the recorded interview of an interviewed child: *Provided*, That such persons or agencies may provide access to the recorded interview of a child to a legal parent, guardian or custodian of such child when: (1) Such parent, guardian or custodian is not alleged to have been involved or engaged in conduct that may give rise to a judicial or administrative proceeding; and (2) it would not undermine or frustrate an ongoing investigation: *Provided, however*, That prior to the commencement of formal proceedings only psychologists, psychiatrists, physicians, nurses and social workers who are providing services to the interviewed child may be afforded reasonable access to the recorded interview.

(c) The Supreme Court of Appeals is requested to promulgate a rule or rules regulating in the courts of this state the publication and duplication of recorded interviews, including use, duplication and publication by counsel, and to include in any such rule limitations

upon the publication, duplication, distribution or use of the recorded statements of a child.

(d) Any person who knowingly and willfully duplicates or publishes a recorded interview in violation of the terms of an order entered by a court of competent jurisdiction or in violation of the provisions of subsection (b) of this section shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail for not less than ten days nor more than one year or fined not less than \$2,000 nor more than \$10,000, or both fined and confined.;

And,

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

**Eng. Com. Sub. for Senate Bill 504**—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §62-6B-2 of said code; and to amend said code by adding thereto a new section, designated §62-6B-6, all relating to confidentiality of records; providing that a recorded interview of a minor in a criminal or abuse or neglect case is generally confidential and exempt from disclosure; defining terms, including “interviewed child” and “recorded interview”; providing that recorded interviews of children in criminal and administrative proceedings are confidential and subject to disclosure only pursuant to a court order; providing that all written documentation related to the recorded interviews of children in criminal and administrative proceedings are confidential; providing for certain individuals to have access to the recorded interview of a child prior to the commencement of formal proceedings and providing for limitations and conditions for certain individuals to have such access; requesting Supreme Court of Appeals promulgate rules regulating the publication and duplication of recorded interviews in the courts of this state, including use, duplication and publication by counsel, and to include in any such rule limitations upon the publication, duplication, distribution or use of the recorded statements of a child; creating the criminal offense of knowingly and willfully duplicating or publishing a recorded interview in

violation of the terms of a court order or the general confidentiality provisions; and establishing penalties therefor.

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

Engrossed Committee Substitute for Senate Bill 504, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 504) passed with its House of Delegates amended title.

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

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

**Eng. House Bill 2494**, Creating a provisional plea process in criminal cases.

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

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

On page one, section twenty-two-a, subsection (b), by striking out the word “five” and inserting in lieu thereof the word “three”.

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

Engrossed House Bill 2494, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2494) 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 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 2897**, Young Entrepreneur Reinvestment Act.

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

On further motion of Senator Carmichael, 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 2897, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 2897) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 262**, Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings.

On motion of Senator Carmichael, 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 §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 1. ORGANIZATION, INSTITUTIONS AND  
CORRECTIONS MANAGEMENT.**

**§25-1-17. Monitoring of inmate telephone calls; procedures  
and restrictions; calls to or from attorneys  
excepted.**

(a) The Commissioner of Corrections or his or her designee is authorized to monitor, intercept, record and disclose telephone calls to or from adult inmates of state correctional institutions in accordance with the following provisions:

(1) All adult inmates of state correctional institutions shall be notified in writing that their telephone conversations may be monitored, intercepted, recorded and disclosed;

(2) Only the commissioner, warden, administrator or their designee shall have access to recordings of inmates' telephone calls unless disclosed pursuant to subdivision (4) of this subsection;

(3) Notice shall be prominently placed on or immediately near every telephone that may be monitored;

(4) The contents of inmates' telephone calls may be disclosed to an appropriate law-enforcement agency ~~pursuant to an order of a court or administrative tribunal~~ when disclosure is necessary for the investigation, prevention or prosecution of a crime or to safeguard the orderly operation of the correctional institution. Disclosure may be made in civil or administrative proceedings pursuant to an order of a court or an administrative tribunal when the disclosure is:

(A) Necessary to safeguard and protect the orderly operation of the correctional institution; or

(B) Necessary to protect persons from physical harm or the threat of physical harm;

(5) All recordings of telephone calls shall be retained for at least three years and maintained and destroyed in accordance with the record retention policy of the Division of Corrections adopted pursuant to section one, article eight, chapter five-a of this code, *et seq.*; or

(6) To safeguard the sanctity of the attorney-client privilege, a telephone line that is not monitored shall be made available for telephone calls to or from an attorney. These calls shall not be monitored, intercepted, recorded or disclosed in any matter.

~~(b) The commissioner shall propose legislative rules in accordance with the provisions of article three, chapter twenty-nine a of this code to effectuate the provisions of this section. The commissioner shall promulgate a policy directive establishing a record-keeping procedure which requires retention of: (1) A copy of the contents of any inmate telephone conversation provided to law enforcement; and (2) the name of the law-enforcement officer and the law-enforcement agency to which the contents of the telephone conversation were provided. The records required to be retained pursuant to this subsection shall be retained in accordance with the record retention policy specified in subdivision (5), subsection (a) of this section. The inmate's telephone conversation and the information regarding law enforcement are law-enforcement records under subdivision (4), subsection (a), section four, article one, chapter twenty-nine-b of this code.~~

~~(c) Should an inmate be charged with a crime based in whole or part on the inmate's telephone conversation supplied to law enforcement, the inmate's attorney in said criminal matter shall be entitled to access to and copies of the inmate's telephone conversations in the custody of the commissioner which are not evidence in or the subject of another criminal investigation.~~

~~(e)~~(d) The provisions of this section shall apply only to those persons serving a sentence of incarceration in the physical custody of the Commissioner of Corrections.

**§25-1-18. Monitoring inmate mail; procedures and restrictions; identifying mail from a state correctional institution; mail to or from attorneys excepted.**

(a) The Commissioner of Corrections or his or her designee is authorized to monitor, open, review, copy and disclose mail sent to adult inmates of state correctional institutions in accordance with the following provisions:

(1) All adult inmates of state correctional institutions shall be notified in writing that their mail may be monitored, opened, reviewed, copied and disclosed;

(2) Only the commissioner and his or her designee shall have access to copies of inmates' mail unless disclosed pursuant to subdivision (4) of this subsection;

(3) Notice that the mail may be monitored shall be prominently placed on or immediately near every mail receptacle or other designated area for the collection or delivery of mail;

(4) The contents of inmates' mail may be disclosed to an appropriate law-enforcement agency ~~pursuant to an order of a court or administrative tribunal~~ when disclosure is necessary for the investigation, prevention or prosecution of a crime or to safeguard the orderly operation of the correctional institution. Disclosure may be made in civil or administrative proceedings pursuant to an order of a court or administrative tribunal when the disclosure is:

(A) Necessary to safeguard and protect the orderly operation of the correctional institution; or

(B) Necessary to protect persons from physical harm or the threat of physical harm;

(5) All copies of mail shall be retained for at least three years and maintained and destroyed in accordance with the records retention policy of the Division of Corrections adopted pursuant to section one, article eight, chapter five-a of this code, *et seq.*; or

(6) The inmate whose mail has been copied and disclosed under this section shall be given a copy of all such mail when it is determined by the commissioner, warden or administrator not to jeopardize the safe and secure operation of the facility or to be detrimental to an ongoing investigation or administrative action.

(b) To safeguard the sanctity of the attorney-client privilege, mail to or from an inmate's attorney shall not be monitored, reviewed, copied or disclosed in any manner unless required by an order of a court of competent jurisdiction. However, such mail may

be checked for weapons, drugs and other contraband provided it is done in the presence of the inmate and there is a reasonable basis to believe that any weapon, drug or other contraband exists in the mail.

(c) All inmates' outgoing mail must be clearly identified as being sent from an inmate at a state correctional institution and must include on the face of the envelope the name and full address of the institution.

(d) The Commissioner of Corrections or his or her designee is authorized to open, monitor, review, copy and disclose an inmate's outgoing mail in accordance with the provisions of subsection (a) of this section.

~~(e) The commissioner shall propose legislative rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to effectuate the provisions of this section. The commissioner shall promulgate a policy directive establishing a record-keeping procedure which requires retention of: (1) All inmate mail provided to law enforcement; and (2) the name of the law-enforcement officer and the law-enforcement agency to which the inmate mail was provided. The records required to be retained pursuant to this subsection shall be retained in accordance with the record retention policy specified in subdivision (5), subsection (a) of this section. The inmate mail and the information regarding law enforcement are law-enforcement records under subdivision (4), subsection (a), section four, article one, chapter twenty-nine-b of this code.~~

(f) Should an inmate be charged with a criminal offense based in whole or in part on the inmate's mail supplied to law enforcement, the inmate's attorney in said criminal matter shall be entitled to access to and copies of the inmate's mail in the custody of the commissioner which are not evidence in or the subject of another criminal investigation.

(g) The provisions of this section shall apply only to those persons serving a sentence of incarceration in the physical custody of the Commissioner of Corrections.;

And,

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

**Eng. Com. Sub. for Senate Bill 262**—A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, all relating to law enforcement not needing to obtain court orders prior to receiving recordings of inmate phone calls and inmate mail for investigative purposes; eliminating requirement for promulgation of legislative rules relating to monitoring of inmate telephone conversations and mail; requiring commissioner to promulgate policy directive establishing record-keeping procedure to memorialize telephone conversations and mail provided to law enforcement for investigation; requiring records to be retained in accordance with Division of Correction's record retention policy; allowing an inmate's attorney access to telephone conversations and inmate mail supplied to law enforcement and exceptions thereto; clarifying that inmate mail and telephone provisions apply only to inmates in physical custody of commissioner; and clarifying that information supplied to law enforcement is not subject to disclosure under the Freedom of Information Act.

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

Engrossed Committee Substitute for Senate Bill 262, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 262) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 291**, Law enforcement use of unmanned aircraft systems.

On motion of Senator Carmichael, 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 §61-14-1, §61-14-2, §61-14-3, §61-14-4 and §61-14-5, all to read as follows:

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT**

### **ARTICLE 14. USE OF UNMANNED AIRCRAFT SYSTEMS.**

#### **§61-14-1. Definitions.**

As used in this article:

(1) "Aircraft" means any contrivance now known or subsequently invented, used or designed for navigation or for flight in the air, including, but not limited to, unmanned aircraft vehicles or systems;

(2) “Chief executive officer” has the same meaning as the definition for “chief executive” in section one, article twenty-nine, chapter thirty of this code;

(3) “Commission” means the West Virginia State Aeronautics Commission;

(4) “Director” means the Director of Aeronautics for the State of West Virginia or his or her designee;

(5) “Law-enforcement agency” means any duly authorized state, county or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state, the United States, county or municipality: *Provided*, That neither the Public Service Commission nor any state institution of higher education nor any resort area district is a law-enforcement agency;

(6) “Targeted facility” means a coal mine, coal preparation plant, petroleum and aluminum refineries, chemical and rubber manufacturing facilities, oil and gas extraction or processing facilities, electric generation facilities and public utilities and any entity regulated by the Public Service Commission;

(7) “Unmanned aircraft system” or “system” means an aircraft that is operated without direct human intervention from inside or on the aircraft and includes the crewmember, the associated support equipment, the control station, data links, telemetry, communications and navigation equipment necessary to operate the unmanned aircraft;

(8) “Unmanned aircraft system crew member” or “crew member” means a person other than an unmanned aircraft system pilot who is assigned to duties related to an unmanned aircraft system during flight; and

(9) “Unmanned aircraft system pilot” or “pilot” means a person exercising control over an unmanned aircraft system during flight.

**§61-14-2. Applicability of federal laws and Federal Aviation Administration regulations.**



Notwithstanding any provision of this article to the contrary, any person or entity operating an unmanned aircraft system shall only do so in compliance with applicable federal law and applicable regulations of the Federal Aviation Administration.

**§61-14-3. Prohibited use of an unmanned aircraft system; criminal penalties.**

(a) Except as authorized by the provisions of this article, a person may not operate an unmanned aircraft system:

(1) To take photographs or other types of images of another person without the other person's permission where the person being photographed or whose image is being captured has a reasonable expectation of privacy;

(2) To physically harass another person; or

(3) In a manner with a willful wanton disregard for the safety of persons or property.

(b) Any person violating the provisions of subsection (a) of this section is guilty of a misdemeanor and, upon conviction, shall be confined in jail for not more than one year, fined not less than \$100 nor more than \$1000, or both confined and fined.

(c) Any person who operates any unmanned aircraft system equipped with any lethal weapon is guilty of a felony and, upon conviction, shall be imprisoned for not less than one nor more than five years, fined not less than \$1,000 nor more than \$5,000, or both imprisoned and fined.

(d) Any person who operates an unmanned aircraft system with the intent to cause damage to or disrupt in any way the flight of a manned aircraft is guilty of a felony and, upon conviction, shall be imprisoned for not less than one nor more than five years, fined not less than \$1,000 nor more than \$5,000, or both imprisoned and fined.

**§61-14-4. Law-enforcement use of unmanned aircraft systems.**

(a) A law-enforcement agency employing unmanned aircraft shall:

(1) Obtain any authorization, permit or certificate required by the Federal Aviation Administration to operate the unmanned aircraft system;

(2) Allow the unmanned aircraft system to be operated only by unmanned aircraft system pilots and unmanned aircraft systems crew members who have been trained and certified in the operation of the unmanned aircraft system and only under the supervision of officials trained in the policies, laws, rules and procedures governing the use of the unmanned aircraft system;

(3) Ensure that the flight of an unmanned aircraft system be approved by the Director of the Commission or his or her designee or the chief executive officer of the law-enforcement agency or the officer's designee;

(4) Operate the unmanned aircraft system for a lawful public purpose;

(5) Maintain a record of each flight, including the time, date and purpose of the flight, and the identity of the authorizing official;

(6) Establish an auditable flight record system, including the documentation of any change in a flight time record;

(7) Establish a method for notifying the public that an unmanned aircraft system is in operation, unless notifying the public would endanger the safety of any person or jeopardize the efficacy of a criminal investigation; and

(8) Provide for community involvement in the development of the policies required in this section, including the consideration of public comment.

(b) Except for an emergency response for public safety purposes or search and rescue purposes, no law-enforcement agency shall, without warrant, use an unmanned aircraft system to intentionally conduct surveillance of, gather evidence or collect information about, or photographically or electronically record specifically targeted persons or specifically targeted private property including, but not limited to, an individual or a dwelling owned by an

individual and such dwelling's curtilage, without such individual's written consent;

(c) Any law-enforcement agency operating an unmanned aircraft system for criminal investigative purposes shall document such use, including flight durations, flight path, flight objectives and authorization for the flight. The person with supervisory authority over the flight shall verify that the documentation is accurate and complete. The law-enforcement agency shall retain all documentation required by this subsection for five years; the law-enforcement agency shall not retain any imagery or other data obtained during a flight which does not contain evidence of a crime or is otherwise reasonably related to an agency criminal investigation for more than ninety days.

(d) No law-enforcement agency may use an unmanned aircraft system for purposes of traffic enforcement.

(e) Nothing in this section shall be construed to prohibit the use by a law-enforcement agency of an unmanned aircraft system under circumstances when there is reasonable cause to believe that the use and operation of an unmanned aircraft system would safely avert imminent threats to human life and safety, property damage or environmental damage.

(f) The Law Enforcement Professional Standards Subcommittee, in consultation with the Department of Military Affairs and Public Safety, West Virginia State Police, West Virginia Sheriffs' Bureau for Professional Standards and the West Virginia State Aeronautics Commission, shall propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code. They may promulgate any necessary emergency rules to implement the provisions of this section pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code.

**§61-14-5. Unauthorized operation of an unmanned aircraft system over certain industrial facilities; penalties.**

(a) The operation of an unmanned aircraft system over the property of a targeted facility to intentionally deploy any substance, material, projectile or object, or to conduct surveillance of, gather

evidence and information about, or photographically or electronically record a targeted facility without the prior consent of the owner of the targeted facility is unlawful: *Provided*, That nothing in this section prohibits a person from operating an unmanned aircraft system to conduct surveillance of, gather evidence and information about, or photographically or electronically record the person's own property or immovable property owned by another person under a valid lease, servitude, right-of-way, right of use, permit, license or other right: *Provided, however*, That nothing in this section prohibits third persons retained by the owner of immovable property from operating an unmanned aircraft system over, or to otherwise conduct surveillance of, gather evidence and information about, or photographically or electronically record the property: *Provided further*, That nothing in this section prohibits a person from operating an unmanned aircraft system in connection with production of a motion picture, television program or similar production if the operation is authorized by the property owner. The provisions of this subsection do not apply to a law enforcement agency acting in compliance with the provisions of this article.

(b) Any person who violates subsection (a) of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, or confined in a state correctional facility for not more than six months, or both.

(c) Upon conviction for a second or subsequent offense, any person who violates subsection (a) of this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$500 nor more than \$1,000, or confined in a state correctional facility for not less than six months nor more than one year, or both.;

And,

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

**Eng. Com. Sub. for Senate Bill 291**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4 and §61-14-5, all relating to regulation of unmanned aircraft systems; defining terms; requiring compliance with federal laws and regulations relating to such unmanned aircraft systems; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system equipped with a lethal weapon and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system with the intent to cause damage or disrupt in any way the flight of a manned aircraft and setting penalties therefor; setting forth regulations, limitations and prohibitions of the use of unmanned aircraft systems by law-enforcement; regulating law-enforcement use of unmanned aircraft systems; requiring law-enforcement obtain any necessary federal authorization, permit or certificate to operate an unmanned aircraft system; requiring law-enforcement operation of an unmanned aircraft system to only be done by trained and certified persons under appropriate supervision; necessitating law-enforcement operate unmanned aircraft system for a lawful public purpose; requiring documentation of law-enforcement flights of unmanned aircraft systems and maintenance of records; establishing method for public notification of operation of an unmanned aircraft system; providing for community involvement in development of policies; requiring search warrants to be obtained before unmanned aircraft systems may be used in criminal investigations and creating exemptions thereto; prohibiting law-enforcement from using an unmanned aircraft system for purposes of traffic enforcement; making clear allowance of law enforcement when there is reasonable cause to believe that the use and operation of an unmanned aircraft system would safely avert imminent threats to human life and safety, property damage or environmental damage; requiring the Law Enforcement Professional Standards Subcommittee to propose legislative rules and promulgate emergency rules if necessary; prohibiting the operation of an unmanned aircraft system over the property of a targeted facility to intentionally deploy any substance, material, projectile or object, or to conduct surveillance of, gather evidence

and information about, or photographically or electronically record a targeted facility without the prior consent of the owner of the targeted facility; providing exceptions to the prohibition of operation over the property of a targeted facility; creating criminal offense for the operation of an unmanned aircraft system over the property of a targeted facility in violation of these provisions and setting penalties therefor; and providing for increased penalties for second or subsequent offenses.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. 291) and requested the House of Delegates to recede therefrom.

*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 361**, Prohibiting persons who have committed crimes against elderly from performing community service involving elderly.

On motion of Senator Carmichael, 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 §61-2-10a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-10a. Violent crimes against the elderly; sentence not subject to suspension or probation.**

(a) If any person be convicted and sentenced for an offense defined under the provisions of section nine or ten of this article, and if the person shall have committed such offense against a person who is sixty-five years of age or older, then the sentence shall be mandatory and shall not be subject to suspension or probation: *Provided*, That the court may, in its discretion, suspend the sentence and order probation to any person so convicted upon condition that such person perform public service for a period of time deemed appropriate by the court: ~~which service shall~~ *Provided, however*, That the public service may not be rendered in or about facilities or programs providing care or services for the elderly: *Provided however further*, That the court may apply the provisions of article eleven-a, chapter sixty-two of this code to a person committed to a term of one year or less.

(b) The existence of any fact which would make any person ineligible for probation under subsection (a) of this section because of the commission or attempted commission of a felony against a victim sixty-five years of age or older shall not be applicable unless such fact is: (i) Found by the court upon a plea of guilty or nolo contendere; or (ii) found by the jury, if the matter is tried before a jury; or (iii) found by the court, if the matter is tried by the court, without a jury.;

And,

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

**Eng. Com. Sub. for Senate Bill 361**—A Bill to amend and reenact §61-2-10a of the Code of West Virginia, 1931, as amended, relating to prohibiting persons who have committed crimes against the elderly from performing any court-ordered public service involving the elderly.

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

Engrossed Committee Substitute for Senate Bill 361, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 361) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 567**, Providing protection against property crimes committed against coal mines, railroads, utilities and other industrial facilities.

On motion of Senator Carmichael, 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 twenty-nine, lines thirty-five and thirty-six, by striking out all of subsection (e) and inserting in lieu thereof a new subsection, designated subsection (e), to read as follows:

(e) For purposes of restitution under article eleven-a of this article, a railroad company, public utility, business, or owner of property that is damaged, destroyed or disrupted may be deemed a



victim and entitled to restitution, should the Court so order, from any person convicted of an offense under this section.;

And,

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

**Eng. Com. Sub. for Senate Bill 567**—A Bill to amend and reenact §61-3-29 of the Code of West Virginia, 1931, as amended, relating to property crimes committed against property owned by a railroad company or public utility company, or other certain real or personal property; adding oil, timber and timber operations to the list of entities protected under this statute; clarifying that the applicable property covered under this statute be commercial or industrial real or personal property of a railroad company or public utility company; adding storage to the list of uses of certain property covered under this statute; creating a felony offense for knowingly and willfully damaging or destroying any commercial or industrial real or personal property owned by a railroad company, or public utility company, or any real or personal property used for producing, generating, transmitting, distributing, treating, storing or collecting electricity, natural gas, oil, coal, timber, timber processing, water, wastewater, stormwater, telecommunications or cable service and thereby hindering, impairing or disrupting, directly or indirectly, the normal operation of any equipment, device, system or service put in place, in whole or in part, to protect, promote or facilitate the health or safety of any person; providing criminal penalties; and providing that a railroad company, public utility, business, or owner of property that is damaged, destroyed or disrupted may be deemed a victim and entitled to restitution, should the Court so order, from any person convicted of an offense under this section, pursuant to the Victim Protection Act of 1984.

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

Engrossed Committee Substitute for Senate Bill 567, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 567) 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, 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 619**, 2016 Regulatory Reform Act.

On motion of Senator Carmichael, 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 §29A-3-5 and §29A-3-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto two new sections, designated §29A-3-19 and §29A-3-20; and that said code be amended by adding

thereto a new section, designated §29A-3A-20, all to read as follows:

### **ARTICLE 3. RULEMAKING.**

#### **§29A-3-5. Notice of proposed rulemaking.**

When an agency proposes to promulgate a rule other than an emergency rule, it shall file with the Secretary of State, for publication in the State Register, a notice of its action, including therein any request for the submission of evidence to be presented on any factual determinations or inquiries required by law to promulgate such rule. At the time of filing the notice of its action, the agency shall also file with the Secretary of State a copy of the full text of the rule proposed and a fiscal note as defined in subsection (b), section four of this article. If the agency is considering alternative draft proposals, it may also file with the Secretary of State the full text of such draft proposals.

The notice shall fix a date, time and place for the receipt of public comment in the form of oral statements, written statements and documents bearing upon any findings and determinations which are a condition precedent to the final approval by the agency of the proposed rule and shall contain a general description of the issues to be decided. If no specific findings and determinations are required as a condition precedent to the final approval by the agency of the approved rule, the notice shall fix a date, time and place for the receipt of general public comment on the proposed rule. To comply with the public comment provisions of this section, the agency may hold a public hearing or schedule a public comment period for the receipt of written statements and documents, or both.

If findings and determinations are a condition precedent to the promulgation of such rule, then an opportunity for general public comment on the merits of the rule shall be afforded after such findings and determinations are made. In such event, notice of the hearing or of the period for receiving public comment on the proposed rule shall be attached to and filed as a part of the findings and determinations of the agency when filed in the State Register.

In any hearing for public comment on the merits of the rule, the agency may limit presentations to written material. The time, date and place fixed in the notice shall constitute the last opportunity to submit any written material relevant to any hearing, all of which may be earlier submitted by filing with the agency. After the public hearing or the close of the public comment period, whichever is later, the agency shall not permit the filing or receipt of, nor shall it consider, any attempted ex parte communications directed to it in the form of additional comment prior to the submission of its final agency-approved rule to the Legislative Rule-Making Review Committee pursuant to the provisions of section eleven of this article.

The agency may also, at its expense, cause to be published as a Class I legal publication in every county of the state any notice required by this section.

Any citizen or other interested party may appear and be heard at such hearings as are required by this section.

Prior to the submission of any agency-approved proposed rule to the Secretary of State, the agency shall respond to public comments received during the rule-making process and explain the reasoning for comments being incorporated or not incorporated into the rule. Failure to adequately respond to public comments may be grounds for rejection of the proposed rule.

### **§29A-3-11. Submission of legislative rules to the Legislative Rule-Making Review Committee.**

(a) When an agency finally approves a proposed legislative rule for submission to the Legislature, pursuant to the provisions of section nine of this article, the secretary of the executive department which administers the agency pursuant to the provisions of article two, chapter five-f of this code shall submit to the Legislative Rule-Making Review Committee at its offices or at a regular meeting of such committee ~~fifteen copies of~~ a number of copies in electronic or paper form as requested by the committee, which shall include the following information:

(1) The full text of the legislative rule as finally approved by the agency, with new language underlined and with language to be deleted from any existing rule stricken through but clearly legible;

(2) ~~a~~ A brief summary of the content of the legislative rule and a description and a copy of any existing rule which the agency proposes to amend or repeal;

(3) ~~a~~ A statement of the circumstances which require the rule;

(4) A detailed description of the rule's purpose and all proposed changes to the rule;

~~(4)-a~~ (5) A fiscal note containing all information included in a fiscal note for either house of the Legislature and a statement of the economic impact of the rule on the state or its residents;

~~(5)-one~~ (6) One copy of any relevant federal statutes or regulations; ~~and~~

(7) An explanation of the statutory authority for the rule, including a detailed summary of the effect of each provision of the rule with citation to the specific statute which empowers the agency to enact such provision;

(8) All public comments for each proposed rule. An agency may consolidate substantially similar comments in the interest of efficiency;

(9) All written responses by the agency to the substance of any public comments received, including whether the agency chose to modify the proposed rule in response to the comments or, if no changes were made, the rationale for declining to incorporate or make any suggested changes responding to the public comments. An agency may consolidate substantially similar responses in the interest of efficiency: *Provided*, That the agency's response shall address each issue and concern expressed by all comments received; and

~~(6)-any~~ (10) Any other information which the committee may request or which may be required by law. If the agency is an

agency, board or commission which is not administered by an executive department as provided for in article two, chapter five-f of this code, the agency shall submit the final agency-approved rule as required by this subsection.

(b) The committee shall review each proposed legislative rule and, in its discretion, may hold public hearings thereon. Such review shall include, but not be limited to, a determination of:

(1) Whether the agency has specific statutory authority to propose the rule and has not exceeded the scope of its statutory authority in approving the proposed legislative rule;

(2) Whether the rule is needed;

~~(2)~~ (3) Whether the proposed legislative rule is in conformity with the legislative intent of the statute which the rule is intended to implement, extend, apply, interpret or make specific;

~~(3)~~ (4) Whether the proposed legislative rule overlaps, duplicates or conflicts with any other provision of this code, or with any other rule adopted by the same or a different agency, with federal statutes and rules, or with local laws and rules;

(5) Whether federal funding will be impacted by its expiration and explanation as to such;

~~(4)~~ (6) Whether the proposed legislative rule is necessary to fully accomplish the objectives of the statute under which the rule was proposed for promulgation;

~~(5)~~ (7) Whether the proposed legislative rule is reasonable, especially as it affects the convenience of the general public or of persons particularly affected by it;

~~(6)~~ (8) Whether the proposed legislative rule could be made less complex or more readily understandable by the general public; and

~~(7)~~ (9) Whether the proposed legislative rule was proposed for promulgation in compliance with the requirements of this article

and with any requirements imposed by any other provision of this code.

(c) After reviewing the legislative rule, the committee shall recommend that the Legislature:

- (1) Authorize the promulgation of the legislative rule; ~~or~~
- (2) Authorize the promulgation of part of the legislative rule; ~~or~~
- (3) Authorize the promulgation of the legislative rule with certain amendments; ~~or~~
- (4) Recommend that the proposed rule be withdrawn; or
- (5) Reject the proposed rule.

The committee shall file notice of its action in the State Register and with the agency proposing the rule: *Provided*, That when the committee makes the recommendations of subdivision (2), (3), ~~or~~ (4) or (5) of this subsection, the notice shall contain a statement of the reasons for such recommendation.

(d) When the committee recommends that a rule be authorized, in whole or in part, by the Legislature, the committee shall instruct its staff or the office of Legislative Services to draft a bill authorizing the promulgation of all or part of the legislative rule and incorporating such amendments as the committee desires. If the committee recommends that the rule not be authorized, it shall include in its report a draft of a bill authorizing promulgation of the rule together with a recommendation. Any draft bill prepared under this section shall contain a legislative finding that the rule is within the legislative intent of the statute which the rule is intended to implement, extend, apply or interpret and shall be available for any member of the Legislature to introduce to the Legislature.

**§29A-3-19. Expiration provision in rules.**

(a) Any new legislative rule promulgated pursuant to this article after April 1, 2016, shall include an expiration provision terminating the rule after five years: *Provided*, That the rule may

be renewed for additional terms of five years or less by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however,* That if a different expiration or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute's provision shall control: *Provided further,* That this subsection does not apply to rules promulgated by the Department of Environmental Protection or emergency rules promulgated pursuant to section fifteen of this article.

(b) Any legislative rule existing as of April 1, 2016, that is thereafter modified pursuant to this article shall include an expiration provision as part of the modification setting forth a termination date for the rule: *Provided,* That the rule may be renewed for additional terms of years by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however,* That if a different expiration or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute's provision shall control: *Provided further,* That this subsection does not apply to rules promulgated by the Department of Environmental Protection or emergency rules promulgated pursuant to section fifteen of this article.

(c) The existence of an expiration provision terminating a rule does not preclude the repeal of such rule by the Legislature prior to the expiration of the expiration provision.

(d) As part of its rule review under this article, the Legislative Rule-Making Review Committee is authorized to establish a procedure for timely review of all rules prior to expiration, including those rules promulgated by agencies that have affirmatively sought renewal prior to expiration. The procedure may include a requirement that the agency show cause as to why the expiring rule is required and necessary to be continued for another term of years.

(f) The Secretary of State shall provide notice to the promulgating agency at least eighteen months prior to every rule's expiration date.



**§29A-3-20. Executive review of agency rules, guidelines, policies and recommendations.**

(a) All executive agencies with rule-making authority shall:

(1) Review and evaluate all state rules, guidelines, policies and recommendations under their jurisdiction that have similar federal rules, guidelines, policies and recommendations;

(2) Determine whether the state rules, guidelines, policies and recommendations are more stringent than federal counterparts;

(3) Provide for a comment period for all rules, guidelines, policies and recommendations; and

(4) Submit a report to the Joint Committee on Government and Finance and the Legislative Rule-Making Review Committee on or before November 1, 2017, which shall include:

(A) A description of the state rules, guidelines, policies and recommendations that are more stringent than federal counterparts; and

(B) Comments received from the comment period provided for in subdivision (3) of this subsection.

(b) Within four years of the enactment of this law, each executive agency with rule-making authority shall review all of its rules and determine whether the rules should be continued without change, modified or repealed. On or before July 1, 2020, each agency submit a report to the Legislative Rule-Making Review Committee which includes the following information for each rule under the agency's jurisdiction:

(1) A description of the rule;

(2) A determination of whether the rule should continue without change, modified or repealed; and

(3) The reasoning for said determination.

**ARTICLE 3A. HIGHER EDUCATION RULEMAKING.****§29A-3A-20. Expiration provision in rules.**

(a) Any new legislative rule promulgated pursuant to this article after April 1, 2016, shall include an expiration provision terminating the rule after five years: *Provided*, That the rule may be renewed for additional terms of five years or less by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different expiration or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute's provision shall control: *Provided further*, That this subsection does not apply to emergency rules promulgated pursuant to section sixteen of this article.

(b) Any legislative rule existing as of April 1, 2016, that is thereafter modified pursuant to this article shall include an expiration provision as part of the modification setting forth a termination date for the rule: *Provided*, That the rule may be renewed for additional terms of years by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different expiration or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute's provision shall control: *Provided further*, That this subsection does not apply to emergency rules promulgated pursuant to section sixteen of this article.

(c) The existence of an expiration provision terminating a rule does not preclude the repeal of such rule by the Legislature prior to the expiration of the expiration provision.

(d) As part of its rule review under this article, the Legislative Oversight Commission on Education Accountability is authorized to establish a procedure for timely review of a rule prior to its expiration if the board has affirmatively sought renewal prior to expiration. The procedure may include a requirement that the board show cause as to why the expiring rule is required and necessary to be continued for another term of years.

(e) The Secretary of State shall provide notice to the board at least eighteen months prior to every rule's expiration date.

On motion of Senator Carmichael, the following amendments to the House of Delegates amendment to the bill were reported by the Clerk and considered simultaneously:

On page four, section eleven, subsection (b), by striking out all of subdivision (2);

And by renumbering the remaining subdivisions;

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

**§29A-3-19. Sunset provision in rules.**

(a) Any new legislative rule promulgated pursuant to this article after April 1, 2016, shall include a sunset provision terminating the rule after five years: *Provided*, That the rule may be renewed for additional terms of five years or less by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different sunset or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute's provision shall control: *Provided further*, That this subsection shall not apply to rules promulgated by the Department of Environmental Protection or emergency rules promulgated pursuant to section fifteen of this article.

(b) Any legislative rule existing as of April 1, 2016, that is thereafter modified pursuant to this article shall include a sunset provision as part of the modification setting forth a termination date for the rule: *Provided*, That the rule may be renewed for additional terms of years by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different sunset or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute's provision shall control: *Provided further*, That this subsection shall not apply to rules promulgated by the Department

of Environmental Protection or emergency rules promulgated pursuant to section fifteen of this article.

(c) The existence of a sunset provision terminating a rule shall not preclude the repeal of such rule by the Legislature prior to the expiration of the sunset provision.

(d) As part of its rule review under this article, the Legislative Rule-Making Review Committee is authorized to establish a procedure for timely review of rules prior to the expiration for those agencies that have affirmatively sought renewal prior to expiration. The procedure may include a requirement that the agency show cause as to why the expiring rule is required and necessary to be continued for another term of years.

(e) The Secretary of State shall provide notice to the promulgating agency at least eighteen months prior to every rule's expiration date.;

On page seven, section twenty, subsection (b), after the words "each agency" by inserting the word "shall";

On page seven, section twenty, subsection (b), subdivision (2), after the word "change," by inserting the word "be";

On pages seven and eight, by striking out all of section twenty and inserting in lieu thereof a new section, designated section twenty, to read as follows:

**§29A-3A-20. Sunset provision in rules.**

(a) Any new legislative rule promulgated pursuant to this article after April 1, 2016, shall include a sunset provision terminating the rule after five years: *Provided*, That the rule may be renewed for additional terms of five years or less by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different sunset or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute's provision shall control: *Provided further*, That this subsection shall not apply to emergency rules promulgated pursuant to section sixteen of this article.

(b) Any legislative rule existing as of April 1, 2016, that is thereafter modified pursuant to this article shall include a sunset provision as part of the modification setting forth a termination date for the rule: *Provided*, That the rule may be renewed for additional terms of years by the Legislature pursuant to the rule-making procedures and authority in this article: *Provided, however*, That if a different sunset or termination provision exists in the statute under which the proposed rule is promulgated, the enabling statute's provision shall control: *Provided further*, That this subsection shall not apply to emergency rules promulgated pursuant to section sixteen of this article.

(c) The existence of a sunset provision terminating a rule shall not preclude the repeal of such rule by the Legislature prior to the expiration of the sunset provision.

(d) As part of its rule review under this article, the Legislative Oversight Commission on Education Accountability is authorized to establish a procedure for timely review of a rule prior to its expiration if the board has affirmatively sought renewal prior to expiration. The procedure may include a requirement that the board show cause as to why the expiring rule is required and necessary to be continued for another term of years.

(e) The Secretary of State shall provide notice to the board at least eighteen months prior to every rule's sunset date.;

And,

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

**Eng. Com. Sub. for Senate Bill 619**—A Bill to amend and reenact §29A-3-5 and §29A-3-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §29A-3-19 and §29A-3-20; and to amend said code by adding thereto a new section, designated §29A-3A-20, all relating generally to legislative rulemaking; requiring agencies to respond to public comments received during the rule-making process; requiring agencies to explain reason for comments being

included or excluded from the rule; providing that failure of an agency to adequately explain why or why not public comments were incorporated into the rule may be grounds for rejection of the proposed rule; making changes to the procedures for the submission of a proposed legislative rule; allowing copies of proposed rule to be submitted in electronic or paper form at the request of the Legislative Rule-Making Review Committee; requiring additional information to be included when an agency submits proposed rules to the Legislative Rule-Making Review Committee; adding determinations the Legislative Rule-Making Review Committee shall make as part of its review of a proposed legislative rule; allowing the Legislative Rule-Making Review Committee to recommend rejection of the proposed legislative rule as one of the recommendations the Legislative Rule-Making Review Committee may make to the Legislature following its committee review; providing for a five-year sunset provision for all new legislative rules promulgated after April 1, 2016; requiring sunset provisions in all future modifications of existing legislative rules after April 1, 2016; allowing for renewal for an additional term of years; clarifying that statutory sunset provisions take precedence over sunset provisions in a rule; expressly exempting rules promulgated by the Department of Environmental Protection from the sunset requirement; expressly exempting emergency rules from the sunset requirement; providing that the existence of a sunset provision shall not preclude the repeal of the legislative rule prior to the expiration of the sunset provision; authorizing the Legislative Rule-Making Review Committee to establish a procedure for timely review of rules prior to the expiration of the sunset provision; requiring the Secretary of State to provide notice to agencies at least eighteen months prior to an agency's rule sunset date; requiring executive agencies with rule-making authority to submit a report to the Joint Committee on Government and Finance and to the Legislative Rule-Making Review Committee on or before November 1, 2017, indicating a description of state rules, guidelines, policies and recommendations that are more stringent than federal counterparts as well as public comments received relating to the same; requiring agencies with rule-making authority to perform certain actions, evaluations, determinations and public comment period in preparation of the report; requiring each

executive agency with rule-making authority to review each of its rules, make certain determinations, within four years and submit a report to the Legislative Rule-Making Review Committee on or before July 1, 2020; setting forth the information to be included in the report to the Legislative Rule-Making Review Committee; requiring a five-year sunset provision for all new legislative rules promulgated after April 1, 2016, by the Higher Education Policy Commission or other higher education entity defined as a board under section one, article three-a, chapter twenty-nine-a of the code; requiring sunset provisions in all future modifications of existing legislative rules promulgated after April 1, 2016, by the Higher Education Policy Commission or other higher education entity defined as a board under section one, article three-a, chapter twenty-nine-a of the code; allowing for renewal for an additional term of years; clarifying that statutory sunset provisions take precedence over sunset provisions in a rule; expressly exempting emergency rules from the sunset requirement; providing that the existence of a sunset provision shall not preclude the repeal of the legislative rule prior to the expiration of the sunset provision; authorizing the Legislative Oversight Commission on Education Accountability to establish a procedure for timely review of rules prior to the expiration of the sunset provision; and requiring the Secretary of State to provide notice to the Higher Education Policy Commission or other higher education entity defined as a board under section one, article three-a, chapter twenty-nine-a of the code at least eighteen months prior to an agency's rule sunset date.

Following discussion,

The question being on the adoption of Senator Carmichael's amendments to the bill, the same was put and prevailed.

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

Engrossed Committee Substitute for Senate Bill 619, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Leonhardt,

Maynard, Mullins, Sypolt, Takubo, Trump, Walters and Cole (Mr. President)—18.

The nays were: Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel and Yost—16.

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. 619) 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.

The Senate again proceeded to the eighth order of business.

The end of today's third reading calendar having been reached, the Senate returned to the consideration of

**Eng. Com. Sub. for House Bill 4606**, Relating to the recusal of certain public officials from voting for appropriation of moneys to nonprofit entities.

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

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

Action as to Engrossed Committee Substitute for House Bill 4606 having been concluded, the Senate proceeded to the consideration of

**Eng. Com. Sub. for House Bill 4201**, Increasing the criminal penalties for participating in an animal fighting venture.

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

Pending discussion,



The question being “Shall Engrossed Committee Substitute for House Bill 4201 pass?”

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Kessler, Laird, Leonhardt, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—30.

The nays were: Facemire, Kirkendoll and Maynard—3.

Absent: Karnes—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. 4201) 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 4201**—A Bill to amend and reenact §61-8-19a and §61-8-19b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8-19c, all relating to increasing the criminal penalties for participating in an animal fighting venture; defining terms; making unlawful the possession of an animal for the purpose of engaging the animal in an animal fighting venture; making it unlawful to knowingly cause an individual under the age of eighteen to attend an animal fighting venture; providing that wagering at an animal fighting venture is a crime; adding conducting, financing, managing, supervising, directing or knowingly allowing property under one’s control to be used for an animal fighting venture to types of prohibited conduct; providing for penalties; and providing increased penalties for third or subsequent violations for certain offenses.

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

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

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended 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**, Protecting utility workers from crimes against person.

On motion of Senator Carmichael, 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 §61-2-10b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-10b. Malicious assault; unlawful assault; battery; and assault on governmental representatives, health care providers, utility workers, law-enforcement officers and emergency medical service personnel; definitions; penalties.**

(a) For purposes of this section:

(1) "Government representative" means any officer or employee of the state or a political subdivision thereof, or a person under contract with a state agency or political subdivision thereof.

(2) "Health care worker" means any nurse, nurse practitioner, physician, physician assistant or technician practicing at, and all persons employed by or under contract to a hospital, county or district health department, long-term care facility, physician's office, clinic or outpatient treatment facility.

(3) “Emergency service personnel” means any paid or volunteer firefighter, emergency medical technician, paramedic, or other emergency services personnel employed by or under contract with an emergency medical service provider or a state agency or political subdivision thereof.

(4) “Utility worker” means any individual employed by a public utility or electric cooperative or under contract to a public utility, electric cooperative or interstate pipeline.

(5) “Law-enforcement officer” has the same definition as this term is defined in W.Va. Code §30-29-1, except for purposes of this section, “law-enforcement officer” shall additionally include those individuals defined as “chief executive” in W.Va. Code §30-29-1.

(b) *Malicious assault.* — Any person who maliciously shoots, stabs, cuts or wounds or by any means causes bodily injury with intent to maim, disfigure, disable or kill a government representative, health care worker ~~or~~ utility worker, emergency service personnel or law-enforcement officer acting in his or her official capacity, and the person committing the malicious assault knows or has reason to know that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than three nor more than fifteen years.

(c) *Unlawful assault.* — Any person who unlawfully but not maliciously shoots, stabs, cuts or wounds or by any means causes a government representative, health care worker ~~or~~ utility worker, emergency service personnel or law-enforcement officer acting in his or her official capacity bodily injury with intent to maim, disfigure, disable or kill him or her and the person committing the unlawful assault knows or has reason to know that the victim is acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than two nor more than five years.

(d) *Battery.* — Any person who unlawfully, knowingly and intentionally makes physical contact of an insulting or provoking

nature with a government representative, health care worker ~~or~~, utility worker, emergency service personnel or law-enforcement officer acting in his or her official capacity and the person committing the battery knows or has reason to know that the victim is acting in his or her official capacity, or unlawfully and intentionally causes physical harm to that person acting in such capacity and the person committing the battery knows or has reason to know that the victim is acting in his or her official capacity, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail not less than one month nor more than twelve months or both fined and confined. If any person commits a second such offense, he or she is guilty of a felony and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned in a state correctional facility not less than one year nor more than three years, or both fined and imprisoned. Any person who commits a third violation of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,000 or imprisoned in a state correctional facility not less than two years nor more than five years, or both fined and imprisoned.

(e) *Assault*. — Any person who unlawfully attempts to commit a violent injury to the person of a government representative, health care worker ~~or~~, utility worker, emergency service personnel or law-enforcement officer, acting in his or her official capacity and the person committing the battery knows or has reason to know that the victim is acting in his or her official capacity, or unlawfully commits an act which places that person acting in his or her official capacity in reasonable apprehension of immediately receiving a violent injury and the person committing the battery knows or has reason to know that the victim is acting in his or her official capacity, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than twenty-four hours nor more than six months, fined not more than \$200, or both fined and confined.;

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 §61-2-10b of the Code of West Virginia, 1931, as amended, relating to protection of utility workers and law-enforcement officers from crimes against the person; defining terms; adding law-enforcement officers and utility workers among the list of professionals the malicious assault, unlawful assault, battery or assault of which carries increased criminal penalties; clarifying the criminal offense of battery to require that the perpetrator have knowledge that the victim was acting in his or her official capacity; and clarifying the criminal offense of assault to require that the perpetrator have knowledge that the victim was acting in his or her official capacity.

On motion of Senator Carmichael, 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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.

At the request of Senator Carmichael, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

At the request of Senator Blair, unanimous consent being granted, Senator Blair addressed the Senate regarding Robert Brosh, intern for the Committee on Government Organization.

At the request of Senator Hall, and by unanimous consent, Senator Hall addressed the Senate regarding Howard Waugh, an ill family member who is a World War II veteran, and Shayla Hall, his granddaughter who made observations about fiscal responsibility.

At the request of Senator Unger, unanimous consent being granted, the Senate again proceeded to the sixth order of business.

At the request of Senator Unger, and by unanimous consent, Senators Miller, Cole (Mr. President), Kessler, Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost offered the following resolution from the floor:

**Senate Resolution 67**—Recognizing the dedicated public service of the Honorable William R. Laird IV.

Whereas, The Honorable William R. Laird IV has made a career of public service to the people of Fayette County and the State of West Virginia, having held many positions of public trust and responsibility, including Sheriff of Fayette County, Magistrate of Fayette County, Director of Budget and Administration for the Office of the Attorney General, Deputy Director and Assistant Commissioner of the Department of Corrections, Alcohol Beverage Control Commissioner, President and Chief Executive Officer of Montgomery General Hospital and former member and Chair of the West Virginia Lottery Commission; and

Whereas, The Honorable William R. Laird IV began his service in the West Virginia Legislature after being elected to the House of Delegates in 1996; and

Whereas, In 2008, the Honorable William R. Laird IV was elected to the West Virginia Senate and has served this body as

Chair of the Committee on Natural Resources, Vice Chair of the Committee on Health and Human Resources and as Majority Whip; and

Whereas, The Honorable William R. Laird IV has also served as the Chair of the Governor's Committee on Crime, Delinquency and Correction, President and board member of the West Virginia Association of Counties, board member of the West Virginia Sheriff's Association and as a former member of the Domestic Violence Fatality Review Team; and

Whereas, The Honorable William R. Laird IV has decided to not seek reelection to the West Virginia Senate in 2016, bringing an end to a distinguished career in the West Virginia Senate; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the dedicated public service of the Honorable William R. Laird IV; and, be it

*Further Resolved,* That the Senate expresses its most sincere gratitude and appreciation to the Honorable William R. Laird IV for his service to the Senate and the people of the State of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Honorable William R. Laird IV.

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

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

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo,

Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the resolution (S. R. 67) adopted.

Thereafter, at the request of Senator Boso, and by unanimous consent, the remarks by Senators Miller, Hall, Plymale, Stollings and Gaunch regarding the adoption of Senate Resolution 67 were ordered printed in the Appendix to the Journal.

On motion of Senator Carmichael, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

At the request of Senator Unger, unanimous consent being granted, Senators Unger, Cole (Mr. President), Kessler, Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Yost offered the following resolution from the floor:

**Senate Resolution 68**—Recognizing the dedicated public service of the Honorable Herb Snyder.

Whereas, The Honorable Herb Snyder was born in Winchester, Virginia, son of Bernard and Gladys Snyder; and

Whereas, The Honorable Herb Snyder was first elected to the West Virginia Senate in 1996 and was elected to two additional terms in 2008 and 2012, representing the 16th senatorial district; and



Whereas, The Honorable Herb Snyder has served with distinction in many different capacities in the Senate, including as Chair of the Committee on Labor and the Committee on Government Organization, and as Vice Chair of the Committee on Banking and Insurance, the Committee on the Judiciary and the Committee on Interstate Cooperation; and

Whereas, The Honorable Herb Snyder has served as a Jefferson County Commissioner; and

Whereas, The Honorable Herb Snyder has decided to not seek reelection in 2016, bringing an end to a distinguished career in the West Virginia Senate; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the dedicated public service of the Honorable Herb Snyder; and, be it

*Further Resolved,* That the Senate expresses its most sincere gratitude and appreciation to the Honorable Herb Snyder for his service to the Senate and the people of the State of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Honorable Herb Snyder.

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

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

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the resolution (S. R. 68) adopted.

Thereafter, at the request of Senator Boso, and by unanimous consent, the remarks by Senators Unger, Kirkendoll, Palumbo, Romano, Stollings, Walters, Miller, Blair, Boso, Gaunch, Trump, Facemire and Cline regarding the adoption of Senate Resolution 68 were ordered printed in the Appendix to the Journal.

On motion of Senator Carmichael, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Carmichael, and by unanimous consent, returned to the fourth order of business.

Senator Cole (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Senate Concurrent Resolution 66**, Requesting study of lottery, gaming and live racing industries in WV.

**Senate Concurrent Resolution 67**, Requesting study on effectiveness of civics education in WV schools.

**Senate Concurrent Resolution 69**, Requesting study of possible operation of daily fantasy sports industry by WV casinos.

**House Concurrent Resolution 11**, World Autism Awareness Day.

**House Concurrent Resolution 20**, Funding for the West Virginia National Guard.

**House Concurrent Resolution 68**, Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles Phase 2.

**House Concurrent Resolution 86**, Designating April 16, 2016 as World Voice Day.

**House Concurrent Resolution 93**, Requesting the Joint Committee on Government and Finance study the motor vehicle code.

And,

**House Concurrent Resolution 103**, Requesting the Joint Committee on Government and Finance to conduct an interim study on the educational impact and budgetary and funding formula consequences of Education Savings Accounts.

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

Respectfully submitted,

William P. Cole III,  
*Chairman ex officio.*

At the request of Senator Carmichael, unanimous consent being granted, the resolutions (S. C. R. 66, 67 and 69 and H. C. R. 11, 20, 68, 86, 93 and 103) contained in the preceding report from the Committee on Rules 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 Walters, 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 65**, John and Wilbur Hahn Dutch Hollow Pioneers Bridge.

**Com. Sub. for House Concurrent Resolution 29**, Harry C. "Buck" Markley Jr. Memorial Bridge.

And,

**Com. Sub. for House Concurrent Resolution 90**, U.S. Army CPL Fon Mitchell Memorial Bridge.

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

Respectfully submitted,

Chris Walters,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the resolutions (S. C. R. 65 and Com. Sub. for H. C. R. 29 and 90) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

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

Senator Walters, 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 74**, Arnold Miller Memorial Bridge.

And has amended same.

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

Respectfully submitted,

Chris Walters,  
*Chair.*

At the request of Senator Walters, unanimous consent being granted, the resolution (Com. Sub. for H. C. R. 74) 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 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:

**Com. Sub. for House Concurrent Resolution 74**—Requesting the Division of Highways name bridge number 20-77-83.84 (20A615), located at latitude 38.19560, longitude -81.47926, which carries Interstate 64 and Interstate 77 over Route 79/3, also known as Cabin Creek Road, in Kanawha County, the “U.S. Army PFC Arnold Miller Memorial Bridge”.

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. 74), 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.

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

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

**Eng. House Bill 4309**, Increasing criminal penalties for conviction of certain offenses of financial exploitation of an elderly person.

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

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

On page two, section three, subsection (b), subdivision (2), after the word “confidence,” by striking out the word “and”;

And,

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

**Eng. House Bill 4309**—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §55-7I-1, §55-7I-2, §55-7I-3, §55-7I-4, §55-7I-5 and §55-7I-6; and to amend and reenact §61-2-29b of said code, all relating generally to protections against financial exploitation of elderly persons, protected persons and incapacitated adults; establishing a cause of action against a person who commits an act of financial exploitation against an elderly person, protected person or incapacitated adult; defining terms; restricting certain defenses which, standing alone, are based on legal relationship to an elderly person, protected person or incapacitated adult; providing for

court-authorized remedies; authorizing the award of increased damages in certain circumstances; providing for award of costs and attorneys' fees; establishing the standard of proof; establishing the statute of limitations for actions brought under the article; authorizing the court to freeze assets and order injunctive relief; providing options the court may exercise upon a formal finding of exploitation; authorizing the court to require posting security, or additional security, under certain circumstances; clarifying criminal penalties for conviction of certain offenses of financial exploitation of an elderly person, protected person or incapacitated adult; and increasing the criminal penalty for the offense of financial exploitation of \$1,000 or more.

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

Engrossed House Bill 4309, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4309) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference

amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 4174**, Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house.

Whereupon, Senator Ashley, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 4174**, Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house.

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 4174 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting section, and agree to the same as follows:

## **CHAPTER 20. NATURAL RESOURCES.**

### **ARTICLE 2. WILDLIFE RESOURCES.**

#### **§20-2-58. Shooting across road or near building or crowd; penalty.**

(a) In addition to any other prohibitions which may exist by law, it shall be unlawful for any person to shoot or discharge any firearms:

- (1) Across or in any public road in this state, at any time;
- (2) Within five hundred feet of any school or church; or



(3) Within five hundred feet of any dwelling house: *Provided*, That a person who is a resident of a dwelling house, and his or her authorized guest, may shoot or discharge a firearm in a lawful manner within five hundred feet of the dwelling house where the person lives, if the firearm is being discharged with the express or implied knowledge and consent of all residents of that dwelling house, and no other dwelling houses are located within five hundred feet of where the firearm is discharged; or

(4) ~~On In or near~~ any state, county or municipal park in areas of which the discharge of firearms is prohibited or other place where persons gather for purposes of pleasure.

(b) Any person violating this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail for not more than one hundred days, or both fined and confined.

~~(b)~~ (c) Notwithstanding the provisions of subsection (a) of this section, any person operating a gun repair shop, licensed to do business in the State of West Virginia and duly licensed under applicable federal statutes, may be exempted from the prohibition established by this section and section twelve, article seven, chapter sixty-one of this code for the purpose of test firing a firearm. The director of the Division of Natural Resources shall prescribe such rules as may be necessary to carry out the purposes of the exemption under this section and section twelve, article seven, chapter sixty-one and shall ensure that any person residing in any dwelling home within five hundred feet of such gun repair shop be given an opportunity to protest the granting of such exemption.

(d) The provisions of this section are not applicable to indoor shooting ranges the owner or operator of which holds all necessary and required licenses and the shooting range is in compliance with all applicable state, county, municipal laws, rules or ordinances regulating the design and operation of such facilities.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 6. CRIMES AGAINST THE PEACE.**

#### **§61-6-23. Shooting range; limitations on nuisance actions.**

(a) As used in this section:

(1) “Person” means an individual, proprietorship, partnership, corporation, club or other legal entity;

(2) “Shooting range” or “range” means an area, whether indoor or outdoor, designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar shooting.

(b) Except as provided in this section, a person may not maintain a nuisance action for noise against a shooting range located in the vicinity of that person’s property if the range was established as of the date of the person acquiring the property. If there is a substantial change in use of the range or there is a period of shooting inactivity at a range exceeding one year after the person acquires the property, the person may maintain a nuisance action if the action is brought within two years from the beginning of the substantial change in use of the range, or the resumption of shooting activity.

(c) A person who owned property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that range only if the action is brought within ~~four~~ two years after establishment of the range or two years after a substantial change in use of the range or from the time shooting activity is resumed.

(d) ~~If there has been no shooting activity at a range for a period of two years, resumption of shooting is considered establishment of a new range for the purposes of this section. Actions authorized by the provisions of this section are not applicable to indoor shooting ranges the owner or operator of which holds all necessary and required licenses and the shooting range is in compliance with all applicable state, county and municipal laws, rules or ordinances regulating the design and operation of such facilities.;~~

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for House Bill 4174**—A Bill to amend and reenact §20-2-58 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-6-23 of said code, all relating to shooting ranges generally; exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house; amending the definition of “shooting range” to include an indoor range otherwise lawfully compliant; exempting activity at indoor shooting ranges from criminal penalties for violations for shooting or discharging a firearm within five hundred feet of any church or dwelling house; modifying and clarifying the limitations on nuisance actions against shooting ranges; and exempting indoor shooting ranges which have necessary licenses and are compliant with applicable laws, rules or ordinance from nuisance law.

Respectfully submitted,

Mike Azinger, *Chair*, Geoff Foster, Clif Moore (*Did not sign*),  
*Conferees on the part of the House of Delegates.*

Bob Ashley, *Chair*, Sue Cline, Robert D. Beach, *Conferees on the part of the Senate.*

Senator Ashley, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Ashley, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 4174, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Woelfel—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. 4174) 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, as amended by the House of Delegates, passage as amended, to take effect July 1, 2016, 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 4168**, Creating a special motor vehicle collector license plate.

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

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

On page two, section three, line five, after the word “The” by inserting the words “vehicle has been owned by the collector for thirty days or less, or the”;

On page two, section three, after subsection (b), by inserting a new subsection, designated subsection (c), to read as follows:

(c) A collector may transfer a motor vehicle collector license plate among multiple collector motor vehicles under his or her ownership: *Provided*, That the collector operates each vehicle in compliance with the requirements of this article.;

And,

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

**Eng. Com. Sub. for House Bill 4168**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-6F-1, §17A-6F-2, §17A-6F-3 and §17A-6F-4, all relating to creating a special motor vehicle collector license plate; defining terms; establishing requirements and fees for a motor vehicle collector license plate application and for use of such plate; creating a misdemeanor offense; establishing criminal penalties; and requiring emergency and legislative rulemaking.

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

Engrossed Committee Substitute for House Bill 4168, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4168) passed with its House of Delegates amended title.

Senator Carmichael moved that the bill take effect July 1, 2016.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4168) takes effect July 1, 2016.

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

The Senate again proceeded to the sixth order of business.

At the request of Senator Unger, and by unanimous consent, Senators Unger, Cole (Mr. President), Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Yost offered the following resolution from the floor:

**Senate Resolution 69**—Recognizing the dedicated public service of the Honorable Jeffrey V. Kessler.

Whereas, The Honorable Jeffrey V. Kessler was born in Wheeling, West Virginia, the son of George H. and Rosemary Krupica Kessler; and

Whereas, The Honorable Jeffrey V. Kessler attended West Liberty State College and then West Virginia University College of Law; and

Whereas, The Honorable Jeffrey V. Kessler was appointed to the West Virginia Legislature in 1997 and thereafter was elected to the West Virginia Senate in 1998; and

Whereas, The Honorable Jeffrey V. Kessler has continued to serve in the Senate for nineteen years, including eight years as Chair of the Judiciary Committee; and

Whereas, In 2011, the Honorable Jeffrey V. Kessler was elected as the 50th President of the West Virginia Senate and Lieutenant Governor of the State of West Virginia pursuant to chapter six-a, article one, section four of the West Virginia Code; and

Whereas, In addition to his legislative service, the Honorable Jeffrey V. Kessler has also served as a municipal court judge, a city solicitor and an assistant prosecuting attorney; and

Whereas, The Honorable Jeffrey V. Kessler has made a career of public service to the people of Marshall County and of West Virginia, having held many positions of public trust and responsibility, including on the board of directors for the Regional Economic Development Partnership and the Wheeling Area Chamber of Commerce; and

Whereas, Through his tireless efforts, the Honorable Jeffrey V. Kessler has been the recipient of many awards, including the 1998, 1999 and 2001 Senate Perfect Roll Call Attendance Award; 1998 Legislator of the Year Award, YWCA Family Violence Prevention Program; 1999 and 2005 Legislator of the Year Award, West Virginia Trial Lawyers Association; 2004 Legislator of the Year Award, West Virginia American Trauma Society; 1994 Marshall County Democrat of the Year Award; 2003 West Virginia Municipal League, Strong Cities Award; 2006 Public Defenders Outstanding Service Award; 2007 Ohio Valley Crime Victims Service Provider Award; Friends of Nursing Award, West Virginia Nurses Association, 2010; American Academy of Nurse Practitioners Legislator of the Year and the West Virginia Nurses Advanced Nurse Practitioner Legislator of the Year awards in 2011; Public Leadership Award from Fairness West Virginia, 2011; Lifetime Achievement Award from the Governor's Arts Awards; and the Distinguished Community Health Champion Award from the West Virginia Primary Care Association, 2012; and

Whereas, In his career of public service, the Honorable Jeffrey V. Kessler has steadfastly advocated for his constituents and for the benefit of the people of West Virginia; and

Whereas, The Honorable Jeffrey V. Kessler has decided to not seek reelection in 2016, bringing an end to a distinguished career in the West Virginia Senate; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the dedicated public service of the Honorable Jeffrey V. Kessler; and, be it

*Further Resolved*, That the Senate expresses its most sincere gratitude and appreciation to the Honorable Jeffrey V. Kessler for his service to the Senate and the people of the State of West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the Honorable Jeffrey V. Kessler.

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

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

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 resolution (S. R. 69) adopted.

Thereafter, at the request of Senator Boso, and by unanimous consent, the remarks by Senators Unger, Leonhardt, Prezioso, Ferns, Kirkendoll, Miller, Beach, Romano, Snyder and Carmichael



regarding the adoption of Senate Resolution 69 were ordered printed in the Appendix to the Journal.

On motion of Senator Carmichael, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Carmichael, and by unanimous consent, returned to the fifth order of business.

Senator Takubo, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Com. Sub. for Senate Bill 454**, Licensing and regulating medication-assisted treatment programs for substance use disorders.

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 Committee Substitute for Senate Bill 454 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting section, and agree to the same as follows:

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

#### **§16-1-4. Proposal of rules by the secretary.**

(a) The secretary may propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code that are necessary and proper to effectuate the purposes of this chapter. The secretary may appoint or designate advisory councils of professionals in the areas of hospitals, nursing homes, barbers and beauticians, postmortem examinations, mental health and

intellectual disability centers and any other areas necessary to advise the secretary on rules.

(b) The rules may include, but are not limited to, the regulation of:

(1) Land usage endangering the public health: *Provided*, That no rules may be promulgated or enforced restricting the subdivision or development of any parcel of land within which the individual tracts, lots or parcels exceed two acres each in total surface area and which individual tracts, lots or parcels have an average frontage of not less than one hundred fifty feet even though the total surface area of the tract, lot or parcel equals or exceeds two acres in total surface area, and which tracts are sold, leased or utilized only as single-family dwelling units. Notwithstanding the provisions of this subsection, nothing in this section may be construed to abate the authority of the department to:

(A) Restrict the subdivision or development of a tract for any more intense or higher density occupancy than a single-family dwelling unit;

(B) Propose or enforce rules applicable to single-family dwelling units for single-family dwelling unit sanitary sewerage disposal systems; or

(C) Restrict any subdivision or development which might endanger the public health, the sanitary condition of streams or sources of water supply;

(2) The sanitary condition of all institutions and schools, whether public or private, public conveyances, dairies, slaughterhouses, workshops, factories, labor camps, all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption and places where trades or industries are conducted;

(3) Occupational and industrial health hazards, the sanitary conditions of streams, sources of water supply, sewerage facilities and plumbing systems and the qualifications of personnel connected with any of those facilities, without regard to whether

the supplies or systems are publicly or privately owned; and the design of all water systems, plumbing systems, sewerage systems, sewage treatment plants, excreta disposal methods and swimming pools in this state, whether publicly or privately owned;

(4) Safe drinking water, including:

(A) The maximum contaminant levels to which all public water systems must conform in order to prevent adverse effects on the health of individuals and, if appropriate, treatment techniques that reduce the contaminant or contaminants to a level which will not adversely affect the health of the consumer. The rule shall contain provisions to protect and prevent contamination of wellheads and well fields used by public water supplies so that contaminants do not reach a level that would adversely affect the health of the consumer;

(B) The minimum requirements for: Sampling and testing; system operation; public notification by a public water system on being granted a variance or exemption or upon failure to comply with specific requirements of this section and rules promulgated under this section; record keeping; laboratory certification; as well as procedures and conditions for granting variances and exemptions to public water systems from state public water systems rules; and

(C) The requirements covering the production and distribution of bottled drinking water and may establish requirements governing the taste, odor, appearance and other consumer acceptability parameters of drinking water;

(5) Food and drug standards, including cleanliness, proscription of additives, proscription of sale and other requirements in accordance with article seven of this chapter as are necessary to protect the health of the citizens of this state;

(6) The training and examination requirements for emergency medical service attendants and emergency medical care technician-paramedics; the designation of the health care facilities, health care

services and the industries and occupations in the state that must have emergency medical service attendants and emergency medical care technician-paramedics employed and the availability, communications and equipment requirements with respect to emergency medical service attendants and to emergency medical care technician-paramedics. Any regulation of emergency medical service attendants and emergency medical care technician-paramedics may not exceed the provisions of article four-c of this chapter;

(7) The health and sanitary conditions of establishments commonly referred to as bed and breakfast inns. For purposes of this article, "bed and breakfast inn" means an establishment providing sleeping accommodations and, at a minimum, a breakfast for a fee. The secretary may not require an owner of a bed and breakfast providing sleeping accommodations of six or fewer rooms to install a restaurant-style or commercial food service facility. The secretary may not require an owner of a bed and breakfast providing sleeping accommodations of more than six rooms to install a restaurant-type or commercial food service facility if the entire bed and breakfast inn or those rooms numbering above six are used on an aggregate of two weeks or less per year;

(8) Fees for services provided by the Bureau for Public Health including, but not limited to, laboratory service fees, environmental health service fees, health facility fees and permit fees;

(9) The collection of data on health status, the health system and the costs of health care;

~~(10) Opioid treatment programs duly licensed and operating under the requirements of chapter twenty seven of this code.~~

~~(A) The Health Care Authority shall develop new certificate of need standards, pursuant to the provisions of article two-d of this chapter, that are specific for opioid treatment program facilities.~~

~~(B) No applications for a certificate of need for opioid treatment programs may be approved by the Health Care Authority as of the effective date of the 2007 amendments to this subsection.~~

~~(C) There is a moratorium on the licensure of new opioid treatment programs that do not have a certificate of need as of the effective date of the 2007 amendments to this subsection, which shall continue until the Legislature determines that there is a necessity for additional opioid treatment facilities in West Virginia.~~

~~(D) The secretary shall file revised emergency rules with the Secretary of State to regulate opioid treatment programs in compliance with the provisions of this section. Any opioid treatment program facility that has received a certificate of need pursuant to article two d, of this chapter by the Health Care Authority shall be permitted to proceed to license and operate the facility.~~

~~(E) All existing opioid treatment programs shall be subject to monitoring by the secretary. All staff working or volunteering at opioid treatment programs shall complete the minimum education, reporting and safety training criteria established by the secretary. All existing opioid treatment programs shall be in compliance within one hundred eighty days of the effective date of the revised emergency rules as required herein. The revised emergency rules shall provide at a minimum:~~

~~(i) That the initial assessment prior to admission for entry into the opioid treatment program shall include an initial drug test to determine whether an individual is either opioid addicted or presently receiving methadone for an opioid addiction from another opioid treatment program.~~

~~(ii) The patient may be admitted to the opioid treatment program if there is a positive test for either opioids or methadone or there are objective symptoms of withdrawal, or both, and all other criteria set forth in the rule for admission into an opioid treatment program are met. Admission to the program may be allowed to the following groups with a high risk of relapse without the necessity of a positive test or the presence of objective symptoms: Pregnant~~

~~women with a history of opioid abuse, prisoners or parolees recently released from correctional facilities, former clinic patients who have successfully completed treatment but who believe themselves to be at risk of imminent relapse and HIV patients with a history of intravenous drug use.~~

~~(iii) That within seven days of the admission of a patient, the opioid treatment program shall complete an initial assessment and an initial plan of care.~~

~~(iv) That within thirty days after admission of a patient, the opioid treatment program shall develop an individualized treatment plan of care and attach the plan to the patient's chart no later than five days after the plan is developed. The opioid treatment program shall follow guidelines established by a nationally recognized authority approved by the secretary and include a recovery model in the individualized treatment plan of care. The treatment plan is to reflect that detoxification is an option for treatment and supported by the program; that under the detoxification protocol the strength of maintenance doses of methadone should decrease over time, the treatment should be limited to a defined period of time, and participants are required to work toward a drug free lifestyle.~~

~~(v) That each opioid treatment program shall report and provide statistics to the Department of Health and Human Resources at least semiannually which includes the total number of patients; the number of patients who have been continually receiving methadone treatment in excess of two years, including the total number of months of treatment for each such patient; the state residency of each patient; the number of patients discharged from the program, including the total months in the treatment program prior to discharge and whether the discharge was for:~~

~~(A) Termination or disqualification;~~

~~(B) Completion of a program of detoxification;~~

~~(C) Voluntary withdrawal prior to completion of all requirements of detoxification as determined by the opioid treatment program;~~

~~(D) Successful completion of the individualized treatment care plan; or~~

~~(E) An unexplained reason.~~

~~(vi) That random drug testing of all patients shall be conducted during the course of treatment at least monthly. For purposes of these rules, "random drug testing" means that each patient of an opioid treatment program facility has a statistically equal chance of being selected for testing at random and at unscheduled times. Any refusal to participate in a random drug test shall be considered a positive test. Nothing contained in this section or the legislative rules promulgated in conformity herewith will preclude any opioid treatment program from administering such additional drug tests as determined necessary by the opioid treatment program.~~

~~(vii) That all random drug tests conducted by an opioid treatment program shall, at a minimum, test for the following:~~

~~(A) Opiates, including oxycodone at common levels of dosing;~~

~~(B) Methadone and any other medication used by the program as an intervention;~~

~~(C) Benzodiazepine including diazepam, lorazepam, clonazepam and alprazolam;~~

~~(D) Cocaine;~~

~~(E) Methamphetamine or amphetamine;~~

~~(F) Tetrahydrocannabinol, delta 9 tetrahydrocannabinol or dronabinol or other similar substances; or~~

~~(G) Other drugs determined by community standards, regional variation or clinical indication.~~

~~(viii) That a positive drug test is a test that results in the presence of any drug or substance listed in this schedule and any other drug~~

~~or substance prohibited by the opioid treatment program. A positive drug test result after the first six months in an opioid treatment program shall result in the following:~~

~~(A) Upon the first positive drug test result, the opioid treatment program shall:~~

~~(1) Provide mandatory and documented weekly counseling of no less than thirty minutes to the patient, which shall include weekly meetings with a counselor who is licensed, certified or enrolled in the process of obtaining licensure or certification in compliance with the rules and on staff at the opioid treatment program;~~

~~(2) Immediately revoke the take home methadone privilege for a minimum of thirty days; and~~

~~(B) Upon a second positive drug test result within six months of a previous positive drug test result, the opioid treatment program shall:~~

~~(1) Provide mandatory and documented weekly counseling of no less than thirty minutes, which shall include weekly meetings with a counselor who is licensed, certified or enrolled in the process of obtaining licensure or certification in compliance with the rules and on staff at the opioid treatment program;~~

~~(2) Immediately revoke the take home methadone privilege for a minimum of sixty days; and~~

~~(3) Provide mandatory documented treatment team meetings with the patient.~~

~~(C) Upon a third positive drug test result within a period of six months the opioid treatment program shall:~~

~~(1) Provide mandatory and documented weekly counseling of no less than thirty minutes, which shall include weekly meetings with a counselor who is licensed, certified or enrolled in the process of obtaining licensure or certification in compliance with the rules and on staff at the opioid treatment program;~~



~~(2) Immediately revoke the take home methadone privilege for a minimum of one hundred twenty days; and~~

~~(3) Provide mandatory and documented treatment team meetings with the patient which will include, at a minimum: The need for continuing treatment; a discussion of other treatment alternatives; and the execution of a contract with the patient advising the patient of discharge for continued positive drug tests.~~

~~(D) Upon a fourth positive drug test within a six-month period, the patient shall be immediately discharged from the opioid treatment program or, at the option of the patient, shall immediately be provided the opportunity to participate in a twenty-one day detoxification plan, followed by immediate discharge from the opioid treatment program: *Provided*, That testing positive solely for tetrahydrocannabinol, delta 9 tetrahydrocannabinol or dronabinol or similar substances shall not serve as a basis for discharge from the program.~~

~~(ix) That the opioid treatment program must report and provide statistics to the Department of Health and Human Resources demonstrating compliance with the random drug test rules, including:~~

~~(A) Confirmation that the random drug tests were truly random in regard to both the patients tested and to the times random drug tests were administered by lottery or some other objective standard so as not to prejudice or protect any particular patient;~~

~~(B) Confirmation that the random drug tests were performed at least monthly for all program participants;~~

~~(C) The total number and the number of positive results; and~~

~~(D) The number of expulsions from the program.~~

~~(x) That all opioid treatment facilities be open for business seven days per week; however, the opioid treatment center may be closed for eight holidays and two training days per year. During all operating hours, every opioid treatment program shall have a health care professional as defined by rule promulgated by the secretary~~

~~actively licensed in this state present and on duty at the treatment center and a physician actively licensed in this state available for consultation.~~

~~(xi) That the Office of Health Facility Licensure and Certification develop policies and procedures in conjunction with the Board of Pharmacy that will allow physicians treating patients through an opioid treatment program access to the Controlled Substances Monitoring Program database maintained by the Board of Pharmacy at the patient's intake, before administration of methadone or other treatment in an opioid treatment program, after the initial thirty days of treatment, prior to any take home medication being granted, after any positive drug test, and at each ninety day treatment review to ensure the patient is not seeking prescription medication from multiple sources. The results obtained from the Controlled Substances Monitoring Program database shall be maintained with the patient records.~~

~~(xii) That each opioid treatment program shall establish a peer review committee, with at least one physician member, to review whether the program is following guidelines established by a nationally recognized authority approved by the secretary. The secretary shall prescribe the procedure for evaluation by the peer review. Each opioid treatment program shall submit a report of the peer review results to the secretary on a quarterly basis.~~

~~(xiii) (c)~~ The secretary shall propose a rule for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code for the distribution of state aid to local health departments and basic public health services funds.

The rule shall include the following provisions:

Base allocation amount for each county;

Establishment and administration of an emergency fund of no more than two percent of the total annual funds of which unused amounts are to be distributed back to local boards of health at the end of each fiscal year;

A calculation of funds utilized for state support of local health departments;

Distribution of remaining funds on a per capita weighted population approach which factors coefficients for poverty, health status, population density and health department interventions for each county and a coefficient which encourages counties to merge in the provision of public health services;

A hold-harmless provision to provide that each local health department receives no less in state support for a period of four years beginning in the 2009 budget year.

The Legislature finds that an emergency exists and, therefore, the secretary shall file an emergency rule to implement the provisions of this section pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code. The emergency rule is subject to the prior approval of the Legislative Oversight Commission on Health and Human Resources Accountability prior to filing with the Secretary of State.

~~(xiv) (d) Other~~ The secretary may propose rules for legislative approval that may include the regulation of other health-related matters which the department is authorized to supervise and for which the rule-making authority has not been otherwise assigned.

## **ARTICLE 5Y. MEDICATION-ASSISTED TREATMENT PROGRAM LICENSING ACT.**

### **§16-5Y-1. Purpose.**

The purpose of this act is to establish licensing and registration requirements for facilities and physicians that treat patients with substance use disorders to ensure that patients may be lawfully treated by the use of medication and drug screens, in combination with counseling and behavioral therapies, to provide a holistic approach to the treatment of substance use disorders and comply with oversight requirements developed by the Department of Health and Human Resources. The Legislature recognizes the problem of substance use disorders in West Virginia and the need for quality, safe treatment of substance use disorders to adequately protect the people of West Virginia.

**§16-5Y-2. Definitions.**

(a) “Addiction” means a primary, chronic disease of brain reward, motivation, memory and related circuitry. Dysfunction in these circuits leads to characteristic biological, psychological, social and spiritual manifestations, which is reflected in an individual pathologically pursuing reward or relief by substance use, or both, and other behaviors. Addiction is characterized by inability to consistently abstain; impairment in behavioral control; craving; diminished recognition of significant problems with one’s behaviors; interpersonal problems with one’s behaviors and interpersonal relationships; a dysfunctional emotional response; and as addiction is currently defined by the American Society of Addiction Medicine.

(b) “Administrator” means an individual designated by the governing body to be responsible for the day-to-day operation of the opioid treatment programs.

(c) “Advanced alcohol and drug abuse counselor” means an alcohol and drug abuse counselor who is certified by the West Virginia Certification Board for Addiction and Prevention Professionals who demonstrates a high degree of competence in the addiction counseling field.

(d) “Alcohol and drug abuse counselor” means a counselor certified by the West Virginia Certification Board for Addiction and Prevention Professionals for specialized work with patients who have substance use problems.

(e) “Biopsychosocial” means of, relating to, or concerned with, biological, psychological and social aspects in contrast to the strictly biomedical aspects of disease.

(f) “Center for Substance Abuse Treatment” means the center under the Substance Abuse and Mental Health Services Administration that promotes community-based substance abuse treatment and recovery services for individuals and families in the community and provides national leadership to improve access, reduce barriers and promote high quality, effective treatment and recovery services.

(g) “Controlled Substances Monitoring Program database” means the database maintained by the West Virginia Board of Pharmacy pursuant to section three, article nine, chapter sixty-a of this code that monitors and tracks certain prescriptions written or dispensed by dispensers and prescribers in West Virginia.

(h) “Director” means the Director of the Office of Health Facility Licensure and Certification.

(i) “Dispense” means the preparation and delivery of a medication-assisted treatment medication in an appropriately labeled and suitable container to a patient by a medication-assisted treatment program or pharmacist.

(j) “Governing body” means the person or persons identified as being legally responsible for the operation of the opioid treatment program. A governing body may be a board, a single entity or owner, or a partnership. The governing body must comply with the requirements prescribed in rules promulgated pursuant to this article.

(k) “Medical director” means a physician licensed within the State of West Virginia who assumes responsibility for administering all medical services performed by the medication-assisted treatment program, either by performing them directly or by delegating specific responsibility to authorized program physicians and health care professionals functioning under the medical director’s direct supervision and functioning within their scope of practice.

(l) “Medication-assisted treatment” means the use of medications and drug screens, in combination with counseling and behavioral therapies, to provide a holistic approach to the treatment of substance use disorders.

(m) “Medication-assisted treatment program” means all publicly and privately owned opioid treatment programs and office based medication-assisted treatment programs, which prescribe medication-assisted treatment medications and treat substance use disorders, as those terms are defined in this article.

(n) “Medication-assisted treatment medication” means any medication that is approved by the United States Food and Drug Administration under section 505 of the Federal Food, Drug and Cosmetic Act, 21 U. S. C. §355, for use in the treatment of substance use disorders that is an opioid agonist and is listed on the schedule of controlled substances in article two, chapter sixty-a of this code.

(o) “Office based medication-assisted treatment” means all publicly or privately owned medication-assisted treatment programs in clinics, facilities, offices or programs that treat individuals with substance use disorders through the prescription, administration or dispensing of a medication-assisted treatment medication in the form of a partial opioid agonist or other medication-assisted medication approved for use in office based medication-assisted treatment setting.

(p) “Opioid agonist” means substances that bind to and activate the opiate receptors resulting in analgesia and pain regulation, respiratory depression and a wide variety of behavioral changes. As used in this article, the term “opioid agonist” does not include partial agonist medications used as an alternative to opioid agonists in the treatment of opioid addiction.

(q) “Opioid treatment program” means all publicly or privately owned medication-assisted treatment programs in clinics, facilities, offices or programs that treat individuals with substance use disorders through on-site administration or dispensing of a medication-assisted treatment medication in the form of an opioid agonist or partial opioid agonist.

(r) “Owner” means any person, partnership, association or corporation listed as the owner of a medication-assisted treatment program on the licensing or registration forms required by this article.

(s) “Partial opioid agonist” means a Federal Drug Administration approved medication that is used as an alternative to opioid agonists for the treatment of substance use disorders and

that binds to and activates opiate receptors, but not to the same degree as full agonists.

(t) “Physician” means an individual licensed in this state to practice allopathic medicine or surgery by the West Virginia Board of Medicine or osteopathic medicine or surgery by the West Virginia Board of Osteopathic Medicine and that meets the requirements of this article.

(u) “Prescriber” means a person authorized in this state, working within their scope of practice, to give direction, either orally or in writing, for the preparation and administration of a remedy to be used in the treatment of substance use disorders.

(v) “Program sponsor” means the person named in the application for the certification and licensure of a opioid treatment program who is responsible for the administrative operation of the opioid treatment program, and who assumes responsibility for all of its employees, including any practitioners, agents or other persons providing medical, rehabilitative or counseling services at the program.

(w) “Secretary” means the Secretary of the West Virginia Department of Health and Human Resources or his or her designee.

(x) “State opioid treatment authority” means the agency or individual designated by the Governor to exercise the responsibility and authority of the state for governing the treatment of substance use disorders, including, but not limited to, the treatment of opiate addiction with opioid drugs.

(y) “State oversight agency” means the agency or office of state government identified by the secretary to provide regulatory oversight of medication-assisted treatment programs on behalf of the State of West Virginia.

(z) “Substance” means the following:

(1) Alcohol;

(2) Controlled substances defined by section two hundred four, article two, chapter sixty-a; section two hundred six, article two, chapter sixty-a; section two hundred eight, article two, chapter sixty-a; and section two hundred ten, article two, chapter sixty-a of this code; or

(3) Any chemical, gas, drug or medication consumed which causes clinically and functionally significant impairment, such as health problems, disability and failure to meet major responsibilities at work, school or home.

(aa) “Substance Abuse and Mental Health Services Administration” means the agency under the United States Department of Health and Human Services responsible for the accreditation and certification of medication-assisted treatment programs and that provides leadership, resources, programs, policies, information, data, contracts and grants for the purpose of reducing the impact of substance abuse and mental or behavioral illness.

(bb) “Substance use disorder” means patterns of symptoms resulting from use of a substance that the individual continues to take, despite experiencing problems as a result; or as defined in the most recent edition of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders.

(cc) “Telehealth” means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment education, care management, and self-management of a patient’s health care while the patient is at the originating site and the health car.

(dd) “Variance” means written permission granted by the secretary to a medication-assisted treatment program that a requirement of this article or rules promulgated pursuant to this article may be accomplished in a manner different from the manner set forth in this article or associated rules.



(ee) “Waiver” means a formal, time-limited agreement between the designated oversight agency and the medication-assisted treatment program that suspends a rule, policy or standard for a specific situation so long as the health and safety of patients is better served in the situation by suspension of the rule, policy or standard than by enforcement.

**§16-5Y-3. Opioid treatment programs to obtain license; application; fees and inspections.**

(a) No person, partnership, association or corporation may operate an opioid treatment program without first obtaining a license from the secretary in accordance with the provisions of this article and the rules lawfully promulgated pursuant to this article.

(b) Any person, partnership, association or corporation desiring a license to operate an opioid treatment program in this state shall file with the Office of Health Facility Licensure and Certification an application in such form and with such information as the secretary shall prescribe and furnish accompanied by an application fee.

(c) The Director of the Office of Health Facility Licensure and Certification or his or her designee shall inspect each facility and review all documentation submitted with the application. The director shall then provide a recommendation to the secretary whether to approve or deny the application for a license. The secretary shall issue a license if the facility is in compliance with the provisions of this article and with the rules lawfully promulgated pursuant to this article.

(d) A license shall be issued in one of three categories:

(1) An initial twelve month license shall be issued to an opioid treatment program establishing a new program or service for which there is insufficient consumer participation to demonstrate substantial compliance with this article and with all rules promulgated pursuant to this article;

(2) A provisional license shall be issued when an opioid treatment program seeks a renewal license, or is an existing program as of the effective date of this article and is seeking an initial license, and the opioid treatment program is not in substantial compliance with this article and with all rules promulgated pursuant to this article, but does not pose a significant risk to the rights, health and safety of a consumer. It shall expire not more than six months from the date of issuance, and may not be consecutively reissued; or

(3) A renewal license shall be issued when an opioid treatment program is in substantial compliance with this article and with all rules promulgated pursuant to this article. A renewal license shall expire not more than one year from the date of issuance.

(e) At least sixty days prior to the license expiration date, an application for renewal shall be submitted by the opioid treatment program to the secretary on forms furnished by the secretary. A license shall be renewed if the secretary determines that the applicant is in compliance with this article and with all rules promulgated pursuant to this article. A license issued to one program location pursuant to this article is not transferrable or assignable. Any change of ownership of a licensed medication-assisted treatment program requires submission of a new application. The medication-assisted treatment program shall notify the secretary of any change in ownership within ten days of the change and must submit a new application within the time frame prescribed by the secretary.

(f) Any person, partnership, association or corporation that seeks to obtain or renew a license for an opioid treatment program in this state must submit to the secretary the following documentation:

(1) Full operating name of the program as advertised;

(2) Legal name of the program as registered with the West Virginia Secretary of State;

(3) Physical address of the program;

(4) Preferred mailing address for the program;

(5) Email address to be used as the primary contact for the program;

(6) Federal Employer Identification Number assigned to the program;

(7) All business licenses issued to the program by this state, the state Tax Department, the Secretary of State and all other applicable business entities;

(8) Brief description of all services provided by the program;

(9) Hours of operation;

(10) Legal Registered Owner Name — Name of the person registered as the legal owner of the program. If more than one legal owner (i.e., partnership, corporation, etc.) list each legal owner separately, indicating the percentage of ownership;

(11) Medical director's full name, medical license number, Drug Enforcement Administration registration number, and a list of all current certifications;

(12) For each employee of the program, provide the following:

(A) Employee's role and occupation within the program;

(B) Full legal name;

(C) Medical license, if applicable;

(D) Drug Enforcement Administration registration number, if applicable;

(E) Drug Enforcement Administration identification number to prescribe buprenorphine for addiction, if applicable; and

(F) Number of hours per week worked at program;

(13) Name and location address of all programs owned or operated by the applicant;

(14) Notarized signature of applicant;

(15) Check or money order for licensing fee and inspection fee;

(16) Verification of education and training for all physicians, counselors and social workers practicing at or used by referral by the program such as fellowships, additional education, accreditations, board certifications and other certifications;

(17) Board of Pharmacy Controlled Substance Prescriber Report for each prescriber practicing at the program for the three months preceding the date of application; and

(18) If applicable, a copy of a valid Certificate of Need or a letter of exemption from the West Virginia Health Care Authority.

(g) Upon satisfaction that an applicant has met all of the requirements of this article, the secretary shall issue a license to operate an opioid treatment program. An entity that obtains this license may possess, have custody or control of, and dispense drugs indicated and approved by the United States Food and Drug Administration for the treatment of substance use disorders.

(h) The opioid treatment program shall display the current license in a prominent location where services are provided and in clear view of all patients.

(i) The secretary or his or her designee shall inspect on a periodic basis all opioid treatment programs that are subject to this article and all rules adopted pursuant to this article to ensure continued compliance.

(j) Any license in effect at the time of the passage of this section in the 2016 regular session of the Legislature shall remain in effect until such time as new legislative rules promulgated pursuant to this article become effective. Upon the effective date of the new rules any licensee shall file for a new license within six months pursuant to the licensing procedures and requirements of this

section and the new rules promulgated hereunder. The existing license shall remain effective until receipt of the new license.

**§16-5Y-4. Office based medication-assisted treatment programs to obtain registration; application; fees and inspections.**

(a) No person, partnership, association or corporation may operate an office based medication-assisted treatment program without first obtaining a registration from the secretary in accordance with the provisions of this article and the rules lawfully promulgated pursuant to this article.

(b) Any person, partnership, association or corporation desiring a registration to operate an office based medication-assisted treatment program in this state shall file with the Office of Health Facility Licensure and Certification an application in such form and with such information as the secretary shall prescribe and furnish accompanied by an application fee.

(c) The Director of the Office of Health Facility Licensure and Certification or his or her designee shall inspect and review all documentation submitted with the application. The director shall then provide a recommendation to the secretary whether to approve or deny the application for registration. The secretary shall issue a registration if the facility is in compliance with the provisions of this article and with the rules lawfully promulgated pursuant to this article.

(d) A registration shall be issued in one of three categories:

(1) An initial twelve month registration shall be issued to an office based medication-assisted treatment program establishing a new program or service for which there is insufficient consumer participation to demonstrate substantial compliance with this article and with all rules promulgated pursuant to this article;

(2) A provisional registration shall be issued when an office based medication-assisted treatment program seeks a renewal registration, or is an existing program as of the effective date of this article and is seeking an initial registration, and the office based

medication-assisted treatment program is not in substantial compliance with this article and with all rules promulgated pursuant to this article, but does not pose a significant risk to the rights, health and safety of a consumer. It shall expire not more than six months from the date of issuance and may not be consecutively reissued; or

(3) A renewal registration shall be issued when an office based medication-assisted treatment program is in substantial compliance with this article and with all rules promulgated pursuant to this article. A renewal registration shall expire not more than one year from the date of issuance.

(e) At least sixty days prior to the registration expiration date, an application for renewal shall be submitted by the office based medication-assisted treatment program to the secretary on forms furnished by the secretary. A registration shall be renewed if the secretary determines that the applicant is in compliance with this article and with all rules promulgated pursuant to this article. A registration issued to one program location pursuant to this article is not transferrable or assignable. Any change of ownership of a registered medication-assisted treatment program requires submission of a new application. The medication-assisted treatment program shall notify the secretary of any change in ownership within ten days of the change and must submit a new application within the time frame prescribed by the secretary.

(f) Any person, partnership, association or corporation seeking to obtain or renew a registration for an office based medication-assisted treatment program in this state must submit to the secretary the following documentation:

(1) Full operating name of the program as advertised;

(2) Legal name of the program as registered with the West Virginia Secretary of State;

(3) Physical address of the program;

(4) Preferred mailing address for the program;

(5) Email address to be used as the primary contact for the program;

(6) Federal Employer Identification Number assigned to the program;

(7) All business licenses issued to the program by this state, the state Tax Department, the Secretary of State and all other applicable business entities;

(8) Brief description of all services provided by the program;

(9) Hours of operation;

(10) Legal Registered Owner Name — Name of the person registered as the legal owner of the program. If more than one legal owner (i.e., partnership, corporation, etc.) list each legal owner separately, indicating the percentage of ownership;

(11) Medical director's full name, medical license number, Drug Enforcement Administration registration number, and a listing of all current certifications;

(12) For each physician, counselor or social worker of the program, provide the following:

(A) Employee's role and occupation within the program;

(B) Full legal name;

(C) Medical license, if applicable;

(D) Drug Enforcement Administration registration number, if applicable;

(E) Drug Enforcement Administration identification number to prescribe buprenorphine for addiction, if applicable; and

(F) Number of hours worked at program per week;

(13) Name and location address of all programs owned or operated by the applicant;

(14) Notarized signature of applicant;

(15) Check or money order for registration fee;

(16) Verification of education and training for all physicians, counselors and social workers practicing at or used by referral by the program such as fellowships, additional education, accreditations, board certifications and other certifications;

(17) Board of Pharmacy Controlled Substance Prescriber Report for each prescriber practicing at the program for the three months preceding the date of application; and

(18) If applicable, a copy of a valid Certificate of Need or a letter of exemption from the West Virginia Health Care Authority.

(g) Upon satisfaction that an applicant has met all of the requirements of this article, the secretary shall issue a registration to operate an office based medication-assisted treatment program. An entity that obtains this registration may possess, have custody or control of, and dispense drugs indicated and approved by the United States Food and Drug Administration for the treatment of substance use disorders.

(h) The office based medication-assisted treatment program shall display the current registration in a prominent location where services are provided and in clear view of all patients.

(i) The secretary or his or her designee shall perform complaint and verification inspections on all office based medication-assisted treatment programs that are subject to this article and all rules adopted pursuant to this article to ensure continued compliance.

(j) Any person, partnership, association or corporation operating a medication-assisted treatment program shall be permitted to continue operation until the effective date of the new rules promulgated pursuant to this article. At that time a person, partnership, association or corporation shall file for registration within six months pursuant to the licensing procedures and requirements of this section and the new rules promulgated hereunder. The existing procedures of the person, partnership,



association or corporation shall remain effective until receipt of the registration.

**§16-5Y-5. Operational requirements.**

(a) The medication-assisted treatment program shall be licensed and registered in this state with the secretary, the Secretary of State, the state Tax Department and all other applicable business or licensing entities.

(b) The program sponsor need not be a licensed physician but shall employ a licensed physician for the position of medical director, when required by the rules promulgated pursuant to this article.

(c) Each medication-assisted treatment program shall designate a medical director. If the medication-assisted treatment program is accredited by a Substance Abuse and Mental Health Services Administration (SAMHSA) approved accrediting body that meets nationally accepted standards for providing medication-assisted treatment, including the Commission on Accreditation of Rehabilitation Facilities (CARF) or the Joint Commission on Accreditation of Healthcare Organizations, then the program may designate a medical director to oversee all facilities associated with the accredited medication-assisted treatment program. The medical director shall be responsible for the operation of the medication-assisted treatment program, as further specified in the rules promulgated pursuant to this article. He or she may delegate the day to day operation of medication-assisted treatment program as provided in rules promulgated pursuant to this article. Within ten days after termination of a medical director, the medication-assisted treatment program shall notify the director of the identity of another medical director for that program. Failure to have a medical director practicing at the program may be the basis for a suspension or revocation of the program license. The medical director shall:

(1) Have a full, active and unencumbered license to practice allopathic medicine or surgery from the West Virginia Board of Medicine or to practice osteopathic medicine or surgery from the

West Virginia Board of Osteopathic Medicine in this state and be in good standing and not under any probationary restrictions;

(2) Meet both of the following training requirements:

(A) If the physician prescribes a partial opioid agonist, he or she shall complete the requirements for the Drug Addiction Treatment Act of 2000; and

(B) Complete other programs and continuing education requirements as further described in the rules promulgated pursuant to this article;

(3) Practice at the licensed or registered medication-assisted treatment program a sufficient number of hours, based upon the type of medication-assisted treatment license or registration issued pursuant to this article, to ensure regulatory compliance and carry out those duties specifically assigned to the medical director as further described in the rules promulgated pursuant to this article;

(4) Be responsible for monitoring and ensuring compliance with all requirements related to the licensing and operation of the medication-assisted treatment program;

(5) Supervise, control and direct the activities of each individual working or operating at the medication-assisted treatment program, including any employee, volunteer or individual under contract, who provides medication-assisted treatment at the program or is associated with the provision of that treatment. The supervision, control and direction shall be provided in accordance with rules promulgated by the secretary; and

(6) Complete other requirements prescribed by the secretary by rule.

(d) Each medication-assisted treatment program shall designate counseling staff, either employee or those used on a referral-basis by the program, which meet the requirements of this article and the rules promulgated pursuant to this article. The individual members of the counseling staff shall have one or more of the following qualifications:

(1) A licensed psychiatrist;

(2) Certification as an alcohol and drug counselor;

(3) Certification as an advanced alcohol and drug counselor;

(4) A counselor, psychologist, marriage and family therapist or social worker with a master's level education with a specialty or specific training in treatment for substance use disorders, as further described in the rules promulgated pursuant to this article;

(5) Under the direct supervision of an advanced alcohol and drug counselor, a counselor with a bachelor's degree in social work or another relevant human services field: *Provided*, That the individual practicing with a bachelor's degree under supervision applies for certification as an alcohol and drug counselor within three years of the date of employment as a counselor; or

(6) A counselor with a graduate degree actively working toward licensure or certification in the individual's chosen field under supervision of a licensed or certified professional in that field and/or advanced alcohol and drug counselor.

(e) The medication-assisted treatment program shall be eligible for, and not prohibited from, enrollment with West Virginia Medicaid and other private insurance. Prior to directly billing a patient for any medication-assisted treatment, a medication-assisted treatment program must receive either a rejection of prior authorization, rejection of a submitted claim, or a written denial from a patient's insurer or West Virginia Medicaid denying coverage for such treatment: *Provided*, That the secretary may grant a variance from this requirement pursuant to section six of this article. The program shall also document whether a patient has no insurance. At the option of the medication-assisted treatment program, treatment may commence prior to billing.

(f) The medication-assisted treatment program shall apply for and receive approval as required from the United States Drug Enforcement Administration, Center for Substance Abuse Treatment or an organization designated by Substance Abuse and Mental Health and Mental Health Administration.

(g) All persons employed by the medication-assisted treatment program shall comply with the requirements for the operation of a medication-assisted treatment program established within this article or by any rule adopted pursuant to this article.

(h) All employees of an opioid treatment program shall furnish fingerprints for a state and federal criminal records check by the Criminal Identification Bureau of the West Virginia State Police and the Federal Bureau of Investigation. The fingerprints shall be accompanied by a signed authorization for the release of information and retention of the fingerprints by the Criminal Identification Bureau and the Federal Bureau of Investigation. The opioid treatment program shall be subject to the provisions of article forty-nine, chapter sixteen of this code and subsequent rules promulgated thereunder.

(i) The medication-assisted treatment program shall not be owned by, nor shall it employ or associate with, any physician or prescriber:

(1) Whose Drug Enforcement Administration number is not currently full, active and unencumbered;

(2) Whose application for a license to prescribe, dispense or administer a controlled substance has been denied by and is not full, active and unencumbered in any jurisdiction; or

(3) Whose license is anything other than a full, active and unencumbered license to practice allopathic medicine or surgery by the West Virginia Board of Medicine or osteopathic medicine or surgery by the West Virginia Board of Osteopathic Medicine in this state, and, who is in good standing and not under any probationary restrictions.

(j) A person may not dispense any medication-assisted treatment medication, including a controlled substance as defined by section one hundred one, article one, chapter sixty-a of this code, on the premises of a licensed medication-assisted treatment program, unless he or she is a physician or pharmacist licensed in this state and employed by the medication-assisted treatment program unless

the medication-assisted treatment program is a federally-certified narcotic treatment program. Prior to dispensing or prescribing medication-assisted treatment medications, the treating physician must access the Controlled Substances Monitoring Program database to ensure the patient is not seeking medication-assisted treatment medications that are controlled substances from multiple sources, and to assess potential adverse drug interactions, or both. Prior to dispensing or prescribing medication-assisted treatment medications, the treating physician shall also ensure that the medication-assisted treatment medication utilized is related to an appropriate diagnosis of a substance use disorder and approved for such usage. The physician shall also review the Controlled Substances Monitoring Program database no less than quarterly and at each patient's physical examination. The results obtained from the Controlled Substances Monitoring Program Database shall be maintained with the patient's medical records.

(k) A medication-assisted treatment program responsible for medication administration shall comply with:

(1) The West Virginia Board of Pharmacy regulations;

(2) The West Virginia Board of Examiners for Registered Professional Nurses regulations;

(3) All applicable federal laws and regulations relating to controlled substances; and

(4) Any requirements as specified in the rules promulgated pursuant to this article.

(l) Each medication-assisted treatment program location shall be licensed separately, regardless of whether the program is operated under the same business name or management as another program.

(m) The medication-assisted treatment program shall develop and implement patient protocols, treatment plans or treatment strategies and profiles, which shall include, but not be limited by, the following guidelines:

(1) When a physician diagnoses an individual as having a substance use disorder, the physician may treat the substance use disorder by managing it with medication in doses not exceeding those approved by the United States Food and Drug Administration as indicated for the treatment of substance use disorders and not greater than those amounts described in the rules promulgated pursuant to this article. The treating physician and treating counselor's diagnoses and treatment decisions shall be made according to accepted and prevailing standards for medical care;

(2) The medication-assisted treatment program shall maintain a record of all of the following:

(A) Medical history and physical examination of the individual;

(B) The diagnosis of substance use disorder of the individual;

(C) The plan of treatment proposed, the patient's response to the treatment and any modification to the plan of treatment;

(D) The dates on which any medications were prescribed, dispensed or administered, the name and address of the individual for whom the medications were prescribed, dispensed or administered and the amounts and dosage forms for any medications prescribed, dispensed or administered;

(E) A copy of the report made by the physician or counselor to whom referral for evaluation was made, if applicable; and

(F) A copy of the coordination of care agreement, which is to be signed by the patient, treating physician and treating counselor. If a change of treating physician or treating counselor takes place, a new agreement must be signed. The coordination of care agreement must be updated or reviewed at least annually. If the coordination of care agreement is reviewed, but not updated, this review must be documented in the patient's record. The coordination of care agreement will be provided in a form prescribed and made available by the secretary;

(3) Medication-assisted treatment programs shall report information, data, statistics and other information as directed in this

code, and the rules promulgated pursuant to this article to required agencies and other authorities;

(4) A physician, physician assistant, or advanced practice registered nurse shall perform a physical examination of a patient on the same day that the prescriber initially prescribes, dispenses or administers a medication-assisted treatment medication to a patient and at intervals as required in the rules promulgated pursuant to this article;

(5) An alcohol and drug abuse counselor, an advanced alcohol and drug abuse counselor or other qualified counselor, psychiatrist, psychologist or social worker shall perform a biopsychosocial assessment, including, but not limited to, a mental status examination of a patient on the same day or no more than seven days prior to the day that the physician initially prescribes, dispenses or administers a medication-assisted treatment medication to a patient and at intervals as required in the rules promulgated pursuant to this article;

(6) A prescriber authorized to prescribe a medication-assisted treatment medication who practices at a medication-assisted treatment program is responsible for maintaining the control and security of his or her prescription blanks and any other method used for prescribing a medication-assisted treatment medication. The prescriber shall comply with all state and federal requirements for tamper-resistant prescription paper. In addition to any other requirements imposed by statute or rule, the prescriber shall notify the secretary and appropriate law enforcement agencies in writing within twenty-four hours following any theft or loss of a prescription blank or breach of any other method of prescribing a medication-assisted treatment medication; and,

(7) The medication-assisted treatment program shall have a drug testing program to ensure a patient is in compliance with the treatment strategy.

(n) Medication-assisted treatment programs shall only prescribe, dispense or administer liquid methadone to patients pursuant to the

restrictions and requirements of the rules promulgated pursuant to this article.

(o) The medication-assisted treatment program shall immediately notify the secretary, or his or her designee, in writing of any changes to its operations that affect the medication-assisted treatment program's continued compliance with the certification and licensure requirements.

(p) If a physician treats a patient with more than sixteen milligrams per day of buprenorphine then clear medical notes shall be placed in the patient's medical file indicating the clinical reason or reasons for the higher level of dosage.

(q) If a physician is not the patient's obstetrical or gynecological provider, the physician shall consult with the patient's obstetrical or gynecological provider to the extent possible to determine whether the prescription is appropriate for the patient.

(r) A practitioner providing medication-assisted treatment may perform certain aspects telehealth if permitted under his or her scope of practice.

(s) The physician shall follow the recommended manufacturer's tapering schedule for the medication assisted treatment medication. If the schedule is not followed, the physician shall document in the patient's medical record and the clinical reason why the schedule was not followed. The secretary may investigate a medication-assisted treatment program if a high percentage of its patients are not following the recommended tapering schedule.

#### **§16-5Y-6. Restrictions; variances and waivers.**

(a) A medication-assisted treatment program shall not be located, operated, managed or owned at the same location where a chronic pain management clinic licensed and defined in article five-h, chapter sixteen of this code is located.

(b) Medication-assisted treatment programs shall not have procedures for offering a bounty, monetary, equipment, or



merchandise reward, or free services for individuals in exchange for recruitment of new patients into the facility.

(c) Medication-assisted treatment programs shall not be located within one-half mile of a public or private licensed day care center or public or private K-12 school.

Existing medication-assisted treatment programs, including both opioid treatment programs and office based medication-assisted treatment programs that are located within one-half mile of a public or private licensed day care center or public or private K-12 school, shall be granted a variance, provided that the facility demonstrates adequate patient population controls and that it may otherwise meet the requirements of this article and the rules promulgated pursuant to this article.

(d) The secretary may grant a waiver or a variance from any licensure or registration standard, or portion thereof, for the period during which the license or registration is in effect.

(1) Requests for waivers or variances of licensure or registration standards shall be in writing to the secretary and shall include:

(A) The specific section of this article or rules promulgated pursuant to this article for which a waiver or variance is sought;

(B) The rationale for requesting the waiver or variance;

(C) Documentation by the medication-assisted treatment program's medical director to the secretary that describes how the program will maintain the quality of services and patient safety if the wavier or variance is granted; and

(D) The consequences of not receiving approval of the requested wavier or variance.

(2) The secretary shall issue a written statement to the medication-assisted treatment program granting or denying a request for a waiver or variance of program licensure or registration standards.

(3) The medication-assisted treatment program shall maintain a file copy of all requests for waivers or variances and the approval or denial of the requests for the period during which the license or registration is in effect.

(4) The Office of Health Facility Licensure and Certification shall inspect each medication-assisted treatment program prior to a waiver or variance being granted, including a review of patient records, to ensure and verify that any waiver or variance request meets the spirit and purpose of this article and the rules promulgated pursuant to this article. The Office of Health Facility Licensure and Certification may verify, by unannounced inspection, that the medication-assisted treatment program is in compliance with any waiver or variance granted by the secretary for the duration of such waiver or variance.

**§16-5Y-7. Inspection; inspection warrant.**

(a) The Office of Health Facility Licensure and Certification shall inspect each opioid treatment program annually, including a review of the patient records, to ensure that the program complies with this article and the applicable rules. A pharmacist, employed or contracted by the secretary, licensed in this state, and a law-enforcement officer may be present at each inspection.

(b) The Office of Health Facility Licensure and Certification shall perform unannounced complaint and verification inspections at office based medication-assisted treatment programs, including a review of the patient records, to ensure that the program complies with this article and the applicable rules. A pharmacist, employed or contracted by the secretary, licensed in this state and a law-enforcement officer may be present at each inspection.

(c) During an onsite inspection, the inspectors shall make a reasonable attempt to discuss each violation with the medical director or other owners of the medication-assisted treatment program before issuing a formal written notification.

(d) Any action taken to correct a violation shall be documented in writing by the medical director or other owners of the medication-assisted treatment program and may be verified by follow-up visits by the Office of Health Facility Licensure and Certification.

(e) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, maintain an action in the name of the state for an inspection warrant against any person, partnership, association or corporation to allow any inspection or seizure of records in order to complete any inspection allowed by this article or the rules promulgated pursuant to this article, or to meet any other purpose of this article or the rules promulgated pursuant to this article.

(f) When possible, inspections for annual certification and licensure by the medication-assisted treatment programs will be done consecutively or concurrently. However, this provision does not limit the ability to conduct unannounced inspections pursuant to a complaint.

**§16-5Y-8. License and registration limitation; denial; suspension; revocation.**

(a) The secretary may, by order, impose a ban on the admission of patients or reduce the patient capacity of the medication-assisted treatment program, or any combination thereof, when he or she finds upon inspection of the medication-assisted treatment program that the licensee or registrant is not providing adequate care under the medication-assisted treatment program's existing patient quota, and that a reduction in quota or imposition of a ban on admissions, or any combination thereof, would place the licensee or registrant in a position to render adequate care. Any notice to a licensee or registrant of reduction in quota or ban on new admissions shall include the terms of the order, the reasons therefor and the date set for compliance.

(b) The secretary shall deny, suspend or revoke a license or registration issued pursuant to this article if the provisions of this article or of the rules promulgated pursuant to this article are

violated. The secretary may revoke a program's license or registration and prohibit all physicians and licensed disciplines associated with that medication-assisted treatment program from practicing at the program location based upon an annual, periodic, complaint, verification or other inspection and evaluation.

(c) Before any such license or registration is denied, suspended or revoked, however, written notice shall be given to the licensee or registrant, stating the grounds for such denial, suspension or revocation.

(d) An applicant, licensee or registrant has ten working days after receipt of the secretary's order denying, suspending or revoking a license or registration to request a formal hearing contesting such denial, suspension or revocation of a license or registration under this article. If a formal hearing is requested, the applicant, licensee or registrant and the secretary shall proceed in accordance with the provisions of article five, chapter twenty-nine-a of this code.

(e) If a license or registration is denied or revoked as herein provided, a new application for license or registration shall be considered by the secretary if, when and after the conditions upon which the denial or revocation was based have been corrected and evidence of this fact has been furnished. A new license or registration shall then be granted after proper inspection, if applicable, has been made and all provisions of this article and rules promulgated pursuant to this article have been satisfied.

(f) Any applicant, licensee or registrant who is dissatisfied with the decision of the secretary as a result of the hearing provided in this section may, within thirty days after receiving notice of the decision, petition the circuit court of Kanawha County, in term or in vacation, for judicial review of the decision.

(g) The court may affirm, modify or reverse the decision of the secretary and either the applicant, licensee or registrant, or the secretary may appeal from the court's decision to the Supreme Court of Appeals.

(h) If the license or registration of a medication-assisted treatment program is denied, suspended or revoked, the medical director of the program, any owner of the program or owner or lessor of the medication-assisted treatment program property shall cease to operate the clinic, facility, office or program as a medication-assisted treatment program as of the effective date of the denial, suspension or revocation. The owner or lessor of the medication-assisted treatment program property is responsible for removing all signs and symbols identifying the premises as a medication-assisted treatment program within thirty days. Any administrative appeal of such denial, suspension or revocation shall not stay the denial, suspension or revocation.

(i) Upon the effective date of the denial, suspension or revocation, the medical director of the medication-assisted treatment program shall advise the secretary and the Board of Pharmacy of the disposition of all medications located on the premises. The disposition is subject to the supervision and approval of the secretary. Medications that are purchased or held by a medication-assisted treatment program that is not licensed may be deemed adulterated.

(j) If the license or registration of a medication-assisted treatment program is suspended or revoked, any person named in the licensing or registration documents of the program, including persons owning or operating the medication-assisted treatment program, may not, as an individual or as part of a group, apply to operate another medication-assisted treatment program for up to five years after the date of suspension or revocation. The secretary may grant a variance pursuant to section six of this article to the prohibition of this subsection.

(k) The period of suspension for the license or registration of a medication-assisted treatment program shall be prescribed by the secretary, but may not exceed one year.

**§16-5Y-9. Violations; penalties; injunction.**

(a) Any person, partnership, association or corporation which establishes, conducts, manages or operates a medication-assisted

treatment program without first obtaining a license or registration as herein provided, or who violates any provisions of this article or any rule lawfully promulgated pursuant to this article, shall be assessed a civil penalty by the secretary in accordance with this subsection. Each day of continuing violation after conviction shall be considered a separate violation:

(1) If a medication-assisted treatment program or any owner or medical director is found to be in violation of any provision of this article, unless otherwise noted herein, the secretary may limit, suspend or revoke the program's license or registration:

(2) If the program's medical director knowingly and intentionally misrepresents actions taken to correct a violation, the secretary may impose a civil money penalty not to exceed \$10,000 and, in the case of any owner-operator medication-assisted treatment program, limit or revoke a medication-assisted treatment program's license or registration:

(3) If any owner or medical director of a medication-assisted treatment program concurrently operates an unlicensed or unregistered medication-assisted treatment program, the secretary may impose a civil money penalty upon the owner or medical director, or both, not to exceed \$5,000 per day:

(4) If the owner of a medication-assisted treatment program that requires a license or registration under this article fails to apply for a new license or registration for the program upon a change of ownership and operates the program under new ownership, the secretary may impose a civil money penalty upon the owner, not to exceed \$5,000; or

(5) If a physician operates, owns or manages an unlicensed or unregistered medication-assisted treatment program that is required to be licensed or registered pursuant to this article; knowingly prescribes or dispenses or causes to be prescribed or dispensed, a medication-assisted treatment medication through misrepresentation or fraud; procures, or attempts to procure, a license or registration for a medication-assisted treatment program for any other person by making or causing to be made any false

representation, the secretary may assess a civil money penalty of not more than \$20,000. The penalty may be in addition to or in lieu of any other action that may be taken by the secretary or any other board, court or entity.

(b) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, maintain an action in the name of the state for an injunction against any person, partnership, association or corporation to restrain or prevent the establishment, conduct, management or operation of any medication-assisted treatment program or violation of any provision of this article or any rule lawfully promulgated thereunder without first obtaining a license or registration in the manner herein provided.

(c) In determining whether a penalty is to be imposed and in fixing the amount of the penalty, the secretary shall consider the following factors:

(1) The gravity of the violation, including the probability that death or serious physical or emotional harm to a patient has resulted, or could have resulted, from the medication-assisted treatment program's actions or the actions of the medical director or any practicing physician, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated;

(2) What actions, if any, the owner or medical director took to correct the violations;

(3) Whether there were any previous violations at the medication-assisted treatment program; and

(4) The financial benefits that the medication-assisted treatment program derived from committing or continuing to commit the violation.

(d) Upon finding that a physician has violated the provisions of this article or rules adopted pursuant to this article, the secretary shall provide notice of the violation to the applicable licensing board.

**§16-5Y-10. Advertisement disclosure.**

Any advertisement made by or on behalf of a medication-assisted treatment program through public media, such as a telephone directory, medical directory, newspaper or other periodical, outdoor advertising, radio or television, or through written or recorded communication, concerning the treatment of substance use disorders, as defined in section two of this article, shall include the name of, at a minimum, the medical director responsible for the content of the advertisement.

**§16-5Y-11. State opioid treatment authority.**

(a) Prior to establishing, operating, maintaining or advertising a medication-assisted treatment program within this state, a medication-assisted treatment program shall be approved by the state opioid treatment authority for operation of a medication-assisted treatment program in this state.

(b) The state opioid treatment authority shall act as the state's coordinator for the development and monitoring of medication-assisted treatment programs and it shall serve as a liaison with the appropriate federal agencies.

(c) The designated state oversight agency is responsible for licensing, monitoring and investigating complaints and grievances regarding medication-assisted treatment programs.

(d) The powers and duties of the state opioid treatment authority include, but are not limited to, the following:

(1) Facilitate the development and implementation of rules, regulations, standards and best practice guidelines to ensure the quality of services delivered by medication-assisted treatment programs;

(2) Act as a liaison between relevant state and federal agencies;

(3) Review medication-assisted treatment guidelines, rules, regulations and recovery models for individualized treatment plans



of care developed by the federal government and other nationally recognized authorities approved by the secretary;

(4) Ensure delivery of technical assistance and informational materials to medication-assisted treatment programs as needed;

(5) Perform both scheduled and unscheduled site visits to medication-assisted treatment programs in cooperation with the identified state oversight agency when necessary and appropriate;

(6) Consult with the federal government regarding approval or disapproval of requests for exceptions to federal regulations, where appropriate;

(7) Review and approve exceptions to federal and state dosage policies and procedures;

(8) Receive and refer patient appeals and grievances to the designated state oversight agency when appropriate; and

(9) Work cooperatively with other relevant state agencies to determine the services needed and the location of a proposed medication-assisted treatment program.

#### **§16-5Y-12. Moratorium; certificate of need.**

There is a moratorium on the licensure of new opioid treatment programs which do not have a certificate of need as of the effective date of the enactment of this section during the 2016 regular session of the Legislature which shall continue until the Legislature determines that there is a necessity for additional opioid treatment programs in West Virginia.

#### **§16-5Y-13. Rules; minimum standards for medication-assisted treatment programs.**

(a) The secretary shall promulgate rules in accordance with the provisions of chapter twenty-nine-a of this code for the licensure of medication-assisted treatment programs to ensure adequate care, treatment, health, safety, welfare and comfort of patients at these facilities. These rules shall include, at a minimum:

- (1) The process to be followed by applicants seeking a license;
- (2) The qualifications and supervision of licensed and nonlicensed personnel at medication-assisted treatment programs and training requirements for all facility health care practitioners who are not regulated by another board;
- (3) The provision and coordination of patient care, including the development of a written plan of care and patient contract;
- (4) The management, operation, staffing and equipping of the medication-assisted treatment program;
- (5) The clinical, medical, patient and business records kept by the medication-assisted treatment program;
- (6) The procedures for inspections and for review of utilization and quality of patient care;
- (7) The standards and procedures for the general operation of a medication-assisted treatment program, including facility operations, physical operations, infection control requirements, health and safety requirements and quality assurance;
- (8) Identification of drugs that may be used to treat substance use disorders that identify a facility as a medication-assisted treatment program;
- (9) Any other criteria that identify a facility as a medication-assisted treatment program;
- (10) The standards and procedures to be followed by an owner in providing supervision, direction and control of individuals employed by or associated with a medication-assisted treatment program;
- (11) Data collection and reporting requirements;
- (12) Criteria and requirements related to specific medication-assisted treatment medications; and

(13) Such other standards or requirements as the secretary determines are appropriate.

(b) The Legislature finds that an emergency exists and, therefore, the secretary shall file an emergency rule to implement the provisions of this section pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code.

## **CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.**

### **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 out-patient 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 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; and

(9) The source of payment for the controlled substance dispensed.

(b) The board may prescribe by rule promulgated under 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, the administration of the requirements of this section would be facilitated.

(c) 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) 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 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 seventy-two-hour cycles dispensed in any fifteen-day period of time.

(e) 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 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 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, 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 licensing boards of practitioners in this state and other states authorized to prescribe Schedules II, III; and IV controlled substances, prescribing practitioners and pharmacists and persons with an enforceable court order or regulatory agency administrative subpoena: *Provided*, That 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 rules, shall be certified as a West Virginia law-enforcement officer and shall have successfully completed training approved by the board. All information released by the board 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, however,* 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 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 shall communicate with ~~prescribers~~ 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 shall be kept confidential. The board 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 as required under and in accordance with the provisions of this article.

(3) The board 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 ~~Osteopathy~~ 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.

(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 subsection (a), subdivision (2) 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 twenty-four 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 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 ~~prescribers~~ practitioners or dispensers under consideration. 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 ~~prescriber~~ 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 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 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) 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 have online or other form of electronic access to the West Virginia Controlled Substances Monitoring Program database;~~

(f) ~~(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, delegate appropriate personnel to have access to said database.

(g) ~~(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.

~~(h)~~ (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.

~~(i)~~ (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.

~~(j)~~ (i) The board 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 no licensing board 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 and at least annually thereafter should the ~~prescriber~~ 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, chapter thirty of this code, the Board of Dental Examiners as set forth in article four, chapter thirty of this code and the Board of ~~Osteopathy~~ Osteopathic Medicine as set forth in article fourteen, chapter thirty of this code 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. A pain-relieving controlled substance shall be defined as set forth in section one, article three-a, chapter thirty of this code.

~~(b)~~ (c) The various boards mentioned in subsection ~~(a)~~ (b) of this section above 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-9-7. Criminal penalties; and administrative violations.**

(a) Any person who is required to submit information to the state Board of Pharmacy pursuant to the provisions of this article who fails to do so as directed by the board is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500.

(b) Any person who is required to submit information to the state Board of Pharmacy pursuant to the provisions of this article who knowingly and willfully refuses to submit the information required

by this article is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a county or regional jail not more than six months or fined not more than \$1,000, or both confined ~~or~~ and fined.

(c) Any person who is required by the provisions of this article to submit information to the state Board of Pharmacy who knowingly submits thereto information known to that person to be false or fraudulent is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a county or regional jail not more than one year or fined not more than \$5,000, or both confined ~~or~~ and fined.

~~(d) Any prescriber or dispenser who is required to access the information contained in the West Virginia Controlled Substances Monitoring Program database as set forth in subsection (a) of section five a of this article and fails to do so as directed by the rules of their licensing board shall be subject to such discipline as the licensing board deems appropriate~~ Any person granted access to the information required by the provisions of this article to be maintained by the state Board of Pharmacy, who shall willfully disclose the information required to be maintained by this article in a manner inconsistent with a legitimate law-enforcement purpose, a legitimate professional regulatory purpose, the terms of a court order or as otherwise expressly authorized by the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a county or regional jail for not more than six months or fined not more than \$1,000, or both confined and fined.

~~(e) Any person granted access to the information required by the provisions of this article to be maintained by the state Board of Pharmacy, who shall willfully disclose the information required to be maintained by this article in a manner inconsistent with a legitimate law-enforcement purpose, a legitimate professional regulatory purpose, the terms of a court order or as otherwise expressly authorized by the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a county or regional jail for not more than six months or fined not more than \$1,000, or both confined or fined.~~ Unauthorized access or use or unauthorized disclosure for reasons unrelated to the

purposes of this article of the information in the database is a felony punishable by imprisonment in a state correctional facility for not less than one year nor more than five years or fined not less than \$3,000 nor more than \$10,000, or both imprisoned or fined.

~~(f) Unauthorized access or use or unauthorized disclosure for reasons unrelated to the purposes of this article of the information in the database is a felony punishable by imprisonment in a state correctional facility for not less than one year nor more than five years or fined not less than \$3,000 nor more than \$10,000, or both imprisoned or fined. Any practitioner who fails to register with the West Virginia Controlled Substances Monitoring Program and obtain and maintain online or other electronic access to the program database as required in subsection (a), section five-a, article nine of this chapter, shall be subject to an administrative penalty of \$1,000 by the licensing board of his or her licensure. All such fines collected pursuant to this subsection shall be remitted by the applicable licensing board to the Fight Substance Abuse Fund created under section eight of this article. The provisions of this subsection shall become effective on July 1, 2016.~~

(g) Any practitioner or dispenser who is required to access the information contained in the West Virginia Controlled Substances Monitoring Program database as set forth in subsection (a), section five-a of this article and fails to do so as directed by the rules of his or her licensing board shall be subject to such discipline as the licensing board deems appropriate and on or after July 1, 2016, be subject to a \$100 administrative penalty per violation by the applicable licensing board. All such fines collected pursuant to this subsection shall be transferred by the applicable licensing board to the Fight Substance Abuse Fund created under section eight of this article.

(h) Lack of available internet connectivity is a defense to any action brought pursuant to subsections (d) or (f) of this section.

#### **§60A-9-8. Creation of Fight Substance Abuse Fund.**

There is hereby created a special revenue account in the state treasury, designated the Fight Substance Abuse Fund, which shall

~~be an interest-bearing account and may be invested in accordance with the provisions of article six, chapter twelve of this code, with interest income a proper credit to the fund. The fund shall consist of all moneys received from whatever source to further the purpose of this article appropriations by the Legislature, gifts, donations or any other source. The fund shall be administered by the West Virginia Bureau for Public Health Expenditures from the fund shall be for the following purposes: to provide funding for substance abuse prevention, treatment, treatment coordination, recovery and education. Any moneys remaining in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year. Fund balances shall be invested with the state's consolidated investment fund and any and all interest earnings on these investments shall be used solely for the purposes that moneys deposited in the fund may be used pursuant to this article. There is created within the Office of the Secretary of the Department of Health and Human Resources the Grant Writer Pilot Project. The secretary shall hire a person as a grant writer, who shall be placed within the Office of the Secretary. This person shall identify, application and monitoring policies and procedures to increase grant applications and improve management and oversight of grants. The grant writer shall focus his or her abilities on obtaining grants concerning the prevention and treatment of substance abuse. The grant writer is not eligible for civil service. The department shall report to the Legislative Oversight Commission on Health and Human Resources Accountability on the implementation of the new grant policy; the number of grants obtained; and an analysis examining the costs associated with obtaining a grant verses the federal money received.;~~

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 Com. Sub. for Senate Bill 454**—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §16-5Y-1, §16-5Y-2, §16-5Y-3, §16-5Y-4, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, §16-5Y-9, §16-5Y-10, §16-5Y-

11, §16-5Y-12 and §16-5Y-13; and to amend and reenact §60A-9-4, §60A-9-5, §60A-9-5a, §60A-9-7 and §60A-9-8 of said code, all relating to regulation of medication-assisted treatment programs for substance use disorders; repealing regulation of opioid treatment programs; setting out purpose; providing definitions; creating licenses for opioid treatment programs; creating categories of licenses; setting out licensing requirements; providing for registration of office-based medication-assisted programs; providing for application, fees and inspections of office-based medication-assisted programs; setting operational requirements for medication-assisted treatment programs; providing for a program sponsor and medical director; setting forth staffing requirements; providing for regulation by Office of Health Facility Licensure and Certification; designating necessity for a medical director; prescribing minimum qualifications for a medical director; allowing enrollment as a Medicaid provider; providing billing requirements; setting forth minimum certification requirements; mandating state and federal criminal background checks; designating who may prescribe and dispense medication-assisted treatment medications; setting certain minimum practice standards for any medication-assisted treatment program providing medication-assisted treatment medications; permitting the use of telehealth; requiring the Board of Pharmacy to make certain notifications; requiring the medication-assisted treatment program to have a drug testing program; requiring certain information be reported in the patients; medical record; setting certain minimum patient treatment standards for any medication-assisted treatment program; providing medication-assisted treatment medications; requiring review of the West Virginia Controlled Substances Monitoring Program database for each patient at least quarterly; setting compliance requirements for a medication-assisted treatment program; providing for patient protocols, treatment plans and profiles; allowing liquid methadone to be provided as allowed by legislative rule; setting notification requirements of operation changes; restricting location of medication-assisted treatment programs; allowing for waivers from certain standards; allowing for variances from certain standards; permitting inspection warrants; providing for an administrative review; providing an appeal process; allowing civil monetary penalties; designating

license limitations for deviation for accepted practice or patient treatment standards; permitting the secretary to promulgate rules; permitting the secretary to promulgate emergency rules; providing advertisement requirements; continuing the moratorium on new opioid treatment programs; establishing state authority for medication-assisted treatment programs; establishing state oversight authority for medication-assisted treatment programs; mandating data collection; granting Office of Health Facility Licensure and Certification access to the West Virginia Controlled Substances Monitoring Program database for use in regulation of health facilities; requiring reporting when an opioid antagonist is dispensed by certain persons; clarifying statutory language related to seventy-two hour prescriptions; prohibiting licensing boards from issuing or reissuing licenses to practitioners who have not registered for the West Virginia Controlled Substances Monitoring Program database; establishing a civil penalties; providing exceptions to penalties; clarifying language related to the Fight Substance Abuse Fund; placing administrative authority over the Fight Substance Abuse Fund with the Bureau for Public Health; revising statutory language to use defined terms; reorganizing existing language; and creating a pilot program.

Respectfully submitted,

Tom Takubo, *Chair*, Kent Leonhardt, Ron Stollings, *Conferees on the part of the Senate*.

Chris Stansbury, *Chair*, Matthew Rohrbach, Denise L. Campbell, *Conferees on the part of the House of Delegates*.

Senator Takubo, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Takubo, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 454, as amended by the conference report, was then put upon its passage.



On the passage of the bill, as amended, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 Com. Sub. for S. B. 454) 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 Trump, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 378**, Relating to truancy intervention.

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 378 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 section, and agree to the same as follows:

## **ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.**

### **§18-8-4. Duties of attendance director and assistant directors; complaints, warrants and hearings.**

(a) The county attendance director and ~~the assistants~~ assistant directors shall diligently promote regular school attendance. The director and ~~assistants~~ assistant directors shall:

(1) Ascertain the reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age as defined under section one-a of this article; and

(2) Take ~~such~~ steps as that are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents and guardians the importance of attendance and the seriousness of failing to do so; ~~and~~.

(3) ~~(b)~~ For the purposes of this article, the following definitions ~~shall~~ apply:

~~(A)~~ (1) "Excused absence" ~~shall be defined to include~~ includes:

~~(i)~~(A) Personal illness or injury of the student, or in the family if the illness or injury limits a student from school attendance. A student shall provide written documentation from a medical provider stating the illness or injury precludes school attendance when a student's illness or injury caused that student to be absent for five or more consecutive days of school, or ten days in any ninety-day period: *Provided*, That excused absences caused by personal illness or injury of the student verified only by a note from a parent, guardian or custodian are limited to five in any one semester or ten in a school year. After a student has been absent for personal illness or injury five times in a semester or ten times in a school year, any further absences shall be unexcused unless verified by a physician;

(B) Personal illness or injury of a member of the student's family who regularly resides with the student: *Provided*, That any absence lasting longer than two days pursuant to this paragraph shall not be considered excused unless written documentation is provided by a medical provider confirming that the student's absence from school is necessary for the ongoing care of the family member;

~~(ii)~~(C) ~~A Medical~~ medical or dental appointment with written excuse or documentation of the appointment from ~~physician or dentist~~ a medical or dental provider;

~~(iii)~~(D) ~~A Chronic~~ chronic medical condition or disability that ~~impacts~~ limits attendance, unless the chronic medical condition or disability can be reasonably accommodated by the school, and the school has apprised the student and his parent, guardian or custodian of the accommodation. A student claiming that his or her chronic medical condition or disability limits his or her attendance at school shall provide a written excuse or documentation from a medical provider documenting that the chronic medical condition or disability. Upon reaching the requisite number of absences to constitute a chronic medical condition, the student's parent, guardian or custodian shall contact the school to ascertain if reasonable accommodation can be made to allow the student to attend school. For the purposes of this paragraph, a chronic medical condition or disability is a medical condition or disability that causes the student to be absent for five or more consecutive days or ten days or more in any ninety-day period;

~~(iv)~~(E) Participation in home or hospital instruction due to an illness or injury or other extraordinary circumstance ~~that~~ warrants home or hospital confinement;

~~(v)~~(F) ~~A Calamity~~ calamity, such as a fire or flood;

~~(vi)~~(G) ~~A Death~~ death in the student's immediate family. As used in this paragraph "immediate family" means mother, father, aunt, uncle, siblings, grandparents, guardian, custodian or a family member residing in the child's home. An excused absence under this paragraph is limited to five days;

~~(vii)~~(H) School-approved or county-approved curricular or extra-curricular activities;

~~(viii)~~(I) ~~A Judicial~~ judicial obligation or court appearance involving the student, if supported by written documentation from an attorney, probation officer, judge, magistrate or Department of Health and Human Resources worker;

~~(ix)~~(J) A Military military requirement for students enlisted or enlisting in the military;

~~(x)~~(K) Personal or academic circumstances approved by the principal;

(L) Absence due to a religious holiday; and

~~(xi)~~(M) Such Any other situations as may be further determined by the county board: *Provided*, That handling of absences of students with disabilities shall be ~~in accordance~~ consistent with the Individuals with Disabilities Education Improvement Act of 2004 and ~~the~~ federal and state regulations and rules adopted in compliance ~~therewith~~ with the act: *Provided, however*, That a school principal, with the approval of the county superintendent of schools, may authorize that an unexcused absence be determined an excused absence based on all of the specific facts and circumstances, including without limitation, some or all unexcused absences prior to return of a student who has dropped out of school after the student attained the age for which school attendance was no longer mandatory.

~~(B)~~ (2) An “Unexcused unexcused absence” shall be ~~is~~ any absence not specifically included in the definition of “excused absence”.

~~(b) In the case of three total unexcused absences of a student during a school year, the attendance director or assistant shall serve written notice to the parent, guardian or custodian of the student that the attendance of the student at school is required and that if the student has five unexcused absences, a conference with the principal or other designated representative will be required.~~

(c) In order for the absence to be excused, the student or his or her parent, guardian or custodian shall supply the written excuses or documentation to the person at the student’s school designated to receive the excuses or documentation within five days after returning to school from the absence.

(d) For purposes of this section, a student’s illness, injury or chronic medical condition is reasonably accommodated if the

school provides necessary and appropriate adjustments to school practices which allow the student's attendance while ensuring the student's health and safety and that of his or her fellow students.

(e) In the case that five days have passed from the end of an absence totaling, or bringing the student to three unexcused absences during a school year, the attendance director or assistant shall serve written notice to the parent, guardian, or custodian of the student that the attendance of the student at the school is required, and that if the student has five unexcused absences, a conference with the principal or other designated representative will be required: *Provided*, That if the unexcused absences total five, or more days the school may disregard this subsection and serve notice of the meeting as provided in subsection (f).

~~(e)~~ (f) In the case of five total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian or custodian of the student that within five days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal or other designated representative of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based upon ~~such~~ the meeting.

~~(d)~~(g) In the case of ten total unexcused absences of a student during a school year, the attendance director or assistant directors shall make a complaint against the parent, guardian or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within ten calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed. ~~or until the end~~

~~of the school term during which the complaint is made, whichever is later.~~

~~(e)~~(h) The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in section eight, article one, chapter fifty of this code, shall assign the case to a magistrate within ten days of execution of the summons or warrant. The hearing shall be held within twenty days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten days' advance notice of the date, time and place of the hearing.

~~(f)~~(i) When any doubt exists as to the age of a student absent from school, the attendance director and ~~assistants have authority to~~ assistant directors may require a properly attested birth certificate or an affidavit from the parent, guardian or custodian of the student, stating the age of the student. In the performance of his or her duties, the county attendance director and ~~assistants have authority to~~ assistant directors may take without warrant any student absent from school in violation of the provisions of this article and ~~to~~ place the student in the school in which he or she is or should be enrolled.

~~(g)~~(j) The county attendance director and ~~assistants~~ assistant directors shall devote such time as is required by section three of this article to the duties of attendance director in accordance with this section during the instructional term and at such other times as the duties of an attendance director are required. All attendance directors and ~~assistants~~ assistant directors hired for more than two hundred days may be assigned other duties determined by the superintendent during the period in excess of two hundred days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

~~(h)~~(k) In addition to those duties directly relating to the administration of attendance, the county attendance director and assistant directors also shall perform the following duties:

(1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;

(2) Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible nonenrollees;

(3) Cooperate with existing state and federal agencies charged with enforcing child labor laws;

(4) Prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance, at ~~such~~ the times and in ~~such~~ the required detail ~~as may be required~~. The state board shall promulgate a legislative rule pursuant to article three-b, chapter twenty-nine-a of this code that sets forth student absences that are excluded for accountability purposes. The absences that are excluded by the rule include, but are not limited to, excused student absences, students not in attendance due to disciplinary measures and absent students for whom the attendance director has pursued judicial remedies to compel attendance to the extent of his or her authority. The attendance director shall file with the county superintendent and county board at the close of each month a report showing activities of the school attendance office and the status of attendance in the county at the time;

(5) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in ~~such~~ the manner ~~as~~ directed by the county superintendent ~~may direct~~;

(6) Participate in school teachers' conferences with parents and students;

(7) Assist in ~~such~~ any other ~~ways~~ way as directed by the county superintendent ~~may direct~~ for improving school attendance;

(8) Make home visits of students who have excessive unexcused absences, as provided ~~above~~ in this section, or if requested by the chief administrator, principal or assistant principal; and

(9) Serve as the liaison for homeless children and youth.

~~§18-8-8. Child suspended for failure to comply with requirements and regulations treated as unlawfully absent.~~

**§18-8-8. Effect of school suspension on enforcement of the provisions of this article.**

~~If a child be suspended from school because of improper conduct or refusal of such child to comply with the requirements of the school, the school shall immediately notify the county superintendent of such suspension, and specify the time or conditions of such suspension. Further admission of the child to school may be refused until such requirements and regulations be complied with. Any such child shall be treated by the school as being unlawfully absent from the school during the time he or she refuses to comply with such requirements and regulations, and any person having legal or actual control of such child shall be liable to prosecution under the provisions of this article for the absence of such child from school: *Provided*, That the county board of education does not exclude or expel the suspended child from school.~~

(a) When a child is absent from school due to a suspension, absences are unexcused for purposes of this article if the suspension is based on an intentional act of the student.

(b) Days a student is absent from school due to a suspension from school for an intentional act of the student are not attributable to the student's parent, guardian or custodian for purposes of enforcement of this article, unless the parent, guardian or custodian encouraged, condoned or aided or abetted the conduct causing the suspension.;

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 378**—A Bill to amend and reenact §18-8-4 and §18-8-8 of the Code of West Virginia, 1931, as amended, all relating generally to truancy intervention;



expanding definition of excused absence; exempting absences for chronic medical condition or disability which may be reasonably accommodated by the school; requiring parent to request reasonable accommodation; defining “chronic medical condition or disability”; requiring written excuses or documentation from a medical provider in certain cases; limiting number of days which may be excused absences; defining “immediate family”; requiring verification of absence for judicial obligation or court appearance; allowing principal to authorize excused absences for other reason or for longer periods of time with the approval of the county superintendent; removing notice requirement after three days absence; requiring written excuses or documentation to be submitted within certain time frame; defining the term “reasonable accommodation”; requiring written notice in the case that five days have passed from absence totaling or bringing a student to three unexcused absences and providing that such notice can be disregarded in favor of other written notice if unexcused absences total five or more days; modifying the effect of student suspensions to reflect that absences due to suspension are unexcused; and modifying the effect of student suspensions on enforcement of the provisions of compulsory attendance enforcement.

Respectfully submitted,

Charles S. Trump IV, *Chair*, Bob Ashley, Bob Williams,  
*Conferees on the part of the Senate.*

Daryl Cowles, *Chair*, Mark Zatezalo, Andrew Byrd, *Conferees  
on the part of the House of Delegates.*

On motions of Senator Trump, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 378, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns,

Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 S. B. 378) 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.

The Senate again proceeded to the sixth order of business.

At the request of Senator Unger, and by unanimous consent, Senators Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost offered the following resolution from the floor:

**Senate Resolution 70**—Recognizing the dedicated public service of the Honorable William P. Cole III.

Whereas, The Honorable William P. Cole III, was born May 16, 1956, the son of William Paul Cole, Jr., and Carol McHugh Cole; and

Whereas, In May 2010, the Honorable William P. Cole III was appointed by Governor Joe Manchin to the West Virginia House of Delegates to represent the 24th District; and

Whereas, In 2012, the Honorable William P. Cole III was elected to the West Virginia Senate where he served on the Committees on Confirmations; Education; Government

Organization; Health and Human Resources; Judiciary; Natural Resources; and Transportation and Infrastructure; and

Whereas, In 2015, the Honorable William P. Cole III was elected as the 51st President of the West Virginia Senate and Lieutenant Governor of the State of West Virginia pursuant to chapter six-a, article one, section four of the West Virginia Code; and

Whereas, The Honorable William P. Cole III is married to his beloved wife, Brownie, with whom he shares the joy of having four children: Jason Paul, Lee William, Elizabeth Stuart and MaryEllen Taylor; and

Whereas, The Honorable William P. Cole III has decided to not seek reelection in 2016, bringing an end to a distinguished career in the West Virginia Senate; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the dedicated public service of the Honorable William P. Cole III; and, be it

*Further Resolved,* That the Senate expresses its most sincere gratitude and appreciation to the Honorable William P. Cole III for his service to the Senate and the people of the State of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Honorable William P. Cole III.

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

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

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins,

Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 resolution (S. R. 70) adopted.

Thereafter, at the request of Senator Boso, and by unanimous consent, the remarks by Senators Carmichael, Trump, Kirkendoll, Miller, Romano, Facemire, Snyder, Walters, Sypolt, Ferns, Plymale, Blair and Unger regarding the adoption of Senate Resolution 70 were ordered printed in the Appendix to the Journal.

On motion of Senator Carmichael, the Senate recessed for one minute.

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 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 4013**, Requiring a person desiring to vote to present documentation identifying the voter.

Whereupon, Senator Gaunch, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 4013**, Requiring a person desiring to vote to present documentation identifying the voter.

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 House Bill 4013 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 §3-1-34 and §3-1-41 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 §3-1-51; that §3-2-11 and §3-2-12 of said code be amended and reenacted; and that §17B-2-1 of said code be amended and reenacted, all to read as follows:

### **CHAPTER 3. ELECTIONS.**

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

##### **§3-1-34. Voting procedures generally; identification; assistance to voters; voting records; penalties.**

(a) ~~Any~~ A person desiring to vote in an election shall, upon entering the election room, clearly state his or her name and residence to one of the poll clerks who shall thereupon announce the same in a clear and distinct tone of voice. For elections occurring on or after January 1, 2018, the person desiring to vote shall present to one of the poll clerks a valid identifying document meeting the requirements of subdivisions (1) or (2) of this subsection, and the poll clerk shall inspect and confirm that the name on the valid identifying document conforms to the name in the individual's voter registration record and that, if the valid identifying document contains a photograph, the image displayed is truly an image of the person presenting the document. If that person is found to be duly registered as a voter at that precinct, he or she shall sign his or her name in the designated location provided at the precinct. If that person is physically or otherwise unable to sign his or her name, his or her mark shall be affixed by one of the

poll clerks in the presence of the other and the name of the poll clerk affixing the voter's mark shall be indicated immediately under the affixation. No ballot may be given to the person until he or she signs his or her name on the designated location or his or her signature is affixed thereon.

(1) A document shall be deemed to be a valid identifying document if it:

(A) Has been issued either by the State of West Virginia, or one of its subsidiaries, or by the United States Government; and

(B) Contains the name of the person desiring to vote.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, the following documents, if they contain the voter's name, shall be considered valid identifying documents, and a person desiring to vote may produce any of the following:

(A) A valid West Virginia driver's license or valid West Virginia identification card issued by the West Virginia Division of Motor Vehicles;

(B) A valid driver's license issued by a state other than the State of West Virginia;

(C) A valid United States passport or passport card;

(D) A valid employee identification card with a photograph of the eligible voter issued by any branch, department, agency, or entity of the United States Government or of the State of West Virginia, or by any county, municipality, board, authority, or other political subdivision of West Virginia;

(E) A valid student identification card with a photograph of the eligible voter issued by an institution of higher education in West Virginia, or a valid high school identification card issued by a West Virginia high school;

(F) A valid military identification card issued by the United States with a photograph of the person desiring to vote;

(G) A valid concealed carry (pistol/revolver) permit issued by the sheriff of the county with a photograph of the person desiring to vote;

(H) A valid Medicare card or Social Security card;

(I) A valid birth certificate;

(J) A valid voter registration card issued by a county clerk in the State of West Virginia;

(K) A valid hunting or fishing license issued by the State of West Virginia;

(L) A valid identification card issued to the voter by the West Virginia Supplemental Nutrition Assistance (SNAP) program;

(M) A valid identification card issued to the voter by the West Virginia Temporary Assistance for Needy Families (TANF) program;

(N) A valid identification card issued to the voter by West Virginia Medicaid;

(O) A valid bank card or valid debit card;

(P) A valid utility bill issued within six months of the date of the election;

(Q) A valid bank statement issued within six months of the date of the election; or

(R) A valid health insurance card issued to the voter.

(3) In lieu of providing a valid identifying document, as required by this section, a registered voter may be accompanied at the polling place by an adult known to the registered voter for at least six months. That adult may sign an affidavit on a form provided to clerks and poll workers by the Secretary of State, which states under oath or affirmation that the adult has known the registered voter for at least six months, and that in fact the registered voter is the same person who is present for the purpose of voting. For the

affidavit to be considered valid, the adult shall present a valid identifying document with his or her name, address, and photograph.

(4) A poll worker may allow a voter, whom the poll worker has known for at least six months, to vote without presenting a valid identifying document.

(5) If the person desiring to vote is unable to furnish a valid identifying document, or if the poll clerk determines that the proof of identification presented by the voter does not qualify as a valid identifying document, the person desiring to vote shall be permitted to cast a provisional ballot after executing an affidavit affirming his or her identity pursuant to paragraph (B) of this subdivision.

(A) The provisional ballot is entitled to be counted once the election authority verifies the identity of the individual by comparing that individual’s signature to the current signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast.

(B) The affidavit to be used for voting shall be substantially in the following form:

“State of West Virginia

County of .....

I do solemnly swear (or affirm) that my name is .....; that I reside at.....; and that I am the person listed in the precinct register under this name and at this address.

I understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

.....

Signature of voter



Subscribed and affirmed before me this ..... day of  
....., 20....

.....

Name of Election Official

.....

Signature of Election Official”.

(6) A voter who votes in person at a precinct polling place that is located in a building which is part of a state licensed care facility where the voter is a resident is not required to provide proof of identification as a condition before voting in an election.

(7) The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid identifying document and has executed a voter identity affidavit.

(8) If a voter participating in the Address Confidentiality Program established by section one hundred three, article twenty-eight-a, chapter forty-eight of this code, executes a voter identity affidavit, the program participant’s residential or mailing address is subject to the confidentiality provisions of section one hundred eight, article twenty-eight-a, chapter forty-eight of this code and shall be used only for those statutory and administrative purposes authorized by this section.

(9) Prior to the primary and general elections to be held in calendar year 2018, the Secretary of State shall educate voters about the requirement to present a valid identifying document and develop a program to help ensure that all eligible voters are able to obtain a valid identifying document.

(b) The clerk of the county commission is authorized, upon verification that the precinct at which a handicapped person is registered to vote is not handicap accessible, to transfer that person’s registration to the nearest polling place in the county

which is handicap accessible. A request by a handicapped person for a transfer of registration must be received by the county clerk no later than thirty days prior to the date of the election. ~~Any~~ A handicapped person who has not made a request for a transfer of registration at least thirty days prior to the date of the election may vote a provisional ballot at a handicap accessible polling place in the county of his or her registration. If during the canvass the county commission determines that the person had been registered in a precinct that is not handicap accessible, the voted ballot, if otherwise valid, shall be counted. The handicapped person may vote in the precinct to which the registration was transferred only as long as the disability exists or the precinct from which the handicapped person was transferred remains inaccessible to the handicapped. To ensure confidentiality of the transferred ballot, the county clerk processing the ballot shall provide the voter with an unmarked envelope and an outer envelope designated "provisional ballot/handicapped voter". After validation of the ballot at the canvass, the outer envelope shall be destroyed and the handicapped voter's ballot shall be placed with other approved provisional ballots prior to removal of the ballot from the unmarked envelope.

(c) When the voter's signature is properly marked and the voter has presented a valid identifying document, the two poll clerks shall sign their names in the places indicated on the back of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another official ballot, signed by the clerks on the reverse side. The voter shall thereupon retire alone to the booth or compartment prepared within the election room for voting purposes and there prepare his or her ballot. In voting for candidates in general and special elections, the voter shall comply with the rules and procedures prescribed in section five, article six of this chapter.

(d) It is the duty of a poll clerk, in the presence of the other poll clerk, to indicate by a check mark, or by other means, inserted in

the appropriate place on the registration record of each voter the fact that the voter voted in the election. In primary elections the clerk shall also insert ~~thereon~~ on the registration record of each voter a distinguishing initial or initials of the political party for whose candidates the voter voted. If a person is challenged at the polls, the challenge shall be indicated by the poll clerks on the registration record, together with the name of the challenger. The subsequent removal of the challenge shall be recorded on the registration record by the clerk of the county commission.

(e) (1) No voter may receive any assistance in voting unless, by reason of blindness, disability, advanced age or inability to read and write, that voter is unable to vote without assistance. Any voter so qualified to receive assistance in voting ~~under the provisions of this section~~ may:

(A) Declare his or her choice of candidates to an Election Commissioner of each political party who, in the presence of the voter and in the presence of each other, shall prepare the ballot for voting in the manner ~~hereinbefore~~ provided in this section and, on request, shall read to the voter the names of the candidates selected on the ballot;

(B) Require the Election Commissioners to indicate to him or her the relative position of the names of the candidates on the ballot, ~~whereupon~~ the voter shall then retire to one of the booths or compartments to prepare his or her ballot in the manner ~~hereinbefore~~ provided in this section;

(C) Be assisted by any person of the voter's choice, other than the voter's present or former employer or agent of that employer, the officer or agent of a labor union of which the voter is a past or present member or a candidate on the ballot or an official write-in candidate; or

(D) If he or she is handicapped, vote from an automobile outside the polling place or precinct by the absentee balloting method provided in subsection (e), section five, article three of this chapter in the presence of an Election Commissioner of each political party if all of the following conditions are met:

(i) The polling place is not handicap accessible; and

(ii) No voters are voting or waiting to vote inside the polling place.

(2) The voted ballot shall then be returned to the precinct officials and secured in a sealed envelope to be returned to the clerk of the county commission with all other election materials. The ballot shall then be tabulated using the appropriate method provided in section eight of this chapter as it relates to the specific voting system in use.

(3) ~~Any~~ A voter who requests assistance in voting but who is believed not to be qualified for assistance under the provisions of this section shall nevertheless be permitted to vote a provisional ballot with the assistance of any person herein authorized to render assistance.

(4) ~~Any~~ One or more of the Election Commissioners or poll clerks in the precinct may challenge the ballot on the ground that the voter ~~thereof~~ received assistance in voting it when in his, her or their opinion the person who received assistance in voting is not so illiterate, blind, disabled or of such advanced age as to have been unable to vote without assistance. The Election Commissioner or poll clerk or commissioners or poll clerks making the challenge shall enter the challenge and ~~reason therefor~~ the reason for such challenge on the form and in the manner prescribed or authorized by article three of this chapter.

(5) An Election Commissioner or other person who assists a voter in voting:

(A) May not in any manner request or seek to persuade or induce the voter to vote ~~any~~ a particular ticket or for ~~any~~ a particular candidate or for or against any public question and must not keep or make any memorandum or entry of anything occurring within the voting booth or compartment and must not, directly or indirectly, reveal to any person the name of ~~any~~ a candidate voted for by the voter, ~~or~~ which ticket he or she had voted or how he or she had voted on any public question or anything occurring within

the voting booth, ~~or~~ compartment, or voting machine booth except when required ~~pursuant to~~ by law to give testimony as to the matter in a judicial proceeding; and

(B) Shall sign a written oath or affirmation before assisting the voter on a form prescribed by the Secretary of State stating that he or she will not override the actual preference of the voter being assisted, attempt to influence the voter's choice or mislead the voter into voting for someone other than the candidate of voter's choice. The person assisting the voter shall also swear or affirm that he or she believes that the voter is voting free of intimidation or manipulation. ~~Provided, That~~ No person providing assistance to a voter is required to sign an oath or affirmation where the reason for requesting assistance is the voter's inability to vote without assistance because of blindness as defined in section three, article fifteen, chapter five of this code and the inability to vote without assistance because of blindness is certified in writing by a physician of the voter's choice and is on file in the office of the clerk of the county commission.

(6) In accordance with instructions issued by the Secretary of State, the clerk of the county commission shall provide a form entitled "list of assisted voters", ~~the form of which list shall likewise be on a form as~~ prescribed by the Secretary of State. The commissioners shall enter the name of each voter receiving assistance in voting the ballot, together with the poll slip number of that voter and the signature of the person or the commissioner from each party who assisted the voter. If no voter has been assisted in voting, the commissioners shall ~~likewise~~ make and subscribe to an oath of that fact on the list.

(f) After preparing the ballot, the voter shall fold the ballot so that the face is not exposed and ~~so that~~ the names of the poll clerks ~~thereon~~ on it are seen. The voter shall announce his or her name and present his or her ballot to one of the commissioners who shall hand the same to another commissioner, of a different political party, who shall deposit it in the ballot box if the ballot is the official one and properly signed. The commissioner of election may inspect every ballot before it is deposited in the ballot box to ascertain whether it is single; but without unfolding or unrolling it

so as to disclose its content. When the voter has voted, he or she shall retire immediately from the election room and beyond the sixty-foot limit ~~thereof and may~~ and not return except by permission of the commissioners.

(g) Following the election, the oaths or affirmations required by this section from those assisting voters, together with the “list of assisted voters”, shall be returned by the Election Commissioners to the clerk of the county commission along with the election supplies, records and returns. The clerk of the county commission shall make the oaths, affirmations and list available for public inspection and ~~shall~~ preserve them for a period of twenty-two months or until disposition is authorized or directed by the Secretary of State or court of record. ~~Provided, That~~ The clerk may use these records to update the voter registration records in accordance with subsection (d), section eighteen, article two of this chapter.

(h) Any person making an oath or affirmation required under the provisions of this section who knowingly swears falsely or any person who counsels, advises, aids or abets another in the commission of false swearing under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than one year, or both fined and confined.

(i) Any Election Commissioner or poll clerk who authorizes or provides unchallenged assistance to a voter when the voter is known to the Election Commissioner or poll clerk not to require assistance in voting, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for a period of not less than one year nor more than five years, or both fined and imprisoned.

**§3-1-41. Challenged and provisional voter procedures; counting of provisional voters’ ballots; ballots of election officials.**

(a) It is the duty of the members of the receiving board, jointly or severally, to challenge the right of any person requesting a ballot to vote in any election:

(1) If the person's registration record is not available at the time of the election;

(2) If the signature written by the person in the poll book does not correspond with the signature purported to be his or hers on the registration record;

(3) If the registration record of the person indicates any other legal disqualification; or

(4) If the person fails to present a valid identifying document pursuant to section thirty-four of this article; or

~~(4)~~(5) If any other valid challenge exists against the voter pursuant to section ten, article three of this chapter.

(b) Any person challenged shall nevertheless be permitted to vote in the election. He or she shall be furnished an official ballot not endorsed by the poll clerks. In lieu of the endorsements, the poll clerks shall complete and sign an appropriate form indicating the challenge, the reason thereof and the name or names of the challengers. The form shall be securely attached to the voter's ballot and deposited together with the ballot in a separate box or envelope marked "provisional ballots".

(c) At the time that an individual casts a provisional ballot, the poll clerk shall give the individual written information stating that an individual who casts a provisional ballot will be able to ascertain under the free access system established in this section whether the vote was counted and, if the vote was not counted, the reason that the vote was not counted.

(d) Before an individual casts a provisional ballot, the poll clerk shall provide the individual written instructions, supplied by the board of ballot commissioners, stating that if the voter is casting a ballot in the incorrect precinct, the ballot cast may not be counted for that election: *Provided*, That if the voter is found to be in the incorrect precinct, then the poll worker shall attempt to ascertain the appropriate precinct for the voter to cast a ballot and immediately give the voter the information if ascertainable.

(e) Provisional ballots may not be counted by the election officials. The county commission shall, on its own motion, at the time of canvassing of the election returns, sit in session to determine the validity of any challenges according to the provisions of this chapter. If the county commission determines that the challenges are unfounded, each provisional ballot of each challenged voter, if otherwise valid, shall be counted and tallied together with the regular ballots cast in the election. The county commission, as the board of canvassers, shall protect the privacy of each provisional ballot cast. The county commission shall disregard technical errors, omissions or oversights if it can reasonably be ascertained that the challenged voter was entitled to vote.

(f) Any person duly appointed as an Election Commissioner or clerk under the provisions of section twenty-eight of this article who serves in that capacity in a precinct other than the precinct in which the person is legally entitled to vote may cast a provisional ballot in the precinct in which the person is serving as a commissioner or clerk. The ballot is not invalid for the sole reason of having been cast in a precinct other than the precinct in which the person is legally entitled to vote. The county commission shall record the provisional ballot on the voter's permanent registration record: *Provided*, That the county commission may count only the votes for the offices that the voter was legally authorized to vote for in his or her own precinct.

(g) The Secretary of State shall establish a free access system, which may include a toll-free telephone number or an Internet website, that may be accessed by any individual who casts a provisional ballot to discover whether his or her vote was counted and, if not, the reason that the vote was not counted.

**§3-1-51. Identity verification of voters executing voter identity affidavit.**

(a) The clerk of the county commission shall cause a letter to be mailed by first class mail to each voter who executed a voter identity affidavit pursuant to section thirty-four of this article. The letter shall be mailed within sixty days after the election. The clerk



shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the addressee that a person who did not present a valid identifying document voted using his or her name and address and instruct the addressee to contact the clerk immediately if he or she did not vote. The letter shall also inform the addressee of the procedure for obtaining an identification card from the Division of Motor Vehicles for voting purposes.

(b) The clerk of the county commission shall cause letters mailed pursuant to subsection (a) of this section that are returned as undeliverable by the United States Post Office to be referred to the Secretary of State. The clerk shall also prepare and forward to the Secretary of State a list of all persons who were mailed letters under subsection (a) of this section and who notified the clerk that they did not vote. Upon receipt of notice from a person who receives a letter mailed pursuant to subsection (a) of this section that the person did not vote, or upon receipt of a referral from the clerk, the Secretary of State shall cause an investigation to be made to determine whether fraudulent voting occurred. Beginning July 1, 2019 and each year thereafter, the Secretary of State shall submit a report to the Joint Committee on the Judiciary and the Joint Committee on Government and Finance detailing the results of all investigations of voter identity affidavits, including, but not limited to, the number of investigations, the number of ballots cast, and the number and results of any determinations made regarding fraudulent voting.

## **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, provide each qualified registrant, 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, ~~a voter registration application as prescribed in section~~

~~five of this article~~ when the division's regional offices are open for regular business. ~~An individual may apply for voter registration using an approved electronic voter registration system if available at a Division of Motor Vehicles regional office.~~ 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. ~~upon notice and written consent of the applicant. The notice and consent is a required component of an electronic voter registration application made available to the general public by the Secretary of State. The release of an applicant's signature by the Division of Motor Vehicles to the Office of the Secretary of State applies to any voter registration application approved through an electronic voter registration system approved by the Secretary of State regardless of the location of the online user and provided the user grants written consent.~~

(c) ~~A person who fails to sign the voter registration application or who fails to return the voter registration application to a driver licensing facility or to an appropriate voter registration office is considered to have declined to register.~~ 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 application for registration 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, and any costs associate 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, 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 Regular Legislative Session.

(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.

**§3-2-12. Combined voter registration and driver licensing fund; transfer of funds.**

(a) Fifty cents of each license fee collected pursuant to the provisions of section one, article three, chapter seventeen of this code shall be paid into the State Treasury to the credit of a special

revenue fund to be known as the “Combined Voter Registration and Driver Licensing Fund.” The moneys so credited to such fund may be used by the Secretary of State for the following purposes:

(1) Printing and distribution of combined driver licensing or other agency applications and voter registration forms, or for the printing of voter registration forms to be used in conjunction with driver licensing or other agency applications, or for implementing the automatic voter registration program authorized in section eleven of this article;

(2) Printing and distribution of mail voter registration forms for purposes of this article;

(3) Supplies, postage and mailing costs for correspondence relating to voter registration for agency registration sites and for the return of completed voter registration forms to the appropriate state or county election official;

(4) Reimbursement of postage and mailing costs incurred by clerks of the county commissions for sending a verification mailing, confirmation of registration or other mailings directly resulting from an application to register, change or update a voter’s registration through a driver licensing or other agency;

(5) Reimbursement to state funded agencies, with the exception of the Division of Motor Vehicles, designated to provide voter registration services under this chapter for personnel costs associated with the time apportioned to voter registration services and assistance;

(6) The purchase, printing and distribution of public information and other necessary materials or equipment to be used in conjunction with voter registration services provided by state funded agencies designated pursuant to the provisions of this article;

(7) The development and continued maintenance of a statewide program of uniform voter registration computerization for use by each county registration office and the Secretary of State, purchase of uniform voter registration software, payment of software

installation costs and reimbursement to the county commissions of not more than fifty percent of the cost per voter for data entry or data conversion from a previous voter registration software program;

~~(8) Efforts to maintain correct voter information and conduct general list maintenance to remove ineligible voters and ensure new residents receive voter registration information, including collaborating with other states and non-profit corporations dedicated to improving the election system; Payment of up to fifty percent of the costs of conducting a joint program with participating counties to identify ineligible voters by using the United States postal service information as provided in section twenty five of this article: *Provided*, That such assistance shall be available only to counties which maintain voter registration lists on the statewide uniform voter data system; and~~

~~(9) Payment of any dues or fees associated with a program to match and transfer data to and from other states;~~

~~(10) Resources related to voter registration and list maintenance;~~  
~~and~~

~~(9) (11) Payment or reimbursement of other costs associated with implementation of the requirements of the National Voter Registration Act of 1993 (42 U. S. C. 1973gg): *Provided*, That revenue received by the fund in any fiscal year shall first be allocated to the purposes set forth in subdivisions (1) through (8) (10), inclusive, of this subsection.~~

(b) The Secretary of State shall promulgate rules pursuant to the provisions of chapter twenty-nine-a of this code to provide for the administration of the fund established in subsection (a) of this section.

(c) Any balance in the fund created by subsection (a) of this section which exceeds \$100,000 as of June 30, 2017, and on June 30 of each year thereafter, shall be transferred to the General Revenue Fund.

**CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.****ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.****§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards.**

(a) (1) No person, except those hereinafter expressly exempted, may drive ~~any~~ a motor vehicle upon a street or highway in this state or upon ~~any~~ a subdivision street used by the public generally unless the person has a valid driver's license issued pursuant to this code for the type or class of vehicle being driven.

(2) Any person licensed to operate a motor vehicle pursuant to this code may exercise the privilege thereby granted in the manner provided in this code and, except as otherwise provided by law, is not required to obtain any other license to exercise the privilege by ~~any~~ a county, municipality or local board or body having authority to adopt local police regulations.

(b) The division, upon issuing a driver's license, shall indicate on the license the type or general class or classes of vehicles the licensee may operate in accordance with this code, federal law or rule. Licenses shall be issued in different colors for those drivers under age eighteen, those drivers age eighteen to twenty-one and adult drivers. The commissioner is authorized to select and assign colors to the licenses of the various age groups.

(c) The following drivers licenses classifications are hereby established:

(1) A Class A, B or C license shall be issued to those persons eighteen years of age or older with two years of driving experience who have qualified for the commercial driver's license established by chapter seventeen-e of this code and the federal Motor Carrier Safety and Improvement Act of 1999 and subsequent rules and have paid the required fee.



(2) A Class D license shall be issued to those persons eighteen years and older with one year of driving experience who operate motor vehicles other than those types of vehicles which require the operator to be licensed under the provisions of chapter seventeen-e of this code and federal law and rule and whose primary function or employment is the transportation of persons or property for compensation or wages and have paid the required fee. For the purpose of regulating the operation of motor vehicles, wherever the term “chauffeur’s license” is used in this code, it ~~shall be construed to mean~~ means the Class A, B, C or D license described in this section or chapter seventeen-e of this code or federal law or rule: *Provided*, That anyone not required to be licensed under the provisions of chapter seventeen-e of this code and federal law or rule and who operates a motor vehicle registered or required to be registered as a Class A motor vehicle, as that term is defined in section one, article ten, chapter seventeen-a of this code, with a gross vehicle weight rating of less than eight thousand one pounds, is not required to obtain a Class D license.

(3) A Class E license shall be issued to ~~those~~ persons who have qualified for a driver’s license under the provisions of this chapter and who are not required to obtain a Class A, B, C or D license and who have paid the required fee. The Class E license may be endorsed under the provisions of section seven-b of this article for motorcycle operation. The Class E or ~~(G)~~ G license for ~~any~~ a person under the age of eighteen may also be endorsed with the appropriate graduated driver license level in accordance with the provisions of section three-a of this article.

(4) A Class F license shall be issued to those persons who successfully complete the motorcycle examination procedure provided by this chapter and have paid the required fee but who do not possess a Class A, B, C, D or E driver’s license.

(5) A Class G driver’s license or instruction permit shall be issued to a person using bioptic telescopic lenses who has successfully completed an approved driver training program and complied with all other requirements of article two-b of this chapter.

(d) All licenses issued under this section may contain information designating the licensee as a diabetic, organ donor, as deaf or hard-of-hearing, ~~or~~ as having any other handicap or disability or that the licensee is an honorably discharged veteran of any branch of the Armed Forces of the United States, according to criteria established by the division, if the licensee requests this information on the license. An honorably discharged veteran may be issued a replacement license without charge if the request is made before the expiration date of the current license and the only purpose for receiving the replacement license is to get the veterans designation placed on the license.

(e) No person, except those hereinafter expressly exempted, may drive ~~any a~~ motorcycle ~~upon~~ on a street or highway in this state or ~~upon any on~~ a subdivision street used by the public generally unless the person has a valid motorcycle license, a valid license which has been endorsed under section seven-b of this article for motorcycle operation or a valid motorcycle instruction permit.

(f) (1) An identification card may be issued to ~~any a~~ person who:

(A) Is a resident of this state in accordance with the provisions of section one-a, article three, chapter seventeen-a of this code;

(B) Has reached the age of two years ~~The division may also issue an identification card to a person under the age of two years, for good cause shown; or, for good cause shown, under the age of two.~~

(C) Has paid the required fee of \$2.50 per year: *Provided*, ~~That the fee is not~~ no fees or charges, including renewal fees, are required if the applicant:

(i) Is sixty-five years or older; ~~or~~

(ii) Is legally blind; ~~and~~ or

(iii) Will be at least eighteen years of age at the next general, municipal or special election and intends to use this identification card as a form of identification for voting; and

(D) Presents a birth certificate or other proof of age and identity acceptable to the division with a completed application on a form furnished by the division.

(2) The identification card shall contain the same information as a driver's license except that the identification card shall be clearly marked as an identification card. The division may issue an identification card with less information to persons under the age of sixteen. An identification card may be renewed annually on application and payment of the fee required by this section.

(A) Every identification card issued to a person who has attained his or her twenty-first birthday expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued for less than three years or for more than seven years and expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by five.

(B) Every identification card issued to a person who has not attained his or her twenty-first birthday expires thirty days after the licensee's twenty-first birthday.

(C) Every identification card issued to persons under the age of sixteen shall be issued for a period of two years and ~~shall~~ expire on the last day of the month in which the applicant's birthday occurs.

(3) The division may issue an identification card to an applicant whose privilege to operate a motor vehicle has been refused, canceled, suspended or revoked under the provisions of this code.

(g) For any person over the age of fifty years who wishes to obtain a driver's license or identification card under the provisions of this section:

(1) A raised seal or stamp on the birth certificate or certified copy of the birth certificate is not required if the issuing jurisdiction does not require one; and

(2) If documents are lacking to prove all changes of name in the history of any such applicant, applicants renewing a driver's license

or identification card under the provisions of this section may complete a Name Variance Approval Document as instituted by the division, so long as they can provide:

(A) Proof of identity;

(B) Proof of residency; and

(C) A valid Social Security number.

(3) The division may waive any documents necessary to prove a match between names, so long as the division determines the person is not attempting to:

(A) Change his or her identity;

(B) Assume another person's identity; or

(C) Commit a fraud.

(h) A person over the age of seventy years, or who is on Social Security disability, who wishes to obtain or renew a driver's license or identification card under the provisions of this section, may not be required to furnish a copy of a birth certificate if they can provide:

(1) Proof of identity;

(2) Proof of residency;

(3) A valid Social Security number; and

(4) One of the following identifying items:

(A) A form of military identification, including a DD214 or equivalent;

(B) A U. S. passport, whether valid or expired;

(C) School records, including a yearbook;

(D) A religious document, that in the judgment of the Division is sufficient and authentic to reflect that the person was born in the United States; or

(E) An expired driver's license, employment identification card, or other reliable identification card with a recognizable photograph of the person.

~~(g)~~ (i) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 and, upon a second or subsequent conviction, shall be fined not more than \$500 or confined in jail not more than six months, or both fined and confined.;

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 4013**—A Bill to amend and reenact §3-1-34 and §3-1-41 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §3-1-51; to amend and reenact §3-2-11 and §3-2-12 of said code; and to amend and reenact §17B-2-1 of said code, all relating to voting procedures; requiring a person desiring to vote on or after January 1, 2018 to present valid document identifying the voter to one of the poll clerks; requiring poll clerk to inspect valid identifying document and confirm information with individual's voter registration record; requiring poll clerk to confirm, if document contains a photograph, that displayed image is truly an image of the person presenting the document; setting forth requirements for valid identifying document; identifying documents considered to be valid identifying document; permitting registered voter to be accompanied to polling place by adult known to registered voter for at least six months; permitting voter to vote if accompanying adult signs affidavit and presents valid identifying document; authorizing poll worker to allow voter known to the poll worker for at least six months to vote without presenting valid identifying document; permitting person desiring to vote to cast provisional ballot after executing affidavit; setting conditions for

counting of provisional ballot; setting content of affidavit to be used for casting provisional ballot; permitting voter who votes in person at precinct polling place located in building which is part of state licensed care facility where voter is resident without presenting valid identifying document; requiring person entering voter information into centralized voter registration database to notate when a voter has not presented valid identifying documentation and executed a voter identity affidavit; making confidential voter's residential or mailing address if voter is participant in Address Confidentiality Program except for certain statutory and administrative purposes; directing Secretary of State to educate voters about requirement to present valid identifying document; requiring Secretary of State to develop a program to help ensure that all eligible voters obtain identification; directing members of receiving board to challenge the right of person requesting ballot to vote in election if person fails to present valid identifying documentation; modifying provisional ballot procedures; requiring clerk of county commission to send letter to voters who execute voter identity affidavit; setting deadline for letters to be mailed; specifying contents of letter; directing clerk of county commission to cause letters returned as undeliverable to be referred to Secretary of State; directing clerk of county commission to forward to Secretary of State a list of persons who were mailed letters and notified clerk that they did not vote; requiring Secretary of State to investigate to determine whether fraudulent voting occurred; requiring Secretary of State to submit report to Joint Committee on the Judiciary and Joint Committee on Government and Finance detailing results of all investigations of voter identity affidavits; requiring Division of Motor Vehicles to collect certain information from individuals applying for issuance, renewal or change of address of driver's license or official identification card; requiring Division of Motor Vehicles to release all information obtained to Secretary of State unless applicant affirmatively declines to become registered to vote or update voter registration; requiring Secretary of State to forward information to county clerk for relevant county to process newly registered voter or updated information for already-registered voter; requiring Division of Motor Vehicles to release certain information to Secretary of State if applicant affirmatively declines to become registered to vote;

requiring Division of Motor Vehicles to notify applicant that signature submission grants written consent for submission of that information; clarifying that qualified voter who is automatically registered to vote need not present identification in order to make registration valid; directing Secretary of State to establish procedures to protect confidentiality of information obtained from Division of Motor Vehicles; permitting person registered to vote to cancel voter registration at any time; clarifying that Division of Motor Vehicles not required to determine eligibility for voter registration and voting; making changes regarding automatic voter registration effective July 1, 2017; requiring Division of Motor Vehicles report to Joint Committee on Government and Finance if unable to meet requirements by February 1, 2017; directing Secretary of State to promulgate legislative rules; permitting certain uses of moneys in Combined Voter Registration and Driver Licensing Fund; requiring balance in Fund in excess of \$100,000 be transferred to General Revenue annually; prohibiting Division of Motor Vehicles from charging fees for issuance of identification card if applicant intends to use identification card as form of identification for voting; providing certain provisions for issuance of driver's license or identification card to persons over the age of fifty years; and providing certain provisions for issuance of driver's license or identification card to persons over the age of seventy years.

Respectfully submitted,

Patrick Lane, *Chair*, John B. McCuskey, Larry L. Rowe,  
*Conferees on the part of the House of Delegates.*

C. Edward Gaunch, *Chair*, Ryan J. Ferns, Corey Palumbo,  
*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 4013, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters and Cole (Mr. President)—26.

The nays were: Beach, Laird, Miller, Romano, Snyder, Williams, Woelfel and Yost—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 H. B. 4013) 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 Ashley, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

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

**House Concurrent Resolution 42**—Requesting the Division of Highways to name bridge number 36-33-44.10 (36A103) (latitude 38.63100, longitude -79.24376), locally known as the Brandywine Bridge, carrying U.S. Route 33 over the South Fork South Branch of the Potomac River in Pendleton County, the “WVSP Tpr. Phillip S. Kesner Memorial Bridge”.

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



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

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

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senator Kessler regarding the adoption of House Concurrent Resolution 42 were ordered printed in the Appendix to the Journal.

The Senate again proceeded to the sixth order of business, which agenda includes the making of main motions.

Senator Carmichael moved that the Senate reconsider the vote by which in earlier proceedings today it refused to concur in the House of Delegates amendments (*shown in the Senate Journal of today, pages 3095 to 3102, inclusive*), as to

**Eng. Com. Sub. for Senate Bill 291**, Law enforcement use of unmanned aircraft systems.

The bill still being in the possession of the Senate,

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

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Carmichael's motion that the Senate refuse to concur in the House of Delegates amendments to the bill.

At the request of Senator Carmichael, and by unanimous consent, his foregoing motion was withdrawn.

Thereafter, on motion of Senator Carmichael, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 291) were reported by the Clerk, considered simultaneously, and adopted:

On page two, section three, after subsection (b), by inserting a new subsection, designated subsection (c), to read as follows:

(c) Any person who operates an unmanned aircraft system under the influence of alcohol, controlled substances or drugs shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail for not less than twenty-four hours nor more than one year, fined not less than \$100 or more than \$5,000, or both confined and fined.;

On page six, after section five, by adding a new section, designated section six, to read as follows:

**§61-14-6. Admissibility of images or evidence obtained in violation of the provisions of this article.**

Evidence obtained in violation of the provisions of this article is not admissible in any civil, criminal or administrative proceeding, except for the limited purpose of proving that a violation of the provisions of this article has occurred.;

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 §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5 and §61-14-6, 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 291**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5 and §61-14-6, all relating to regulation of unmanned aircraft systems; defining terms; requiring compliance with federal laws and regulations relating to such unmanned aircraft systems; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; creating and defining

the misdemeanor offenses of unlawful operation of an unmanned aircraft system and operation of an unmanned aircraft system while under the influence of alcohol controlled substances or drugs; creating felony criminal offense for operating an unmanned aircraft system equipped with a lethal weapon and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system with the intent to cause damage or disrupt in any way the flight of a manned aircraft and setting penalties therefor; setting forth limitations and prohibitions of the use of unmanned aircraft systems by law-enforcement; requiring law-enforcement obtain any necessary federal authorization, permit or certificate to operate an unmanned aircraft system; requiring law-enforcement operation of an unmanned aircraft system to only be done by trained and certified persons under appropriate supervision; necessitating law-enforcement operate unmanned aircraft system for a lawful public purpose; requiring documentation of law-enforcement flights of unmanned aircraft systems and maintenance of records; requiring that law enforcement agencies establish method for public notification of operation of an unmanned aircraft system; providing for community involvement in development of policies; requiring search warrants to be obtained before unmanned aircraft systems may be used in criminal investigations and creating exemptions thereto; prohibiting law-enforcement from using an unmanned aircraft system for purposes of traffic enforcement; making clear allowance of law enforcement when there is reasonable cause to believe that the use and operation of an unmanned aircraft system would safely avert imminent threats to human life and safety, property damage or environmental damage; requiring the Law Enforcement Professional Standards Subcommittee to propose legislative rules and promulgate emergency rules if necessary; prohibiting the operation of an unmanned aircraft system over the property of a targeted facility to intentionally deploy any substance, material, projectile or object, or to conduct surveillance of, gather evidence and information about, or photographically or electronically record a targeted facility without the prior consent of the owner of the targeted facility; providing exceptions to the prohibition of operation over the property of a targeted facility; creating criminal offense for the operation of an unmanned aircraft

system over the property of a targeted facility in violation of these provisions and setting penalties therefor; providing for increased penalties for second or subsequent offenses; and restricting the use of images obtained from unlawful operation of an unmanned aircraft system.

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

Engrossed Committee Substitute for Senate Bill 291, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 291) 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.

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

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

**Eng. House Bill 4618**, Relating to limitations on use of a public official's name or likeness.

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

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

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

That §6B-2-5c of the Code of West Virginia, 1931, as amended, be repealed; and that said code be amended by adding thereto a new article, designated §6B-2B-1, §6B-2B-2, §6B-2B-3, §6B-2B-4, §6B-2B-5 and §6B-2B-6, all to read as follows:

**ARTICLE 2B. LIMITATIONS ON A PUBLIC OFFICIAL  
FROM USING HIS OR HER NAME OR  
LIKENESS.**

**§6B-2B-1. Definitions.**

As used in this article:

(a) “Advertising” means publishing, distributing, disseminating, communicating or displaying information to the general public through audio, visual or other media tools. It includes, but is not limited to, billboard, radio, television, mail, electronic mail, publications, banners, table skirts, magazines, social media, websites and other forms of publication, dissemination, display or communication.

(b) “Agent” means any volunteer or employee, contractual or permanent, serving at the discretion of a public official or public employee.

(c) “Educational materials” means publications, guides, calendars, handouts, pamphlets, reports or booklets intended to provide information about the public official or governmental office. It includes information or details about the office, services the office provides to the public, updates on laws and services and other informational items that are intended to educate the public.

(d) “Instructional material” means written instructions explaining or detailing steps for completion of a governmental agency document or form.

(e) “Likeness” means a photograph, drawing or other depiction of an individual.

(f) “Mass media communication” means communication through audio, visual, or other media tools, including U.S. mail, electronic mail, and social media, intended for general dissemination to the public. Examples include mass mailing by U.S. mail, list-serve emails and streaming clips on websites. It does not include: (i) Regular responses to constituent requests or questions during the normal course of business; or (ii) communications that are authorized or required by law to be publicly disseminated, such as legal notices.

(g) “Public employee” means any full-time or part-time employee of any state, or political subdivision of the state, and their respective boards, agencies, departments and commissions, or in any other regional or local governmental agency.

(h) “Public official” means any person who is elected or appointed to any state, county or municipal office or position, including boards, agencies, departments and commissions, or in any other regional or local governmental agency.

(i) “Public payroll” means payment of public monies as a wage or salary from the state, or political subdivision of the state, or any other regional or local governmental agency, whether accepted or not.

(j) “Social media” means forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content. It includes web and mobile-based technologies which are used to turn communication to interactive dialogue among organizations, communities and individuals. Examples include, but are not limited to, Facebook, MySpace, Twitter and YouTube.

(k) “Trinkets” means items of tangible personal property that are not vital or necessary to the duties of the public official’s or public employee’s office, including, but not limited to, the following: magnets, mugs, cups, key chains, pill holders, band-aid dispensers, fans, nail files, matches and bags.

**§6B-2B-2. Limitations on a public official from using his or her name or likeness.**

(a) *Trinkets.* — Public officials, their agents, or anyone on public payroll may not place the public official’s name or likeness on trinkets paid for with public funds: *Provided*, That when appropriate and reasonable, public officials may expend a minimal amount of public funds for the purchase of pens, pencils or other markers to be used during ceremonial signings.

(b) *Advertising.* — (1) Public officials, their agents, or anyone on public payroll may not use public funds, including funds of the office held by the public official, public employees, or public resources to distribute, disseminate, publish or display the public official’s name or likeness for the purpose of advertising to the general public.

(2) Notwithstanding the prohibitions in subdivision (1) of this subsection, the following conduct is not prohibited:

(A) A public official’s name and likeness may be used in a public announcement or mass media communication when necessary, reasonable and appropriate to relay specific public safety, health or emergency information.

(B) A public official’s name and likeness may appear on an agency’s social media and website provided it complies with section three of this article.

(C) Dissemination of office press releases or agency information via email, social media or other public media tools for official purposes is not considered advertising or prohibited under this subsection, if it (i): Is intended for a legitimate news or informational purpose; (ii) is not intended as a means of promotion

of the public official; and (iii) is not being used as educational material.

(3) Banners and table skirts are considered advertising and may not include the public official's name or likeness.

(4) Nothing in this article shall be interpreted as prohibiting public officials from using public funds to communicate with constituents in the normal course of their duties as public officials if the communications do not include any reference to voting in favor of the public official in an election.

(c) Vehicles. — Public officials, their agents, or any person on public payroll may not use or place the public official's name or likeness on any publicly owned vehicles.

(d) Educational Materials. — A public official's name or likeness may not be placed on any educational material that is paid for with public funds: *Provided*, That this prohibition does not apply to the submission of a report required to be issued by law.

### **§6B-2B-3. Limitations on promotion through social media.**

(a) A public official's name and likeness may appear on a public agency's website and social media subject to the following restrictions:

(1) The public official's name may appear throughout the website if it is reasonable, incidental, appropriate and has a primary purpose to promote the agency's mission and services rather than to promote the public official.

(2) The public official's likeness may only appear on the agency's website home page and on any pages or sections devoted to biographical information regarding the public official.

(3) The public official's name and likeness may appear on the agency's social media if it is reasonable, incidental, appropriate and has a primary purpose to promote the agency's mission and services rather than to promote the public official.



(b) This section does not apply to personal or non-public agency social media accounts.

(c) A public agency's website or social media may not provide links or reference to a public official's or public employee's personal or campaign social media or website.

**§6B-2B-4. Exceptions to use of name or likeness.**

(a) A public official may use his or her name or likeness on any official record or report, letterhead, document or certificate or instructional material issued in the course of his or her duties as a public official: *Provided*, That other official documents used in the normal course of the agency, including, but not limited to, facsimile cover sheets, press release headers, office signage and envelopes may include the public official's name: *Provided, however*, That if the official documents are reproduced for distribution or dissemination to the public as educational material, the items are subject to the prohibitions in subsection (d), section two of this article.

(b) When appropriate and reasonable, the West Virginia Division of Tourism may use a public official's name and likeness on material used for tourism promotion.

(c) The prohibitions contained in this article do not apply to any person who is employed as a member of the faculty, staff, administration, or president of a public institution of higher education and who is engaged in teaching, research, consulting, coaching, recruiting or publication activities: *Provided*, That the activity is approved as a part of an employment contract with the governing board of the institution of higher education or has been approved by the employee's department supervisor or the president of the institution by which the faculty or staff member is employed.

(d) The prohibitions contained in section two of this article do not apply to a public official's campaign-related expenditures or materials.

(e) The prohibitions contained in section two of this article do not apply to items paid for with the public official's personal money.

(f) The prohibitions contained in section two of this article do not apply to items or materials required by law to contain the public official's name or likeness.

**§6B-2B-5. Existing items as of the effective date.**

(a) If a public official, public employee or public agency possesses items or materials in contravention of this rule or section five-c, article two of this chapter that were purchased prior to the effective date, the public official, public employee or public agency may not continue to distribute, disseminate, communicate or display publicly these items or materials.

(b) Notwithstanding the prohibition in subsection (a) of this section,

(1) Materials may be used publicly if the public official's name or likeness are permanently removed or covered: *Provided*, That a public official's name or likeness may be covered with a sticker, be marked out or obliterated in any other manner;

(2) The public agency may use the items or materials for internal use if they are not publicly distributed, disseminated, communicated or displayed; and

(3) When appropriate and in compliance with law, a public agency may donate the items to surplus, charity or an organization serving the poor and needy.

**§6B-2B-6. Allowance for exemption.**

If any of the prohibitions contained in this article create an undue hardship or will cause significant financial impact upon the public agency to bring existing material, vehicles or items into compliance with this article, the public agency may seek a written exemption from the West Virginia Ethics Commission. In any

request, the Ethics Commission shall make public the name of public agency seeking the exemption, along with the affected public official, if any.;

And,

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

**Eng. House Bill 4618**—A Bill to repeal §6B-2-5c of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §6B-2B-1, §6B-2B-2, §6B-2B-3, §6B-2B-4, §6B-2B-5 and §6B-2B-6, all relating to limitations on use of a public official's name or likeness; repealing current provisions; defining terms; prohibiting public officials, their agents and public employees from placing the public official's name or likeness on trinkets; prohibiting public officials, their agents and public employees from using public funds, public employees, or public resources to distribute, disseminate, publish, or display the public official's name or likeness for the purpose of advertising to the public; prohibiting public officials, their agents or public employees from placing the public official's name or likeness on publicly-owned vehicles; prohibiting a public official's name or likeness from being placed on any educational material that is paid for with public funds; placing restrictions on a public official's name or likeness on a public agency's website and social media; providing exceptions; providing for alternative uses for prohibited material after the effective date; and providing an opportunity to obtain an exemption from the Ethics Commission.

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

Engrossed House Bill 4618, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall,

Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4618) passed with its House of Delegates amended title.

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

At the request of Senator Unger, unanimous consent being granted, the Senate again proceeded to the sixth order of business.

At the request of Senator Unger, and by unanimous consent, Senators Cole (Mr. President), Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost offered the following resolution from the floor:

**Senate Resolution 71**—Recognizing the dedicated public service of the Honorable Howard Wellman.

Whereas, The Honorable Howard Wellman was appointed to the House of Delegates on December 2, 1984, and elected to the House of Delegates in 1986 and 1988; and

Whereas, The Honorable Howard Wellman was appointed Acting Sergeant at Arms on January 14, 2004, was elected as the 49th Sergeant at Arms of the Senate in 2005 and was reelected in 2007, 2009 and 2011; and

Whereas, The Honorable Howard Wellman executes his duties as Sergeant at Arms with excellence and professionalism; and

Whereas, Howard Wellman's work behind the scenes as Sergeant at Arms contributes to the smooth function and congeniality of the West Virginia Senate; and

Whereas, Howard Wellman is also active in the community, serving as a member of the Masons, Scottish Rite, Shriners, Jesters, Lions Club, and Loyal Order of Moose; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the dedicated public service of the Honorable Howard Wellman; and, be it

*Further Resolved,* That the Senate expresses its most sincere gratitude and appreciation to the Honorable Howard Wellman for his service to the Senate and the people of the State of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Honorable Howard Wellman.

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

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

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 resolution (S. R. 71) adopted.

On motion of Senator Carmichael, the Senate recessed for one minute.

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 recede from its amendment, and requested the appointment of a committee of conference of five from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for Senate Bill 269**, Budget Bill.

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

Delegates E. Nelson, Anderson, Householder, Miller and Perry.

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

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

Senators Hall, Walters, Sypolt, Prezioso and Plymale.

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

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

**Eng. Com. Sub. for House Bill 4046**, Relating to the promulgation of rules by the Department of Administration.

On motion of Senator Carmichael, 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 pages three through nine, section three, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) The legislative rule filed in the State Register on June 30, 2015, authorized under the authority of section five-c, article two, chapter six-b, of this code, relating to the Ethics Commission (public use of names or likenesses, 158 CSR 21), is not authorized.;

And,

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

**Eng. Com. Sub. for House Bill 4046**—A Bill to amend and reenact article two, chapter sixty-four of the Code of West Virginia, 1931, as amended, relating generally to administrative rules of the Department of Administration; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various amendments by the legislature; repealing certain legislative, procedural or interpretative rules that are no longer authorized or are obsolete of certain agencies and commissions under Department of Administration; authorizing the Department of Administration to promulgate a legislative rule relating to the purchasing division; repealing Department of Administration legislative rule relating to the availability of state surplus buildings and equipment to charity food banks; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to benefit determination and appeal; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Teachers' Defined Contribution System; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Teachers' Retirement System; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to

refund, reinstatement, retroactive service, loan and correction of error interest factors; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to service credit for accrued and unused sick leave; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Deputy Sheriff Retirement System; not authorizing the Ethics Commission to promulgate a legislative rule relating to the public use of names or likenesses; repealing Ethics Commission legislative rule relating to advisory opinions; repealing Ethics Commission legislative rule relating to guidelines and standards for determining the existence of disqualifying financial interests; repealing Ethics Commission legislative rule relating to contributions; authorizing the Division of Personnel to promulgate a legislative rule relating to the administrative rule of the West Virginia Division of Personnel; repealing State Building Commission procedural rule relating to procedural rules for meetings; repealing Public Employees Insurance Agency procedural rules relating to procedural rules for the Public Employees Insurance Agency Advisory Board; and repealing Board of Risk and Insurance Management legislative rule relating to discontinuation of professional malpractice insurance.

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

Engrossed Committee Substitute for House Bill 4046, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4046) passed with its House of Delegates amended title.

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

At the request of Senator Kessler, and by unanimous consent, Senator Kessler addressed the Senate, regarding the service of Martin Valent, Legislative Photographer.

At the request of Senator Williams, unanimous consent being granted, Senator Williams announced the West Virginia University Rifle Team won the NCAA championship.

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 4201**, Increasing the criminal penalties for participating in an animal fighting venture.

On motion of Senator Carmichael, 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 nineteen-a, subsection (d), after the word “confined” by striking out the comma and the words “and may be divested of ownership and control of such animals”;

On page two, section nineteen-a, subsection (e), after the word “maintenance” by inserting the words “pursuant to section four, article ten, chapter seven of this code”;

And,

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

**Eng. Com. Sub. for House Bill 4201**—A Bill to amend and reenact §61-8-19a and §61-8-19b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8-19c, all relating to increasing the criminal penalties for participating in an animal fighting venture; defining terms; adding conducting, financing, managing, supervising, directing, or knowingly allowing property under one's control to be used for an animal fighting venture to types of prohibited conduct; making unlawful the possession of an animal for the purpose of engaging the animal in an animal fighting venture; providing for penalties; providing for divesting a convicted person of ownership of such animals and making a convicted person liable for all costs of the such animals care and maintenance; making it unlawful to knowingly cause an individual under the age of eighteen to attend an animal fighting venture; providing for penalties; providing penalties for third or subsequent offenses; providing that wagering at an animal fighting venture is a crime; providing for penalties; and providing increased penalties for third or subsequent offenses.

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

Engrossed Committee Substitute for House Bill 4201, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost, and Cole (Mr. President)—31.

The nays were: Karnes and Maynard—2.

Absent: Woelfel—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4201) passed with its House of Delegates amended title.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Carmichael, Hall, Blair and Ferns.

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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 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 13**, Increasing penalties for overtaking and passing stopped school buses.

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 107**, Uniform Interstate Depositions and Discovery 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, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 159**, Authorizing promulgation of legislative rules by miscellaneous boards and commissions.

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 267**, Modifying removal procedure for certain county, school district and municipal officers.

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 272**, Allowing investigators from Attorney General's office to carry concealed weapons.

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 283**, Creating crime when fire is caused by operation of a clandestine drug laboratory.

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 298**, Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays.

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. Senate Bill 311**, Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable program.

A message from The Clerk of the House of Delegates announced the rejection by that body of the committee of conference report as to

**Eng. Com. Sub. for Senate Bill 378**, Relating to truancy intervention.

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 404**, Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases.

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 Com. Sub. for Senate Bill 454**, Licensing and regulating medication-assisted treatment programs for substance use disorders.

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 465**, Allowing professional employer insure certain risks through pure insurance captive.

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 from passage, of

**Eng. Com. Sub. for Senate Bill 597**, Relating generally to Health Care Authority.

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 619**, 2016 Regulatory Reform 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, with its House of Delegates amended title, of

**Eng. Com. Sub. for Senate Bill 621**, Exempting taxicab companies with independent contract drivers from providing workers' compensation coverage.

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 634**, Creating William R. Laird IV Second Chance Driver's License 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 amendment to, and the passage as amended, with its Senate amended title, of

**Eng. Senate Bill 702**, Allowing title of real estate to pass to individuals entitled to sale proceeds if executor fails to do so within 5 years of closing estate.

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

**Senate Concurrent Resolution 2**, Urging Congress provide funding for WV National Guard.

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

**Senate Concurrent Resolution 3**, Julian, Earl and Edward Hill Brothers Memorial Bridge.

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

**Senate Concurrent Resolution 6**, USMC PFC Marshall Lee King 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 7**, Rosie the Riveters 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 8**, US Army PFC Ernest D. Marcum Bridge.

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

**Senate Concurrent Resolution 9**, US Army First Sergeant Jesse T. McPeake 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 11**, US Marine Corps Sergeant Gerald Leslie Perry 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 12**, Wayne County Veterans Memorial Highway.

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

**Senate Concurrent Resolution 13**, Tom Williams Family Bridge.

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 Marine Corps PFC Billy Joe Vickers Memorial Bridge.

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

**Senate Concurrent Resolution 15**, US Army SFC Jesse Muncy 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 17**, US Army Sergeant Charles Edward Smith 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 19**, Rev. Rexford Montgomery Workman 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 22**, Trautwein Family 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 Arland W. Hatcher 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 26**, Charles Edward Ellis and Ira Virgil Ellis 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 30**, Lester W. and Ida C. Ellis 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 37**, US Army PFC Willie Paul Wilson bridge.

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

**Senate Concurrent Resolution 38**, Army PFC Denver Holly 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 41**, US Army SGT Philip Ray Casto 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 53**, Harry C. "Buck" Markley, Jr. 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 54**, Union Army CPT John Bond 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 55**, Dewey “Duke” Maynard 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 56**, Judge Ronald G. Pearson Bridge.

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

**Senate Concurrent Resolution 59**, US Army SPC 4 Everette R. Johnson 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 passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2366**, Relating generally to the solicitation of 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, with its Senate amended title, of

**Eng. House Bill 2605**, Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor.

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 2665**, Relating to participation in Motor Vehicle Alcohol Test and Lock Program.

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 2826**, Requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; “Sarah Nott’s Law”.

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

**Eng. Com. Sub. for House Bill 4009**, Letting Our Counties Act Locally Act.

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

**Eng. House Bill 4033**, Adding criminal penalties for the unauthorized practice of pharmacists care.

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 4040**, Regulating step therapy protocols in health benefit plans.

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 4060**, Relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety.

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. House Bill 4155**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust 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 4176**, Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program.

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 4186**, Relating to additional duties of the Public Service Commission.

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 4237**, Supporting and Strengthening Families 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 4261**, Prohibiting the sale or transfer of student data to vendors and other profit making entities.

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 4295**, Relating to the School Innovation Zones 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 4314**, Prohibiting the sale of powdered or crystalline alcohol.

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 4317**, Limiting factors in parenting plans.

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 4364**, Internet Privacy Protection Act.

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

**Eng. House Bill 4378**, Relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person.

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 4388**, Relating to stroke centers.

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 4507**, Providing an employer may grant preference in hiring to a veteran or disabled veteran.

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 July 1, 2016, of

**Eng. Com. Sub. for House Bill 4566**, Relating to school personnel.

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 4604**, Relating to violations of the Ethics Act.

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

**Eng. House Bill 4655**, Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers to provide discounts on noncovered services or materials.

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, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 4659**, Authorizing local health departments to bill health insurance plans for services.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, to take effect July 1, 2016, of

**Eng. Com. Sub. for House Bill 4662**, Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers.

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 4724**, Relating to adding a requirement for the likelihood of imminent lawless action to the prerequisites for the crime of intimidation and retaliation.

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 4730**, Relating to computer science courses of instruction.

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 4738**, Relating to the offense of driving in an impaired 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. House Bill 4740**, Permitting that current members of the National Guard or Reserves may be excused from jury duty.

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Sunday, March 13, 2016, at 12:02 a.m. for an extended session to complete action on the annual state budget, under authority of the Governor's proclamation issued March 9, 2016, extending the second annual session of the eighty-second Legislature until and including the fifteenth day of March, two thousand sixteen, solely for that purpose, as being the only permissive legislation within constitutional purview.

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## SUNDAY, MARCH 13, 2016

The Senate met at 12:02 a.m. for an extended session to complete action on the annual state budget (Eng. Com. Sub. for S. B. 269), today's proceedings being authorized by the Governor's proclamation of March 9, 2016, extending the regular sixty-day session until and including the fifteenth day of March, two thousand sixteen, solely for that purpose, as being the only permissive legislation within constitutional purview.

The Legislature now being in extended session for the sole consideration of

**Eng. Com. Sub. for Senate Bill 269**, Budget Bill.

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

Pending the reading of the Journal of Saturday, March 12, 2016,

At the request of Senator Laird, and by unanimous consent, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the third order of business.

### **Executive Communications**

The Clerk then presented a communication from His Excellency, the Governor, advising that on March 12, 2016, he had approved **Enr. Committee Substitute for Senate Bill 582**.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Kessler and Unger.

(Senator Boley in the Chair.)

Remarks were made by Senator Cole (Mr. President).

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senator Cole (Mr. President) were ordered printed in the Appendix to the Journal.



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

Remarks were made by Senator Boso.

Senator Carmichael then moved that the Senate adjourn until tomorrow, Monday, March 14, 2016, at 4 p.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—32.

The nays were: None.

Absent: Ferns and Woelfel—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Monday, March 14, 2016, at 4 p.m.

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MONDAY, MARCH 14, 2016

The Senate met at 4 p.m.

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

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth 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.

Pending the reading of the Journal of Sunday, March 13, 2016,

At the request of Senator Woelfel, 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 Senate then proceeded to the fourth order of business.

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 14th day of March, 2016, 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. 39)**, Regulating off-road motorcycles within Hatfield-McCoy Recreation Area.

**(S. B. 94)**, Designating State Police Superintendent as administrator and enforcer of motor vehicle inspection program.

**(S. B. 346)**, Updating projects managed by Project Management Office.

**(S. B. 349)**, Updating meaning of federal adjusted gross income.

**(Com. Sub. for S. B. 400)**, Reducing amount of sales tax proceeds dedicated to School Major Improvement Fund.

**(S. B. 469)**, Clarifying what personal funds are exempt from levy following judgment.

**(Com. Sub. for S. B. 592)**, Relating to pipeline safety.

(**Com. Sub. for S. B. 601**), Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities.

(**Com. Sub. for H. B. 4171**), Relating to the public school calendar.

(**H. B. 4246**), Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library.

(**H. B. 4340**), Amending licensing requirements for an act which may be called Lynette's Law.

(**H. B. 4345**), Repealing the West Virginia Permitting and Licensing Information Act.

(**H. B. 4417**), Increasing wages protected from garnishment.

And,

(**H. B. 4651**), Relating to professional examination requirements for hearing-aid dealers and fitters.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*Chair, House Committee.*

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Williams.

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Williams, unanimous consent being granted, it was ordered that the Journal show had Senator Williams

been present in the chamber on Saturday, March 12, 2016, he would have voted “yea” on the passage of Engrossed Committee Substitute for House Bill 4014.

Senator Carmichael then moved that the Senate adjourn until tomorrow, Tuesday, March 15, 2016, at 4:30 p.m.

The question being on the adoption of Senator Carmichael’s motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: None.

Absent: Beach, Ferns and Stollings—3.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael’s motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Tuesday, March 15, 2016, at 4:30 p.m.

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## TUESDAY, MARCH 15, 2016

The Senate met at 4:30 p.m.

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

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 Jack Yost, a senator from the first district.

Pending the reading of the Journal of Monday, March 14, 2016,

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

The Senate proceeded to the third order of business.

### **Executive Communications**

Senator Cole (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 14, 2016

#### **VIA HAND DELIVERY**

The Honorable William P. Cole III  
President, West Virginia Senate  
Room 229M, Building 1  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 601

Dear President Cole:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 601 for technical reasons.

The bill's title is deficient. The title states that the bill is amending and reenacting W. Va. Code § 22-15-10 and adding a new section, designated § 24-2-1L, but does not provide that it is also amending and reenacting § 22-15-2. For this reason, I

disapprove and return the bill. I urge the Legislature to correct this technical issue, and to return the bill to my desk for signature.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. Natalie E. Tennant  
Secretary of State

Senator Carmichael moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate proceed to reconsider

**Enr. Com. Sub. for Senate Bill 601**, Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities.

Heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael's motion that the Senate reconsider Enrolled Committee Substitute for Senate Bill 601, the same was put and prevailed.

On motion of Senator Carmichael, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On pages one through seven, lines one through one hundred forty-seven, by striking out all of section two;

On page ten, section one-1, line seven, by striking out the word "chapter" and inserting in lieu thereof the word "section";

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

That §22-15-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and to amend said code by adding thereto a new section, designated §24-2-11, to read as follows;

And,

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

**Enr. Com. Sub. for Senate Bill 601**—An Act to amend and reenact §22-15-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-11, all relating to exemption from the jurisdiction of the Public Service Commission for materials recovery facilities or mixed waste processing facilities; and providing an exception to allow the Public Service Commission to retain limited jurisdiction over facilities meeting certain requirements which received a certificate of need prior to July 1, 2016.

The question now being on the passage of the bill, disapproved by the Governor and amended by the Senate.

On the passage of the bill, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Yost and Cole (Mr. President)—28.

The nays were: Miller and Williams—2.

Absent: Beach, Mullins, Takubo and Woelfel—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. Com. Sub. for S. B. 601) passed with its title, as amended, as a result of the objections of the Governor.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Yost and Cole (Mr. President)—28.

The nays were: Miller and Williams—2.

Absent: Beach, Mullins, Takubo and Woelfel—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. Com. Sub. for S. B. 601) takes effect from passage.

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

The Senate proceeded to the fourth order of business.

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 15th day of March, 2016, 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. 334)**, Identifying coyote as fur-bearing animal and woodchuck as game animal.

**(S. B. 415)**, Lengthening maximum term of negotiable certificates of deposit municipal funds can hold.

**(S. B. 426)**, Continuing Office of Coalfield Community Development.

**(S. B. 439)**, Eliminating requirement that budget director approve requisitions for personal services payment under certain circumstances.



(**Com. Sub. for S. B. 474**), Exempting DEP construction and reclamation contracts from review and approval.

(**S. B. 648**), Allowing local authorities permit flashing traffic signals during low traffic times.

(**S. B. 656**), Creating Upper Kanawha Valley Resiliency and Revitalization Program.

(**S. B. 678**), Relating to ownership and use of conduit providing telephone service.

(**Com. Sub. for H. B. 2588**), Relating to the filing of financial statements with the Secretary of State.

(**H. B. 4346**), Relating to bear hunting and offenses and penalties.

And,

(**Com. Sub. for H. B. 4587**), Relating to violations associated with absent voters' ballots.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*Chair, House Committee.*

The Senate proceeded to the sixth order of business.

Senator Carmichael offered the following pre-adjournalment resolution:

**Senate Resolution 72**—Raising a committee to notify the House of Delegates the Senate is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to notify the House of Delegates that the Senate has completed its labors and is ready to adjourn *sine die*.

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

Senator Cole (Mr. President), under the provisions of the foregoing resolution, appointed the following committee to notify the House of Delegates of impending Senate adjournment:

Senators Blair, Walters and Laird.

Senator Carmichael then offered the following resolution:

**Senate Resolution 73**—Raising a committee to notify His Excellency, the Governor, that the Legislature is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to join with a similar committee of the House of Delegates to notify His Excellency, the Governor, that the Legislature has completed its labors and is ready to adjourn *sine die*.

At the request of Senator Carmichael, 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 Cole (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate is ready to adjourn:

Senators Hall, Cline and Snyder.

Thereafter, the President recognized the presence of a three-member delegation from the House of Delegates, namely:

Delegates Stansbury, R. Smith and Boggs, who announced that that body had completed its labors and was ready to adjourn *sine die*.

The President then acknowledged another delegation from the House of Delegates, consisting of

Delegates Summers, Gearhart and P. White, who announced that they had been appointed by that body to join with the similar committee named by the Senate to wait upon His Excellency and were ready to proceed with its assignment.

Senators Hall, Cline and Snyder, comprising the Senate committee, then joined with the House committee and proceeded to the executive offices to notify His Excellency, the Governor, of imminent legislative adjournment, and receive any message he might desire to transmit to the members of the Senate.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Ashley, unanimous consent being granted, it was ordered that the Journal show had Senator Ashley been present in the chamber on Saturday, March 12, 2016, he would have voted “yea” on the passage of Engrossed Committee Substitute for House Bill 4014, Engrossed Committee Substitute for House Bill 4633, Engrossed House Bill 4655 and Engrossed Committee Substitute for House Bill 4659.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the reconsideration, amendment and passage as amended, to take effect from passage, by a vote of a majority of all the members elected to the House of Delegates, as a result of the objections of the Governor, of

**Enr. Com. Sub. for Senate Bill 601**, Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities.

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 16th day of March, 2016, 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. 4080)**, Department of Veterans' Assistance, rule relating to VA headstones or markers.

**(H. B. 4351)**, Transferring the Cedar Lakes Camp and Conference Center from the West Virginia Board of Education to the Department of Agriculture.

**(Com. Sub. for H. B. 4487)**, Relating to state retirement systems.

And,

**(Com. Sub. for H. B. 4502)**, Allowing reciprocity agreements with contiguous states to establish regulations, licensing requirements and taxes for small businesses.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*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 18th day of March, 2016, 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. 597)**, Relating generally to Health Care Authority.

**(H. B. 4150)**, Making a supplementary appropriation to the Department of Health and Human Resources.

**(H. B. 4151)**, Making a supplementary appropriation to the Department of Education.

**(H. B. 4152)**, Making a supplementary appropriation to the Division of Environmental Protection — Protect Our Water Fund.

And,

**(H. B. 4155)**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health — West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
John B. McCuskey,  
*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 March, 2016, presented to His Excellency, the Governor, for his action, the following bill,

signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 427)**, Transferring funds from State Excess Lottery Fund to Department of Revenue.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
John B. McCuskey,  
*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 March, 2016, 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. 157)**, Authorizing Department of Revenue to promulgate legislative rules.

**(Com. Sub. for S. B. 159)**, Authorizing promulgation of legislative rules by miscellaneous boards and commissions.

**(Com. Sub. for S. B. 202)**, Authorizing Department of Commerce promulgate legislative rules.

**(Com. Sub. for S. B. 265)**, Allowing library volunteers necessary access to user records.

**(Com. Sub. for S. B. 376)**, Expanding authority of Secretary of State and State Police.

**(S. B. 476)**, Relating to driving restrictions in school zones.

**(S. B. 588)**, Repealing certain obsolete legislative rules by Department of Transportation.

And,

**(Com. Sub. for S. B. 591)**, Relating to voter registration list maintenance and combined voter registration and driver licensing fund.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
John B. McCuskey,  
*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 22nd day of March, 2016, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 6)**, Requiring drug screening and testing of applicants for TANF program.

**(Com. Sub. for S. B. 43)**, Clarifying means of posting to prohibit hunting or trespassing.

**(Com. Sub. for Com. Sub. for S. B. 47)**, Rewriting licensing requirements for practice of medicine and surgery and podiatry.

**(Com. Sub. for S. B. 104)**, Classifying Marshall University Forensic Science Center as a criminal justice agency.

**(Com. Sub. for S. B. 195)**, Authorizing DHHR to promulgate legislative rules.

**(S. B. 323)**, Correcting statute subsection designations regarding trespassing on property.

**(Com. Sub. for S. B. 326)**, Repeal and recodify law relating to contributing to delinquency of minor child.

**(S. B. 329)**, Eliminating sunset provision for commission to study residential placement of children.

**(Com. Sub. for S. B. 330)**, Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium.

**(Com. Sub. for S. B. 338)**, Compiling and maintaining Central State Mental Health Registry.

**(S. B. 416)**, Allowing terminally ill patients access to investigational products.

**(Com. Sub. for S. B. 429)**, Adopting two National Association of Insurance Commissioners' models to protect enrollees and general public and permit greater oversight.

**(S. B. 461)**, Updating WV Workforce Investment Act to the WV Workforce Innovation and Opportunity Act.

**(Com. Sub. for Com. Sub for S. B. 484)**, Relating to reemployment rights of military personnel.

**(S. B. 494)**, Creating Legislative Oversight Commission on Department of Transportation Accountability.

**(Com. Sub. for S. B. 520)**, Allowing PEIA ability to recover benefits or claims obtained through fraud.

**(Com. Sub. for S. B. 575)**, Requiring leases for state office space provide landlord or owner be responsible for cleaning or janitorial services.

**(Com. Sub. for S. B. 581)**, Eliminating sunset provision terminating pilot domestic violence court program.

And,

**(S. B. 627)**, Permitting physician to decline prescribing controlled substance.



Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*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 22nd day of March, 2016, 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. 2444)**, Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals.

**(Com. Sub. for H. B. 4265)**, Relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the bonds.

**(Com. Sub. for H. B. 4310)**, Relating to the West Virginia University Institute of Technology.

**(Com. Sub. for H. B. 4360)**, Increasing the criminal penalty for the unlawful practice of law.

**(H. B. 4411)**, Relating to penalty for illegally taking native brook trout.

**(Com. Sub. for H. B. 4519)**, Allowing certain municipalities to elect to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System.

**(Com. Sub. for H. B. 4612)**, Relating generally to tax increment financing and economic opportunity development districts.

**(H. B. 4726)**, Relating to coal mining generally.

And,

**(H. B. 4734)**, Relating to mine subsidence insurance.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
John B. McCuskey,  
*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 23rd day of March, 2016, 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. 54)**, Altering how tax is collected on homeowners' associations.

**(Com. Sub. for Com. Sub. for S. B. 259)**, Amending Unfair Trade Practices Act.

**(Com. Sub. for S. B. 270)**, Repealing code relating to insurance policies.

**(S. B. 352)**, Dedicating corporation net income tax proceeds to railways.

**(S. B. 384)**, Requiring Bureau for Medical Services seek federal waiver for 30-day waiting period for tubal ligation.

**(S. B. 459)**, Requiring county board of education to pay tuition to Mountaineer Challenge Academy.

**(Com. Sub. for H. B. 2110)**, Relating generally to the tax treatment of manufacturing entities.

**(H. B. 2494)**, Creating a provisional plea process in criminal cases.

**(H. B. 2605)**, Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor.

**(Com. Sub. for H. B. 2615)**, West Virginia Small Business Capital Act.

**(Com. Sub. for H. B. 2665)**, Relating to participation in Motor Vehicle Alcohol Test and Lock Program.

**(Com. Sub. for H. B. 2826)**, Requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; “Sarah Nott’s Law”.

**(Com. Sub. for H. B. 2852)**, Relating to legalizing and regulating the sale and use of fireworks.

**(Com. Sub. for H. B. 2897)**, Young Entrepreneur Reinvestment Act.

**(Com. Sub. for H. B. 2904)**, Requiring the clerk of a county commission to maintain a county ordinance book.

**(Com. Sub. for H. B. 4013)**, Requiring a person desiring to vote to present documentation identifying the voter.

**(Com. Sub. for H. B. 4014)**, Preventing the State Board of Education from implementing common core academic standards and assessments.

**(H. B. 4033)**, Adding criminal penalties for the unauthorized practice of pharmacists care.

**(Com. Sub. for H. B. 4168)**, Creating a special motor vehicle collector license plate.

**(Com. Sub. for H. B. 4201)**, Increasing the criminal penalties for participating in an animal fighting venture.

**(Com. Sub. for H. B. 4218)**, Expanding the definition of “underground facility” in the One-Call System Act.

**(Com. Sub. for H. B. 4237)**, Supporting and Strengthening Families Act.

**(Com. Sub. for H. B. 4295)**, Relating to the School Innovation Zones Act.

**(Com. Sub. for H. B. 4301)**, Relating to a framework for initiating comprehensive transformation of school leadership.

**(Com. Sub. for H. B. 4307)**, Clarifying that a firearm may be carried for self defense in state parks, state forests and state recreational areas.

**(Com. Sub. for H. B. 4314)**, Prohibiting the sale of powdered or crystalline alcohol.

**(H. B. 4315)**, Relating to air-ambulance fees for emergency treatment or air transportation.

**(H. B. 4316)**, Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification.

**(H. B. 4334)**, Clarifying the requirements for a license to practice as an advanced practice registered nurse and expanding prescriptive authority.

**(H. B. 4347)**, Providing pregnant women priority to substance abuse treatment.

**(Com. Sub. for H. B. 4365)**, Relating to the certificate of need process.

**(H. B. 4428)**, Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified.

**(Com. Sub. for H. B. 4435)**, Authorizing the Public Service Commission to approve expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects.

**(Com. Sub. for H. B. 4448)**, Clarifying that communication by a lender or debt collector which is allowed under the West Virginia Consumer Credit and Protection Act, likewise does not violate the provisions of the West Virginia Computer Crime and Abuse Act.

**(H. B. 4461)**, Relating to School Building Authority School Major Improvement Fund eligibility.

**(Com. Sub. for H. B. 4463)**, Permitting the practice of telemedicine.

**(Com. Sub. for H. B. 4507)**, Providing an employer may grant preference in hiring to a veteran or disabled veteran.

**(Com. Sub. for H. B. 4517)**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions.

**(Com. Sub. for H. B. 4586)**, Ensuring that the interest of protected persons, incarcerated persons and unknown owners are protected in condemnation actions filed by the Division of Highways.

**(H. B. 4594)**, Relating to predoctoral psychology internship qualifications.

**(H. B. 4618)**, Relating to limitations on use of a public official's name or likeness.

**(Com. Sub. for H. B. 4659)**, Authorizing local health departments to bill health insurance plans for services.

**(Com. Sub. for H. B. 4668)**, Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services.

**(Com. Sub. for H. B. 4673)**, Providing for a crime for the theft, damage or release of deer from private game farms.

**(H. B. 4725)**, Relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate and making certain clarifications.

(**H. B. 4728**), Relating to schedule three controlled substances.

(**H. B. 4739**), Unclaimed Life Insurance Benefits Act.

And,

(**H. B. 4740**), Permitting that current members of the National Guard or Reserves may be excused from jury duty.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*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 23rd day of March, 2016, 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. 468**), Allowing lender charge and receive interest on rescindable loan during rescission period.

(**Com. Sub. for S. B. 493**), Allowing creation of self-settled spendthrift trusts.

(**S. B. 505**), Exempting certain uses of field gas from motor fuel excise taxes.

(**S. B. 516**), Relating to registration for selective service.

(**Com. Sub. for S. B. 517**), Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner.

(**S. B. 563**), Increasing retirement benefit multiplier for WV Emergency Medical Services Retirement System members.

(**Com. Sub. for S. B. 595**), Relating to retirement credit for members of WV National Guard.

(**Com. Sub. for S. B. 599**), Relating generally to Uniform Unclaimed Property Act.

(**S. B. 613**), Defining total capital for purposes of calculating state-chartered bank's lending limit.

(**Com. Sub. for S. B. 614**), Conforming statute with court interpretation by replacing "unconscionable" with "fraudulent" when referring to conduct.

And,

(**Com. Sub. for S. B. 691**), Modifying certain air pollution standards.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
John B. McCuskey,  
*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 24th day of March, 2016, 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. 13**), Increasing penalties for overtaking and passing stopped school buses.

(**S. B. 107**), Uniform Interstate Depositions and Discovery Act.

(**Com. Sub. for S. B. 262**), Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings.

(**Com. Sub. for S. B. 267**), Modifying removal procedure for certain county, school district and municipal officers.

(**Com. Sub. for S. B. 272**), Allowing investigators from Attorney General's office to carry concealed weapons.

(**Com. Sub. for S. B. 278**), Clarifying physicians' mutual insurance company is not state or quasi-state actor.

(**Com. Sub. for S. B. 283**), Creating crime when fire is caused by operation of a clandestine drug laboratory.

(**S. B. 306**), Permitting sale of county or district property online.

(**S. B. 333**), Taking and registering of wildlife.

(**Com. Sub. for S. B. 619**), 2016 Regulatory Reform Act.

(**Com. Sub. for H. B. 4323**), Relating to the reporting of emergency incidents by well operators and pipeline operators.

(**Com. Sub. for H. B. 4537**), Relating to the regulation of chronic pain clinics.

(**Com. Sub. for H. B. 4554**), Allowing an increase of gross weight limitations on certain roads in Greenbrier County.

(**H. B. 4558**), Relating to victim notification and designation of additional individuals to receive notice of an offender's release.

(**Com. Sub. for H. B. 4561**), Creating a special hiring process for West Virginia Division of Highways employees.

(**H. B. 4705**), Relating to adding an additional type of West Virginia source income of nonresident individual.

And,

(**H. B. 4738**), Relating to the offense of driving in an impaired state.



Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
John B. McCuskey,  
*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 24th day of March, 2016, 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. 2205)**, Creating the crime of prohibited sexual contact by a psychotherapist.

**(Com. Sub. for H. B. 2366)**, Relating generally to the solicitation of minors.

**(Com. Sub. for H. B. 4009)**, Letting Our Counties Act Locally Act.

**(Com. Sub. for H. B. 4038)**, Relating to insurance requirements for the refilling of topical eye medication.

**(Com. Sub. for H. B. 4040)**, Regulating step therapy protocols in health benefit plans.

**(Com. Sub. for H. B. 4046)**, Relating to the promulgation of rules by the Department of Administration.

**(Com. Sub. for H. B. 4146)**, Providing insurance cover abuse-deterrent opioid analgesic drugs.

**(Com. Sub. for H. B. 4174)**, Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house.

**(Com. Sub. for H. B. 4176)**, Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program.

**(Com. Sub. for H. B. 4186)**, Relating to additional duties of the Public Service Commission.

**(Com. Sub. for H. B. 4261)**, Prohibiting the sale or transfer of student data to vendors and other profit making entities.

**(H. B. 4309)**, Increasing criminal penalties for conviction of certain offenses of financial exploitation of an elderly person.

**(Com. Sub. for H. B. 4317)**, Limiting factors in parenting plans.

**(H. B. 4364)**, Internet Privacy Protection Act.

**(H. B. 4378)**, Relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person.

**(Com. Sub. for H. B. 4388)**, Relating to stroke centers.

**(Com. Sub. for H. B. 4566)**, Relating to school personnel.

**(Com. Sub. for H. B. 4604)**, Relating to violations of the Ethics Act.

**(H. B. 4655)**, Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers to provide discounts on noncovered services or materials.

**(Com. Sub. for H. B. 4662)**, Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers.

**(H. B. 4724)**, Relating to adding a requirement for the likelihood of imminent lawless action to the prerequisites for the crime of intimidation and retaliation.

And,

**(H. B. 4730)**, Relating to computer science courses of instruction.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*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 28th day of March, 2016, 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. 293)**, Neighborhood Investment Program Act.

**(Com. Sub. for S. B. 298)**, Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays.

**(S. B. 311)**, Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable program.

**(Com. Sub. for S. B. 339)**, Establishing Judicial Compensation Commission.

**(S. B. 345)**, Relating to parking on state-owned or leased property.

**(Com. Sub. for S. B. 361)**, Prohibiting persons who have committed crimes against elderly from performing community service involving elderly.

**(Com. Sub. for S. B. 404)**, Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases.

(**S. B. 431**), Authorizing pharmacists and pharmacy interns dispense opioid antagonists.

(**S. B. 437**), Updating and clarifying code relating to rules governing mixed martial arts.

(**Com. Sub. for Com. Sub. for S. B. 454**), Licensing and regulating medication-assisted treatment programs for substance use disorders.

(**Com. Sub. for S. B. 465**), Allowing professional employer insure certain risks through pure insurance captive.

(**Com. Sub. for S. B. 504**), Relating to confidentiality of juvenile records.

(**Com. Sub. for S. B. 524**), Rewriting Board of Barbers and Cosmetologists article.

(**Com. Sub. for S. B. 545**), Relating to asbestos abatement on oil and gas pipelines.

(**Com. Sub. for S. B. 567**), Providing protection against property crimes committed against coal mines, railroads, utilities and other industrial facilities.

(**S. B. 578**), Protecting utility workers from crimes against person.

(**Second Enr. Com. Sub. for S. B. 601**), Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities.

(**Com. Sub. for S. B. 602**), Relating to Patient Injury Compensation Fund.

(**S. B. 618**), Allowing Economic Development Authority to make loans to certain whitewater outfitters.

(**Com. Sub. for S. B. 621**), Exempting taxicab companies with independent contract drivers from providing workers' compensation coverage.

(**Com. Sub. for S. B. 625**), Revising exceptions from FOIA provided for in Aboveground Storage Tank Act.

(**Com. Sub. for S. B. 634**), Creating William R. Laird IV Second Chance Driver's License Act.

(**Com. Sub. for S. B. 686**), Authorizing local governing authorities hold sanctioned motor vehicle races on roads, streets or airports under their jurisdiction.

(**S. B. 702**), Allowing title of real estate to pass to individuals entitled to sale proceeds if executor fails to do so within 5 years of closing estate.

And,

(**Com. Sub. for H. B. 4060**), Relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*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 March 15, 2016, he had approved **Enr. Senate Bill 94, Enr. Senate Bill 271, Enr. Committee Substitute for Senate Bill 274, Enr. Committee Substitute for Committee Substitute for Senate Bill 303, Enr. Senate Bill 346, Enr. Senate Bill 349, Enr. Committee Substitute for Senate Bill 400, Enr. Senate Bill 415, Enr. Senate Bill 426, Enr. Senate Bill 483, Enr. Senate Bill 509, Enr. Senate Bill 515, Enr. Committee Substitute for House Bill 4228, Enr. House Bill 4617** and **Enr.**

**House Bill 4644**; on March 16, 2016, he had approved **Enr. Committee Substitute for Senate Bill 39, Enr. Senate Bill 469, Enr. Committee Substitute for Senate Bill 474, Enr. Senate Bill 507, Enr. Committee Substitute for Senate Bill 592, Enr. Senate Bill 648, Enr. Senate Bill 656, Enr. Committee Substitute for House Bill 2122, Enr. Committee Substitute for House Bill 2801, Enr. Committee Substitute for House Bill 2823, Enr. House Bill 4160, Enr. Committee Substitute for House Bill 4209, Enr. Committee Substitute for House Bill 4225, Enr. Committee Substitute for House Bill 4322, Enr. Committee Substitute for House Bill 4330, Enr. House Bill 4345, Enr. Committee Substitute for House Bill 4377 and Enr. House Bill 4417**; on March 18, 2016, he had approved **Enr. Committee Substitute for Senate Bill 500, Enr. Senate Bill 597 and Enr. Senate Bill 678**; on March 21, 2016, he had approved **Enr. Committee Substitute for Senate Bill 265, Enr. Senate Bill 334, Enr. Senate Bill 427, Enr. Senate Bill 439, Enr. Senate Bill 476, Enr. Committee Substitute for Senate Bill 591, Enr. Committee Substitute for House Bill 2588, Enr. House Bill 4150, Enr. House Bill 4151, Enr. House Bill 4152, Enr. House Bill 4155, Enr. House Bill 4346, Enr. Committee Substitute for House Bill 4487 and Enr. Committee Substitute for House Bill 4587**; on March 23, 2016, he had approved **Enr. Committee Substitute for Senate Bill 6, Enr. Senate Bill 29, Enr. Committee Substitute for Senate Bill 43, Enr. Committee Substitute for Committee Substitute for Senate Bill 47, Enr. Senate Bill 54, Enr. Committee Substitute for Senate Bill 104, Enr. Committee Substitute for Committee Substitute for Senate Bill 259, Enr. Committee Substitute for Senate Bill 270, Enr. Senate Bill 323, Enr. Committee Substitute for Senate Bill 326, Enr. Senate Bill 329, Enr. Committee Substitute for Senate Bill 330, Enr. Committee Substitute for Senate Bill 338, Enr. Senate Bill 352, Enr. Committee Substitute for Senate Bill 376, Enr. Senate Bill 384, Enr. Senate Bill 416, Enr. Committee Substitute for Senate Bill 429, Enr. Senate Bill 459, Enr. Committee Substitute for Senate Bill 468, Enr. Committee Substitute for Committee Substitute for Senate Bill 484, Enr. Committee Substitute for Senate Bill 493, Enr. Senate Bill 505, Enr. Senate Bill 516, Enr. Committee Substitute for Senate Bill 517, Enr. Committee Substitute for Senate Bill 520, Enr. Committee Substitute for Senate Bill 575, Enr. Committee Substitute for Senate Bill 581,**

**Enr. Senate Bill 613, Enr. Senate Bill 627, Enr. Committee Substitute for Senate Bill 691, Enr. Committee Substitute for House Bill 4360 and Enr. Committee Substitute for House Bill 4520; on March 24, 2016, he had approved Enr. Committee Substitute for Senate Bill 13, Enr. Senate Bill 107, Enr. Committee Substitute for Senate Bill 262, Enr. Committee Substitute for Senate Bill 267, Enr. Committee Substitute for Senate Bill 278, Enr. Senate Bill 306, Enr. Senate Bill 333, Enr. Senate Bill 461, Enr. Committee Substitute for House Bill 2444, Enr. House Bill 2494, Enr. House Bill 2605, Enr. Committee Substitute for House Bill 2615, Enr. Committee Substitute for House Bill 2897, Enr. Committee Substitute for House Bill 2904, Enr. House Bill 4033, Enr. Committee Substitute for House Bill 4218, Enr. Committee Substitute for House Bill 4265, Enr. Committee Substitute for House Bill 4314, Enr. House Bill 4347, Enr. House Bill 4351, Enr. House Bill 4411, Enr. Committee Substitute for House Bill 4435, Enr. Committee Substitute for House Bill 4448, Enr. House Bill 4461, Enr. Committee Substitute for House Bill 4463, Enr. Committee Substitute for House Bill 4507, Enr. Committee Substitute for House Bill 4517, Enr. Committee Substitute for House Bill 4612, Enr. Committee Substitute for House Bill 4659, Enr. Committee Substitute for House Bill 4673, Enr. House Bill 4725 and Enr. House Bill 4740; on March 25, 2016, he had approved Enr. Committee Substitute for Senate Bill 283, Enr. Committee Substitute for House Bill 2205, Enr. Committee Substitute for House Bill 2366, Enr. Committee Substitute for House Bill 4038, Enr. Committee Substitute for House Bill 4186, Enr. Committee Substitute for House Bill 4261, Enr. Committee Substitute for House Bill 4295, Enr. Committee Substitute for House Bill 4301, Enr. Committee Substitute for House Bill 4309, Enr. Committee Substitute for House Bill 4310, Enr. House Bill 4315, Enr. House Bill 4316, Enr. House Bill 4340, Enr. Committee Substitute for House Bill 4365, Enr. Committee Substitute for House Bill 4502, Enr. Committee Substitute for House Bill 4537, Enr. House Bill 4558, Enr. House Bill 4594, Enr. Committee Substitute for House Bill 4604, Enr. House Bill 4651, Enr. Committee Substitute for House Bill 4662, Enr. House Bill 4705, Enr. House Bill 4730, Enr. House Bill 4734 and Enr. House Bill 4738; on March 29, 2016, he had approved Enr. Committee Substitute**

for Senate Bill 293, Enr. Committee Substitute for Senate Bill 298, Enr. Senate Bill 311, Enr. Senate Bill 345, Enr. Committee Substitute for Senate Bill 404, Enr. Senate Bill 431, Enr. Committee Substitute for Committee Substitute for Senate Bill 454, Enr. Committee Substitute for Senate Bill 465, Enr. Committee Substitute for Senate Bill 545, Enr. Committee Substitute for Senate Bill 602, Enr. Committee Substitute for Senate Bill 614, Enr. Senate Bill 618, Enr. Committee Substitute for Senate Bill 621, Enr. Committee Substitute for Senate Bill 634, Enr. Senate Bill 702, Enr. Committee Substitute for House Bill 2826, Enr. Committee Substitute for House Bill 4040, Enr. Committee Substitute for House Bill 4046, Enr. Committee Substitute for House Bill 4060, Enr. Committee Substitute for House Bill 4146, Enr. Committee Substitute for House Bill 4176, Enr. Committee Substitute for House Bill 4317, Enr. House Bill 4334, Enr. Committee Substitute for House Bill 4388, Enr. Committee Substitute for House Bill 4554, Enr. Committee Substitute for House Bill 4586, Enr. House Bill 4618, Enr. House Bill 4724 and Enr. House Bill 4728; on March 30, 2016, he had approved Enr. Committee Substitute for Senate Bill 195, Enr. Committee Substitute for Senate Bill 202, Enr. Committee Substitute for Senate Bill 339, Enr. Committee Substitute for Senate Bill 361, Enr. Senate Bill 494, Enr. Committee Substitute for Senate Bill 567, Enr. Senate Bill 578, Enr. Committee Substitute for Senate Bill 625, Enr. Committee Substitute for Senate Bill 686, Enr. Committee Substitute for House Bill 2665, Enr. Committee Substitute for House Bill 4174, Enr. Committee Substitute for House Bill 4201 and Enr. Committee Substitute for House Bill 4323; and on April 1, 2016, he had approved Enr. Committee Substitute for Senate Bill 68, Enr. Committee Substitute for Senate Bill 504, Enr. Committee Substitute for Senate Bill 524, Enr. Senate Bill 563, Enr. Senate Bill 588, Enr. Committee Substitute for Senate Bill 595, Second Enrollment Enr. Committee Substitute for Senate Bill 601, Enr. Committee Substitute for Senate Bill 619, Enr. Committee Substitute for House Bill 2852, Enr. Committee Substitute for House Bill 4009, Enr. Committee Substitute for House Bill 4013, Enr. Committee Substitute for House Bill 4237, Enr. House Bill 4364, Enr. House Bill 4428, Enr. Committee Substitute for House Bill 4519, Enr. Committee Substitute for House Bill



**4566, Enr. House Bill 4655, Enr. House Bill 4726 and Enr. House Bill 4739.**

[CLERK'S NOTE: Enrolled Senate Bill 427, Enrolled House Bill 4150, Enrolled House Bill 4151, Enrolled House Bill 4152 and Enrolled House Bill 4155 became law without the Governor's signature on March 20, 2016, under the provisions of Subsection 11, Section 51, Article VI of the Constitution of West Virginia.]

[CLERK'S NOTE: Enrolled Committee Substitute for House Bill 4040 was incorrectly enrolled.]

The Governor not having received and signed a true and correct copy of this bill as passed by both houses, Enrolled Committee Substitute for House Bill 4040 did not become law.]

**Veto Messages**

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 15, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 254

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 254. This bill would bar county parks and recreation commissions from promulgating or enforcing rules and regulations prohibiting the possession of

firearms. I believe counties are in a better position than the Legislature to evaluate local issues and determine whether firearm prohibitions in county parks and recreation areas are appropriate. Accordingly, I veto this bill in deference to county judgment on matters of public safety.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 21, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4433

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for House Bill 4433 for a technical reason.

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). The bill's title provides that it is "*extending* the effective period of the allowed adjustment." (Emphasis added). The adjustment to gross income provided for in the bill previously terminated for taxable years on and after January 1, 2015. This bill *reinstates* the allowable exemption "for tax years beginning on January 1, 2016." *See* page 2, line 17. Additionally, the bill provides for the termination of the allowable exemption for "taxable years on and after January 1, 2021." *See* page 2, line 18.

The title fails to provide notice that the allowable exemption is being reinstated and that it also has a subsequent termination. Because of this technical defect, I disapprove and return this bill.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 102

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 102. This bill provides county prosecutors with, among other things, limited arrest powers and the right to carry a concealed firearm for self-defense purposes. The proper role of prosecutors, however, is to represent the state in criminal proceedings; their job should not entail arresting suspects in county courthouses and being conflicted out of prosecuting them.

Further, the concealed carry right that would be afforded by this bill is duplicative of the Enrolled Committee Substitute for House Bill 4145. House Bill 4145 generally authorizes the concealed carry of a deadly weapon with or without a license. Because the Legislature overrode my veto of House Bill 4145, it will become law in May, 2016. Consequently, this May the general public (including prosecutors) will have the right to carry a concealed deadly weapon with or without a license, although that right may be qualified in a courthouse. In these circumstances, the Enrolled Committee Substitute for Senate Bill 102 is unnecessary and hereby vetoed.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 157

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for Senate Bill 157. This bill authorizes, repeals and directs promulgation of several legislative and procedural rules by the Department of Revenue. Among these is a legislative rule relating to the "Valuation of Timberland and Managed Timberland." The authorization for this rule includes significant amendment to the rule, which is problematic for two reasons. First, these amendments occurred in the last days of the legislative session, not permitting those affected by such changes to fully appreciate or address the impacts of such changes. Second, these amendments will have a disproportionate and significant negative impact on the counties located in southern West Virginia. These amendments deserve further review before we make such sweeping changes in the law. For these reasons, I disapprove this bill.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 159

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for Senate Bill 159. This bill authorizes, repeals and directs promulgation of several legislative, procedural and interpretive rules. Among these is a reauthorization for a rule previously promulgated by the Enterprise Resource Board, which requires an amendment that would cap the amount of user fees that may be assessed in a fiscal year at \$8,312,200 and would terminate the user fee on January 1, 2018. These limitations placed on the user fee are fiscally irresponsible and will prevent the Enterprise Resource Board from carrying out its statutory obligations. For this reason, I disapprove this bill.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 272

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove the Enrolled Committee Substitute for Senate Bill 272. This bill authorizes the Attorney General to allow designated investigators in his employ to carry a firearm in the course of performing their official duties. Likewise, it authorizes the Commissioner of the Alcohol Beverage Control Administration (“ABCA”) to designate certain employees of its Enforcement Division to carry a firearm. Per statutory authorization, ABCA’s Enforcement Division utilizes State Police assistance, where necessary, in issuing citations; its employees do not require firearms in carrying-out their official duties. ABCA has advised me it opposes this bill. In the interests of public safety, it is hereby vetoed.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Senate Bill 437

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Senate Bill 437 for technical reasons.

The bill's title and enacting clause are deficient. The title and enacting clause each state that the bill is amending and reenacting W. Va. Code § 29-5A-1, § 29-5A-15, and § 29-5A-24, but do not provide that it is also amending and reenacting § 29-5A-3, § 29-5A-3b, § 29-5A-5, and § 29-5A-20. For these reasons, I disapprove this bill.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 599

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for Senate Bill 599.

By law, the State Treasurer is the administrator of the Uniform Unclaimed Property Act. *See* West Virginia Code § 36-8-1(1). This bill seeks to divest the State Treasurer of certain administrative duties and assign those duties to the Insurance Commissioner. As the law is clear that the State Treasurer shall act as the administrator, it is unwise to subdivide duties under the Uniform Unclaimed Property Act and assign those duties to other state actors.

In view of the foregoing, I must disapprove Enrolled Committee Substitute for Senate Bill 599.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Senate Bill 658

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Senate Bill 658. This bill would allow licensed professionals, such as doctors, nurses, pharmacists and dentists, to donate time to the care of indigent and needy patients in a clinical setting. The bill also requires licensing boards to accept donated time to meet continuing education requirements for these professions.

Donating time to the care of the indigent and needy is critical to the framework of our society. That is why professionals are already authorized, encouraged, and in some instances mandated to donate their time and skills in this manner. Therefore, the “authorization” to donate contained in this bill is unnecessary.

That said, my concern with this bill is its requirement that donated time to be used to complete continuing education requirements. Each licensing board has specific continuing

education requirements tailored to their profession. These requirements ensure that the state's licensed healthcare professionals are informed about changes in their profession and are educated to provide the best care to their patients. Further, some licensing boards already offer professionals continuing education credit for donated time. Therefore, the continuing education provision in this bill providing one-to-one credit, up to ten hours, would decrease the critical training received by our healthcare professionals through their continuing education courses.

In view of the foregoing, I must disapprove Enrolled Senate Bill 658.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2110

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill 2110. This bill relates to providing special property tax treatment and tax credits to small arms and ammunition manufacturers. In doing so, it decreases the investment threshold for receiving special property tax treatment from \$50 million to \$1 million, and increases the percentage of tax credit available from 5% to 50% of the qualified manufacturing investment. Lowering the investment threshold and increasing the tax credit to such levels is fiscally imprudent to provide to a single industry. Our state has several small manufacturers that have made greater investments and have not received such favorable treatment. For this reason, I disapprove this bill.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled House Bill 2796

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove House Bill 2796. This bill provides that any state employee who is designated an essential member of an emergency aid provider may be granted leave from his or her state employment with pay, for not more than fifteen work days in each year, to provide disaster relief or emergency services in areas of the state in which a state of emergency has been declared. The aim of this bill is laudable. However, I am concerned about agencies using the Civil Contingent Fund to pay for up to \$300,000 a year in paid leave without the governor's prior approval. Because this bill sidesteps executive oversight of governor's office funds and could lead to abuse, it is hereby vetoed.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4014

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove the Enrolled Committee Substitute for House Bill 4014. This bill makes numerous revisions to the section of the West Virginia Code governing public education assessment programs and accountability measures. In particular, the bill requires the State Board of Education to discontinue the use of the state's current summative assessment test in a very limited timeframe. This provision is problematic for two key reasons:

1) It discounts the time and consideration that will be needed to evaluate and establish a new statewide summative assessment test.

2) The uncertainty that will be caused by the assessment mandates has me concerned about the potential disruption of our state's ongoing implementation of the new A-F school accountability system.

As governor, I have championed and the Legislature has endorsed education reform measures that will improve student achievement. We need to give these changes and measures added time to take hold, and see what works and what does not. While revisions may be warranted as we move along, we need to be cautious not to undermine stability for our teachers or the children they are trying to educate. Because this bill occasions yet more uncertainty and instability in our system of public education, it is hereby vetoed.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4080

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for House Bill 4080. This bill authorizing the Department of Veterans' Assistance ("DVA") to promulgate legislative rules is defective from a technical standpoint. First, it purports (perhaps inadvertently) to amend and reenact W. Va. Code § 64-11-1, which would cancel out the Legislature's technical corrections to certain legislative rules filed by the former Division of Environmental Protection, Office of Oil and Gas. In other words, this bill appears to amend the wrong section of the West Virginia Code. Second, the bill's internal citation to W. Va. Code § 9A-2-10 for the DVA's authority to promulgate legislative rules is incorrect because § 9A-2-10 does not exist. In these circumstances, I must veto this bill on the foregoing technical grounds.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates

The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4168

Dear Secretary of State Tennant:

Pursuant to section fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill 4168. This bill creates a special motor vehicle collectors license plate which among other things, allows the individual holding the plate to “transfer a . . . plate among multiple collector motor vehicles” and to “maintain or renew the . . . plate” even if the individual no longer owns a collector motor vehicle. *See* §§ 17A-6F-3(c) and 17A-6F-2(b).

Both law enforcement officials and the Division of Motor vehicles have expressed concern over the transferability of the plate between potentially unregistered vehicles. They have expressed that this bill may result in confusion in the enforcement of traffic regulations as well as potentially opening the door to subterfuge by certain persons. In view of the foregoing and in deference to our law enforcement officials, I hereby disapprove Enrolled House Bill 4168.



Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4171

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove the Enrolled Committee Substitute for House Bill 4171. This bill makes several revisions to the statute governing the public school calendar. Two revisions are particularly problematic. Specifically, this bill deletes the requirement that the calendar shall provide 180 “separate” days of instruction. It also sets an inflexible instructional term that “shall begin no earlier than August 10 and end no later than June 10,” unless the school operates on a balanced calendar.

To be college or career ready, West Virginia’s students need to be in the classroom receiving instruction and learning for at least 180 separate days a year—even if this means making up lost time

due to weather or emergencies. With proper planning, a county school system should be able to achieve 180 separate days of instruction without encroaching on summer vacation to a great degree. Because this bill retreats from the comprehensive education reforms I championed in 2013, including the flexible school calendar concept, it is hereby vetoed.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled House Bill 4246

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 4246. This bill provides for a special act that, among other things, changes the essential character of a public library corporation established by the City of Martinsburg in Berkeley County, West Virginia. Martinsburg's mayor has advised

me the city opposes this bill's intrusion on city affairs. To the extent that a change in the public library corporation is desired, it should be negotiated between the interested local parties (*i.e.*, the city, the county commission, and the county board of education) rather than dictated by the Legislature. I veto this bill because it infringes on local decision-making and may very well violate W. Va. Const. Art. VI, § 39 (prohibiting local and special laws that regulate or change county or district affairs).

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4307

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for House Bill 4307 because its title

is defective. *See State ex rel. Davis v. Oakley*, 191 S.E.2d 610 (W. Va. 1972) (requiring bill title to provide notice of bill's contents). Specifically, the bill's title fails to provide notice of how it impacts wildlife management areas and rail trails. In light of this technical defect, the bill is hereby vetoed.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled House Bill 4378

Dear Secretary of State Tennant:

Pursuant to section fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove Enrolled House Bill 4378. This bill creates a new legal process by which a court may order that a guardian of a vulnerable person allows access and provide information about that person to certain relatives.

This bill has several flaws. First, it broadly allows relatives of a protected person to access certain patient information. The sole factor to be used by the court in granting access to certain confidential information of a protected person is whether the protected person “is desirous of contact” with the relative. A protected person’s desire to visit with a relative does not necessarily equal the intent to provide access to other confidential data. This is especially true when the definition of “relative” extends beyond the customary familial relationships to include “any person who has a family-type relationship with a protected person.”

Second, in situations where a protected person is under guardianship of the Department of Health and Human Resources as a patient, the bill’s provisions on releasing information have the potential to conflict with current code relating to confidential disclosures. (*See* W. Va. Code § 27-3-1, Definition of confidential information; disclosures.) Specifically, the access to information provided under W. Va. Code § 44A-3-18 will not always be consistent to the exceptions for disclosure of confidential information. *Id.*

In view of the foregoing, I hereby disapprove Enrolled House Bill 4378.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4505

Dear Secretary of State Tennant:

Pursuant to section fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill 4505. This bill amends the State Lottery Act and the Freedom of Information Act to allow Powerball, Mega Millions, and Hot Lotto winners to claim prizes anonymously. However, this bill contains a fatal technical error that requires its veto.

This bill would amend section § 29B-1-4 of the West Virginia Freedom of Information Act. This same section of code was also amended in Enrolled Committee Substitute for House Bill 2800. Therefore, this bill conflicts with amendments I signed into law as part of Enrolled Committee Substitute for House Bill 2800.

In view of the foregoing, I hereby disapprove Enrolled Committee Substitute for House Bill 4505.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4561

Dear Secretary of State Tennant:

Pursuant to section fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 4561. This bill requires the Commissioner of the Division of Highways and the Director of the Division of Personnel to collaborate on developing a special hiring procedure for personnel positions in the Division of Highways.

Expediting the hiring process of Division of Highways employees is a laudable goal, a goal that both the Division of Highways and the Division of Personnel have been collaboratively working toward for over a year. However, the changes made in this bill would have the effect of creating a policy that would undermine the integrity and statutory requirements of the civil service merit system in its entirety. Additionally, the proposed new policy would be in direct conflict with existing West Virginia Code and rules related to civil service and the duties and requirements of the Division of Personnel.

In view of the foregoing, I hereby disapprove and return Enrolled Committee Substitute for House Bill 4561. However, I have instructed the Division of Personnel and the Division of Highways to continue working cooperatively to resolve any existing inefficiencies in internal processes while ensuring that the Division of Highways' employees retain merit based status.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2016

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4668

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill 4668. This bill increases the allowable threshold of coal severance tax revenue distributed to county and local governments that may be budgeted for personal services from one-fourth to one-half. When the Legislature originally contemplated distributions of coal severance tax revenue to county and local governments, it was intended that such funds would be used to build infrastructure and public facilities to benefit the local citizens. It was not intended that such funds be used to increase the staff and payrolls of the beneficiary governments.



For a variety of reasons, we now face a time when coal severance tax revenues are becoming more volatile and less certain. When coal severance tax revenues are the basis for an employee's paycheck, it may allow a local government to hire more personnel during more prosperous times; but when we face tough times in the coal industry, as we do right now, more layoffs are likely to occur. Increasing the percentages of such funds that may be used for personal services will only exacerbate this volatility. For this reason, I disapprove this bill.

Sincerely,

Earl Ray Tomblin  
Governor

cc: The Hon. Tim Armstead  
Speaker of the House of Delegates  
The Hon. William P. Cole III  
President of the Senate

All business of the sixty-day and extended session now being concluded,

Senator Hall, 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 Hall then reported this mission accomplished.

Thereupon,

On motion of Senator Carmichael, the Senate adjourned *sine die*.

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## Appendix – Remarks

### Recognizing achievements and contributions of Monongalia County

(Adoption of Senate Resolution 3)

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#### REMARKS OF HONORABLE ROMAN W. PREZIOSO, JR.

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Wednesday, January 13, 2016

SENATOR PREZIOSO: Thank you, Mr. President. Ladies and gentlemen of the Senate, we're very proud today to have the folks from Monongalia County come down to visit our capitol. I know it's been very treacherous weather up in Morgantown and it didn't dampen their spirits and we're glad to have them here today.

As you well know, Monongalia County is one of the brighter spots in the state now as far as economic development and we have a fine list of people who work hard daily to make them probably number one in the state.

It's no secret that we have West Virginia University in our backyard. And it's the state's land-grant university and it's also recognized as one of the top research universities by the Carnegie Foundation.

Monongalia County has a lot to offer. It has beautiful scenery with Coopers Rock and bike trail on the Caperton Trail. And it offers a lot of cultural events at our Cultural Center in there in Morgantown. It's a scenic place to visit. It's the home of the West Virginia Black Bears who are national championship minor league baseball team. And I know most of you watched last night as our Mountaineers brought home

a victory over number one Kansas State. So we're looking for great things for our basketball team and we have a great venue for sports and we're proud of our teams.

Monongalia County is a competitive, innovative business community. It has a diverse economy that embraces health care, education, technology, economic development and small business entrepreneurship. A nationally acclaimed economic model, it's a place that has big city amenities in a small town friendliness.

I'd like to share with you, if I may, some of the awards that Monongalia County has got over the years: It's been the "Best Performing Small Metros" by the Milken Institute; "Best Small Metros for Business and Careers" by *Forbes Magazine*; "Best Quality of Life and Knowledge" by *Expansion*; "Boom Towns" by *Inc.*, Incorporated; "10 Great Places to Live" by Kiplingers; "Top 100 Leading Business Locations"; "Best College Destination" by Best College Review; "Top College Destinations" by the American Institute for Economic Research; "Best Places to Retire for Under \$100 Bucks a Day", we'd love to have you, by the AARP; "Most Secure Small Cities" by Farmers Insurance; and "Adventure Town" by the *National Geographic Magazine*; "Best Small Town to Live", *Men's Journal*; one of the "Best Sports Cities" by *Sports Magazine*.

Monongalia County has a lot to offer. We want to be part of the solution and these people that we have in the back of our gallery are the solution to a lot of our state's problems. I'd like to stand, for you to stand with me and the Senator from Monongalia, the Senator from Monongalia from the second, the Senator from Marshall, the Senator from Preston and the Senator from

Taylor and welcome these fine folks from Monongalia County.

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**Honoring Mineral County's 150th anniversary**

*(Adoption of Senate Resolution 4)*

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**REMARKS OF  
HONORABLE  
BOB WILLIAMS**

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*Wednesday, January 13, 2016*

SENATOR WILLIAMS: Thank you, Mr. President.

Today we celebrate the 150th, 150th year of Keyser being founded in Mineral County. I have the distinction of being the only member of this body who grew up in Keyser. My parents lived in Keyser when I was born and I grew up in the friendliest city in the United States. There are many great cities in West Virginia in which to grow up and I can assure that Keyser is one of those.

As I said, Keyser was formed 150 years ago—I wasn't there for all of them. It was an important city during the Civil War, changing hands many, many times. One of the reasons that it was such an important city was because of the location of the, the railroad at the time. The railroad came to Keyser in 1852. It's been there a long time. At that time, Keyser was known as Paddytown.

Keyser and Mineral County have many important businesses including the railroad still today. Vesco Paper Mill, which is formally the West Virginia Pulp and Paper Company, formally Westvaco, formally MeadWestvaco. So you can see it's been here for a long time—changed hands,

but it's still very successful. Allegheny Ballistics Laboratory, now which is known as ATK. Automated Packaging, and many others.

Keyser in Mineral County is the home of Nancy Hanks, the mother of Abraham Lincoln. It's the home of Jack Rollins, the composer of Frosty the Snowman and Smokey the Bear. It's the home of Ed Kelley, a Medal of Honor winner. It's the home of Harley O. Staggers, one of the greatest legislators we've had in this country, in this country's history.

Keyser's a blue collar town. It has Potomac State College—and it's a wonderful institution. Keyser has many great people and is a great, truly great, truly great community. My roots are deeply established in the soil of Keyser. I no longer live there but Keyser will always be my hometown.

I urge the adoption of the resolution.

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**REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER**

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*Thursday, January 14, 2016*

SENATOR KESSLER: Thank you, Mr. President.

We neglected yesterday to, to formally speak during remarks after we adjourned last night but I just wanted to, on behalf of the Democratic caucus, I just want to welcome our new colleague from Roane County to the Senate and look forward to working with him in a, in a productive manner.

So, Senator, welcome to the Senate.

And, Mr. President, I am told, as we were chatting yesterday, that the Senator

from Roane mentioned to me that during one session over in the House that he was elected as Democrat of the Year. And I'm hopeful that he can keep that proud tradition going this year.

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REMARKS OF  
HONORABLE  
RONALD F. MILLER

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*Monday, January 18, 2016*

SENATOR MILLER: Thank you, Mr. President. All of our members know, today, that it is a federal holiday. It's in honor of Martin Luther King. There is a celebration out in front of the Capitol or behind the Capitol, whatever that section's called, I think they're going to be out there in the Rotunda because of the cold so I encourage you to be there.

In my fair city, my hometown of Lewisburg, the largest MLK celebration in the state is held there every year and, in fact, I hate to miss it because I'm down here always during that celebration. But we walk from the courthouse to the Methodist church. It doesn't matter how cold it is, we make that walk. And there have been a few times that I've been uncertain that my fingers or toes and other extremities would make it. But it's, it's a great celebration. The Mayor's here today from Lewisburg—he was here—I, I was surprised he was here and not there.

Martin Luther King, who won the Nobel Peace Prize in 1964, was known for his statement that we need a day on, not a day off, a day of community service, a day where we, we talk about fairness and respect, the fight for social and economic justice.

And I will tell you that in lieu of what's going to be taking place here on Thursday in a vote, if things go as planned, Martin

Luther King who was not a really a Democrat or a Republican—some say that he was Republican, some say he was a Democrat—he never professed what he was, it didn't matter to him. He was always equal fairness, justice, respect. And in his fight for social and economic justice he is quoted by saying “In our glorious [f]ight for civil rights, we must guard against being fooled by false slogans, such as right to work. It is a law to rob us of our civil rights and job rights. Its purpose is to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone . . . . Wherever these laws have been passed, wages are lower, job opportunities are fewer and there are not civil rights.” I say that today, on Martin Luther King Day, to make a statement that is very dear to me, I said that Friday, and very important to me. This is one of my core values.

We must protect the workers of the great State of West Virginia. I stand here today knowing that we are starting the week off, we'll be working on this issue. This is not an issue now of compromise or, or, or this is an issue where we have to stand firm for people who work in this state. And I believe that we, on Martin Luther King's birthday week, should be standing firm for what is right. I encourage you this week to think about this issue, to read what King said but read what others are saying to you. I know what you feel is important, some of you I've talked to about that. But let's look what's important for the people of West Virginia.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER

---

*Tuesday, January 19, 2016*

SENATOR KESSLER: Thank you, Mr. President.

You know, today is an important and historic day for many of us here in this chamber. As you know, the Supreme Court is going to be hearing arguments at one o'clock. And I'm reminded, however—I was woke up this morning and yesterday—that what we're all here to do, and what we're driven to do, and who we represent here. And while I'm not sure how the court will rule today, I'm sure it's an important decision to your side, to our side, for the entire people of the State of West Virginia.

The truth of the matter is and there is an indisputable, uncontroverted, and truth of where we are here today. But the people, the people of this state have elected 17 Democrats and 17 Republicans. Mr. President, when our former colleague from, the senator from Wyoming switched parties there was probably nobody in this chamber more adversely affected by that decision than me! The day I walked out here, Mr. President, I grabbed that gavel, I called you, Mr. President.

Today, I don't know how the court's going to rule, we don't know how the court's going to rule. But I would hope that at the end of the day that whoever is seated and appointed by the Governor as provided in our constitution to that seat and guided by the highest court in the State of West Virginia—concerning interpretations of statute and the constitution of this state—that we will give that person, be it a D or be it a R, the same deference, the same courtesy, and the same respect that we gave the Senator from Roane when he walked on this floor just last Wednesday.

So with that, Mr. President, because the work that we have in front of us is greater than that between the division between the parties and the party line, the work we have for the people of this state, the people who have elected all of us, who have divided us

evenly is the most important work that we can do, Mr. President.

Thank you.

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### Establishing WV Workplace Freedom Act

*(Passage of Eng. Senate Bill 1)*

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#### REMARKS OF HONORABLE CHARLES S. TRUMP IV

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*Thursday, January 21, 2016*

SENATOR TRUMP: Thank you, Mr. President.

Mr. President and members of the Senate, the bill before you, Engrossed Senate Bill 1, at its nuts and bolts level, amends two existing sections of the West Virginia Code which are located in article one-a of chapter twenty-one. Those are sections three and four. And it enacts a new article in the code which would be located and designated as section five, article five-g in chapter twenty-one containing eight new sections of law and entitled as the West Virginia Workplace Freedom Act.

Before discussing precisely what the bill does, I want to mention a few things that it does not do. This bill does not in any way prohibit collective bargaining. The bill does not, does not prevent any person from joining a union if he or she chooses to do so. It preserves and expressly preserves that freedom. The bill does not, and would not affect any existing collective bargaining agreement.

What this bill does do, it simply enshrine into law, into the law of our state, a fundamental principle of freedom. The freedom that a person may not be



compelled to join a union or to pay dues to a union as a condition of having a job. After the effective date of this bill, if it's passed into law, it will be unlawful in West Virginia for a collective bargaining agreement to require that, as a condition of a person's employment, he or she become a member of, or pay dues to, a labor union.

Every county economic development coordinator in West Virginia that I've ever spoken to has told me that this is a measure we need in West Virginia. They believe that there are companies that don't choose to look at West Virginia because West Virginia is not a right to work state. Because there is no freedom of the type described and prescribed by the bill in the workplace in West Virginia. We have studied and debated this measure carefully. We have a study from WVU, our flagship university in this state, which concludes that the passage of this bill will reduce unemployment in this state. Concludes that the passage of this bill, Mr. President, will increase the gross domestic product of this state.

This state that we love and hold dear is, and has been for some time, last, fiftieth in the entire country in its rate of labor force participation. Why is that? Is that because people here won't work? No. It's because there aren't jobs here. We have the best, hardest working people in this state that can be found anywhere in the world and it is a tragedy, it is a tragedy that they don't have employment opportunities in this state. Passage of this bill will lower the rate of unemployment and increase employment opportunities. Why aren't there jobs here? It's not because the people of this state won't work. That's not true. The reason is that for too long this state has had an inhospitable business climate.

This bill is one of many measures that this body will consider that are designed to change that, to raise our labor force participation. West Virginia, this state that we love, all of us, and hold dear, for which

we have taken an oath to serve, is the only state in the United States of America that has fewer people living in it today than lived there 50 years ago. Every other state in this country has enjoyed population growth. Some more than others. But not here. Why not? Have people left our state because they don't love it as we do? No. People have left this state because they've had to, to find employment. That's why people have left this state.

I support this bill because I believe the study from West Virginia University, our flagship university, that over time this will increase employment opportunities in this state. It will lower unemployment. The people who have left West Virginia, Mr. President, have not done so because they choose or desire to be farther from their families, from their parents and their grandparents, they've had to pursue the American dream that we all share: To find employment. We must act. We must act. I know this issue is difficult and volatile. I know people have impassioned views about this question on, in this chamber and without, and I'm sure that we are going to engage in, as we should today, a spirited debate about the merits of this legislation. But I believe it will move West Virginia forward. And that's what I, and I hope all of us, are here to do.

Mr. President, I will it leave there for the moment. I would like to reserve the right to close debate. But I'd be happy to yield to any questions members may have.

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#### **Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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REMARKS OF  
**HONORABLE  
JEFFREY V. KESSLER**

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*Thursday, January 21, 2016*

SENATOR KESSLER: Thank you, Mr. President.

I'll be brief because I think this bill has been discussed plenty in committee, in the public forums, and on, in the media, etc.

The bill is called, you know, workplace freedom. And that sounds good when people say "Alright, who can be against workplace freedom?" We're all for freedom. But this bill, I submit, the word "free" is accurate in describing, I would call it more of a freeloader bill rather than a freedom bill and let me explain why. Under current law, the federal law requires that in these collective bargaining agreements that the union must represent every single employee in that union, in that business, in that workplace, whether they play, pay dues or not. So at the end of the day you're getting the benefit of something without having to pay for it. I submit to you, Mr. President, that is not the American way. I belong to my local of chamber of commerce back home. Every January I gotta write 'em a check and pay my dues. Used to belong to the country club. Go down and play a few more rounds of golf before I started having more children and my time became a little more limited. I wasn't allowed to go out on that green and tee up and play unless I paid. That is the American way, Mr. President. You don't get something for nothing. And that's what this bill certainly encourages. It encourages breaking up unions for no other reason than for political reasons that undermine the attack on unions. The unions that have built our state, that have built our country, through the work and blood and every benefit in our communities, through health insurance, retirement benefits, workplace safety, all negotiated by unions. That have benefitted us all. Benefitted us all.

So for that, Mr. President, I think this bill in and of itself is wrong because it encourages people to get something for

nothing. And that is not the West Virginia way. That is not the American way.

Unions have built this country. They are under attack. But to suggest because our population declined and other things have occurred misses the point of lack of diversification of our economy in this state to provide other opportunities for those children. They'll tell you we have low workforce participation, and we do, but I can tell you, the testimony that I've listened to would suggest, you know from Keith Burdette who's our Secretary of Revenue, or of Commerce, here in this state. He said that it's not an issue when he goes out to talk to people. It is not an issue. Wasn't an issue to Proctor & Gamble, it wasn't an issue to Macy's, it wasn't an issue to Toyota, it wasn't an issue to any of those, Cabela's up our way. They're looking for a skilled, educated, trained and sober workforce. And that's where we need to be directing our efforts, Mr. President, is improving the quality of our workforce by providing educational opportunities, apprenticeship programs, rehabilitation for those who have become addicted to drugs. Those are the things that will move us forward.

You know, I also heard you know, Governor Kasich who was invited here I think from the Senator from Ohio, invited him here last year and addressed your caucus I believe downstairs. Talked about the balanced budget amendment. And the question was posed to him by an employer, or by one of the reporters, excuse me, what do you think about right to work? He said it's not an issue in Ohio. Ohio has a fairly robust economy. Through the recession, it had more job growth than just about any other state in the Union. And it is not an issue to him. Because it's the truth. He told the truth.

I've heard, you know, I serve on an economic development, an economic development organization up in the northern part of the state where there's been, we've

been judged in many instances in some of the reports due to the Marcellus gas, and also the, the significant coal reserves that we have up there, and they'll say "You know, Jeff, how on earth did, you know, did you get all the coal and gas up in your neck of the woods?" and I said "Good leadership will do that", Mr. President. The truth of the matter is we've had billions of dollars, billions of dollars being invested into my backyard. Chevron, Antero, Southwest Energy is gonna invest twenty-some billion dollars in our neck of the woods. That was at a press conference with the President, with the Governor a few months ago, this summer. They're not saying we're not coming here and investing because it's right to work. They're saying we're coming here because you've got what we need, and that's gas. And that's why we're coming here. They need flat land. That is the biggest challenge we have, is flat land. That's why I was glad to see the Governor talk about the development down in Boone County I believe, in Logan County where the Hobet mine where that will create some opportunities because it will have flat land and infrastructure. We need to be focusing on increasing our workforce by education, and skilled and training, and building infrastructure. Broadband, one of the most important things we can be doing. Not passing things that divide us in this state and divide us and attack unions. And that's what it's about.

You know, Mr. President, it's a bill that, frankly in the states that have done it, have passed it, hasn't worked. I look around my, I look around my community and I see an awful lot of folks coming here to work in West Virginia in the gas field over the last couple of years. I see an awful lot of license plates from Oklahoma, Arkansas, Louisiana, Texas. I'm sure the Senator from Brooke and the Senator from Ohio sees some of the, much of the same thing. All the states that are right to work are sending their people here. They must not have

enough work down there where they're working because they, they're all coming here.

Again, building our workforce is how we're going to move our state forward, not reducing wages of those in the workplace that are here. The studies that have been submitted out there are flawed. Look at Wisconsin, look at Kansas, look at some of the states, Oklahoma, that have passed right to work and their economies have, are not robust, Mr. President. They are not robust. So to suggest that the passage of this bill will be a, a silver bullet of any kind is wrong. It encourages freeloaders. It encourages folks to get something for nothing. And for that, Mr. President, I urge the rejection of this bill.

Thank you.

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#### **Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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#### **REMARKS OF HONORABLE HERB SNYDER**

*Thursday, January 21, 2016*

SENATOR SNYDER: Thank you, Mr. President.

I want to return to the explanation of the bill, Senate Bill 1, by the Judiciary chair.

Mr. President, we've all seen, and I'm sure the public here or at home watching this on webcam, have seen everything from Perry Mason, if you're old enough, to Judge Judy. Raise your hand and tell the truth, the whole truth, and nothing but the truth. I don't take issue that what the Judiciary said had truth in it. But it was

not the whole truth. You need to look at the whole truth here. And I very likely will not persuade anyone how they're going to vote on this but the public needs to hear this, Mr. President, because the Judiciary chairman laid out in his explanation of the bill that this is the silver bullet. Saying that unemployment is high, and it is in West Virginia. This is one of the worst economic times in our lifetime with the downturn in energy prices. Coal mines are closing down, many or most may very well go bankrupt. This bill will not change that. That is driven by international energy prices.

Today, we have a problem with natural gas. The price is extremely low. In fact, so low they can hardly maintain the wells. There's talk of shutting an existing well, but they still have to pay for the lines whether they're pumping gas through it or not. This not a magic bullet as some have alluded to you that it is.

*Forbes Magazine*, and this was talked about a great deal during November interims, that West Virginia wasn't a good place to do business. In their comparison, some of it fair, some of it not, but the number one reason that *Forbes* said West Virginia is not a very good place to do business, they quoted, it is, we only have a 19 percent post-high school education level in this state. Nineteen percent of people do something after high school in the State of West Virginia. *Forbes* said that is the number one reason.

Will this bill do anything to change that? No. Are we talking about that? No. We have the most divisive bill I've ever seen here today and the illusion that this is the magic bullet to lower unemployment, put people back to work and make West Virginia rosy. That is nothing but an illusion and it is clearly not the whole truth.

Mr. President, I'm from an area up state and can speak to vote. What the rest of this state I wish had, I wish that my area of the

state, the tip of the Eastern Panhandle, I am from the very tip, near Harpers Ferry. What drives our economy is the metro D. C. area. It's driven by something out of our state—it's our location close to that mega economy in Baltimore and D. C. My district, when the entire State of West Virginia grew by 5,000 people from 2000 to 2010. The entire state grew 5,000 people, that's all, out of 1.8 million people. My Senate district grew by 36,000 over that period of time. Five thousand total state. Somebody's losing population. But that's not driven by right to work, I can assure you. It's the economy in our area. Has nothing to do with right to work.

Secretary Burdette from Commerce spoke of this illusion and he specifically said he did not want to give the illusion. It's like a television they have. It's not what right to work is. It's an illusion to tell people, and it's disingenuous to tell people that this is gonna do it. This is gonna turn our state around. It, one of the biggest problems in West Virginia, we don't have large flat tracts of ground. Berkeley County won the bidding for Proctor & Gamble and welcomed, it's great for our state, it's great for our area. Not because we're extremely special up there. There was 500 acres of flat ground right on Interstate 81 with water and sewer. That's why they're there. They said that's why they're there. They couldn't find 500 acres of flat ground that close to the interstate with public water and sewer. So there are other factors here. It's not right to work. By the way, Proctor & Gamble didn't care whether we were right to work. Macy's didn't care whether we were right to work. And Secretary Burdette said he has not had one company, to his knowledge, walk away from negotiations with the Development Office because this state is not a right to work state. Not one. Not one.

Judiciary chairman said there will be, that the WVU, pristine university, that that report says there will be an uptick in the economy and there will be a lowering

of unemployment. Wow! That, that sounds great to me. You've got my attention. But I'm going to tell you the whole truth. The whole truth is that report said that uptick, lowering unemployment and increasing the possibility that we will grow in West Virginia and grow our economy is four tenths of one percent. Less than half a percent uptick. The downside in that report, in that report, and we had many speakers from a different vantage all agreed that when other states went to right to work their state's overall pool of wages went down 17 percent. With a possibility of less than half a percent growth, these reports all say the likelihood that our state's wages will go down 17 percent. That's for your children. That's for your grandchildren. They also said that union membership in states that went to right to work went down 20 percent.

I'm personally not a union member. My dad was president of a local union. Does that make any difference? Yes. That puts stress on health care plans for thousands and tens of thousands of people belong to these various unions. It also puts stress on their pension system because you have less people.

So this bill, clearly, we're trading . . . and I've heard the term tool in the toolbox. We need, not sure it's gonna do any good, we can't promise you that, but we need that tool in the toolbox. Well, that tool in that toolbox is not worth the chance to me to lower wages by 17 percent, lower union membership which hurts health care plans and pensions by 20 percent lower. That's just what happens. This is the reality in other states.

And I'll end, Mr. Chairman, yes we're putting a tool in the toolbox, but at what cost? At what cost to our future generations here in West Virginia? And we must measure that, we must measure that. In every piece of legislation we do we always have competing interests. The competing

interests on this issue is our citizens and their wages and their health care programs and their pensions. Which all of the reports, all of them, even the WVU report, tells you the likelihood is very high that wages will be reduced 17 percent and union membership 20 percent, which hurts the pensions and health care plans.

I urge rejection of this bill.

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### Establishing WV Workplace Freedom Act

*(Passage of Eng. Senate Bill 1)*

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#### REMARKS OF HONORABLE ART KIRKENDOLL

*Thursday, January 21, 2016*

SENATOR KIRKENDOLL: Mr. President, I know a lot of people have got a lot of things they'd like to say so I will try to be brief.

You know, last session I, I spoke about prevailing wages and I mentioned to this body how uncertain I thought the bill was. I couldn't go home and tell a young man or a young lady what their new rate of pay was. That was a challenge to me. If you look at my votes, I've voted a lot of bills since I've been here, since 2011 of November, so-called pro-business votes. I've also voted when I thought that the working people in West Virginia was challenged. They were so-called labor votes.

But this bill, I question. We have these surveys and studies from people to check this and that but, since I've been here, I've asked this body for a job, a session, and everybody else I've talked to other than sometimes what we're doing here, they think I'm right. I've asked to bring in

the leaders of all of our industries for a, a session on jobs.

We go back a few months ago, even a few years ago, the auto industry was challenged. Our federal government stepped up and bailed them out. I even mentioned to a lot of people when our coal industry was going down, "Why don't we meet as legislators with our federal people and ask for a bail out?" When they required, we had scrubbers. When the selenium issues were all there and all these multi-million dollar bills were put out there for either the companies to impose or shut down . . . . We did not on, in respect to the workers of West Virginia and the industries that has kept this state alive and kept the nation alive, we did not step up as strong as we should have stepped up. Look at the auto industry now. They got stimulus money. They got bailed out. Everybody's happy. We're selling cars.

The steel industry. We let it go. I told somebody the other day, I said "Steel probably drives the pistons more than even coal." When you've got steel markets, you have to have metallurgical coal. It provides the timber industry to build houses. It takes care of the medical foundation.

But we, as legislators, want to just put a bill into effect totally with uncertainty as to what it would do. And as a legislator what challenges me and bothers me more than anything, I listen to the pros and the cons of all this legislation. How can somebody give you data on the pro side and somebody 10 minutes later can stand up on the con side and the information be so . . . . It don't even correspond. We looked at data. Some states was right to work legislation seemed to be doing good and some seems to be not be doing good. But like on the prevailing wages, is this, is this the path that we think West Virginia should go? We have the coal reserves, we have the gas reserves, we have the technology, we have the hands-on, the handcraft people that work. As legislators in working with our federal group and

employing their federal support, we should be finding out how do we produce coal better, cheaper, faster? How do we take other . . . .

We've, we've been cutting our, our tourism. It's plain to see we need to increase it. Michigan, nobody wanted to go to Michigan. They advertised "Pure Michigan" and now it's the seventh most traveled state and they can't touch us with, with industry of tourism. We sit back. We watch other people employ greatness, success, and we've got everything to work with.

So I don't think this bill takes us to the next level. And as President of the Senate, and the Governor, and the Speaker of the House, and all of us legislative leaders, we should be bringing in Senator Manchin, Senator Capito and our, our other delegation. To totally sit down and bring in the leaders of all of our industries to find out how do we become the best, because we can be the best. And just simply passing uncertain pieces of legislation, one after another, does not get us to the point that we need to be.

My job as a legislator and I've, I've said this before in Judiciary, sometimes I draw criticism. I held press conferences for union miners in my area, nonunion miners. My job was to speak at every EPA hearing, every DEP hearing, be there to give you an opportunity on Monday to get up and feed your family as a working member. I'll leave the leadership and unionism up to Cecil Roberts in the UMWA, Mr. Hall, and all these other people. That's fine. I may have a preference. I think there's a balance that's needed to where everybody has an opportunity to do the right thing and absorb and have the right wages for your family. But us do not put the workers of West Virginia on the uncertainty path. And I was glad when I got home after speaking about the uncertainty of prevailing wages that our so-called flagship newspaper, it

looked like I may have wrote the story. It was talking about the uncertainty of the prevailing wages. And I was glad to tell my wife I said something correct because the newspaper said I did. Without the fact that it was to be proven. It was very uncertain. It's still there to be looked at again according to the legislation's possibilities. But all I ask you people is search your heart and your mind. Do we want to take the time to bring the leaders in to put this state on the right path? Or do we want to keep passing legislation that once we leave here the uncertainty level puts us in a quagmire to where nobody wants to invest anything? Right now you couldn't get a dime invested in the coal industry from most people because of the uncertainty of production levels, the uncertainty of price. Why are we not sitting down with the leaders to find out how we can fix some of those problems? EPA rules will always be there but the more, the more pressure that you put, and I don't think we've put enough. I've spoken, I've been to D. C. I can prove I've been to D. C. more than any other elected official in West Virginia on behalf of the working class of people. I've spoken in the Halls of Congress. I've done it since 1998 as a county commissioner and I'm not ashamed to stand up for working class people in West Virginia.

Well, Mr. President, members of this body, all I ask you is search your heart and your mind. Do we need to extend this out and take a common sense approach and look at what's best for all the workers of West Virginia and give everybody the right to have a quality of life?

Thank you, Mr. President.

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**Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

*Thursday, January 21, 2016*

SENATOR MILLER: Thank you, Mr. President.

Most of you know how I feel about this workers' freedom. "Political language . . . is designed to make lies sound truthful and murder respectable, and to give an appearance of [solidarity] solidity to pure wind". George Orwell wrote those words in his famous book *1984*. Most of you read that book probably in high school. Orwell told of a world where words said one thing but they actually meant something else. And he called that newspeak. My belief today, that we're practicing this very thing. Newspeak in reality is what today's vote is all about. We're calling this piece of legislation that we're going to loosen onto the people of this great state "workers' freedom legislation". We're using that more polished term because the last newspeak word we used was right to work and that took on and developed a negative connotation. Workers' freedom, instead of what it really is, believe me, this is not freedom for workers. It is a busting of workers' protection. It is a busting of their real freedom in the end. Since when is creating the possibility of lower paying jobs for men in West, men and women in West Virginia workers' freedom? Since when is it workers' freedom when it's harder to make ends meet in the family's budget? I can tell you when this will be happening. When we pass this legislation, this newspeak, these untruths of this piece of legislation.

We're being told that this is a way of creating jobs in West Virginia. We want jobs. We need jobs. We're willing to struggle and fight for jobs but, again, this legislation used the Orwellian term in *1984* is newspeak. We heard it from the Governor's office statement when he spoke

to the Judiciary committee. He said in his efforts to recruit businesses to our state that this right to work legislation is simply not an issue that anybody ever adds, anybody ever puts on their list. It's not an issue.

Let me tell you what the issues are. Education is one of those issues. If you've driven very far, roads are an issue. We don't talk about it a lot in this body, we should be talking about, quality of life in this state is an issue. But right to work is not that issue. It's easy to cloud the other issues because they are real and hard to deal with. It's tough to talk about education and find reform we can agree on. It's tough to deal with roads and money that it takes to build them. But it's really simple to use newspeak and give workers the last freedom they have and the unfairness they don't need.

I think we say this newspeak because we are afraid to do or say what we must do to really create jobs. And this is hard, it's creative and it takes leadership. We in this state, and I will take blame for that but I am going to blame the others for that, too. We have failed to be leaders because we're too busy, all of us, practicing newspeak and protecting ourselves from each other. Newspeak is easy. Words are cheap. But the truth and action on the real issue, let me tell you, that's much harder. We talk newspeak, worker freedom, then we don't have to face working on tough education issues. We talk newspeak, then we don't have to face the truth of paying and funding roads. We talk newspeak and we never have to admit anything about the quality of life in our community as it continues to decline for our citizens. Newspeak is easy. Action, that's hard.

What are we saying if we pass this legislation? We're saying that all the problems of the State of West Virginia—without us taking any blame for it—all the problems in the State of West Virginia are on the backs of working men and women because it is their fault we have

this issue. We're saying that we're going to pass this legislation—and this bothers me as much as anything—we're going to pass this legislation today without even a full body of members here to address this issue. Every district has two senators except the ninth district here today. Every district has two senators to address this issue. It's unfair to the people of the ninth district, and I contend that it's unfair from the Senator from Raleigh County to have to be the only one to speak for 109,000 people. I don't know how the court rules, I can't take care of that, but it's unfair that we push this through today with newspeak what we're wanting to pay people, what we're wanting to do people, when we're not all even here to do it. Who's going to prosper when this is over? More jobs, we're told, will be created. More jobs with less pay, now that's a great goal for us to have as a state. More jobs with less pay. Ask the people of Mississippi how they like more jobs with less pay. Ask them how it's going for them.

What are we saying today in this hurried vote? What we're saying is that the most important resource in this state. . . . Now coal is important. Gas is important. I contend water is important. But the most important resource in this state, the most important resource is the people of the state. The people, we are saying are expendable for political expediency. I want jobs. But I also want employers who have a goal not just for the greatest profit for themselves but also want to help build up a great home for all of us. About making this place, West Virginia, the great place it is.

As a legislative body, our jobs should not be creating newspeak, which divides us, and I believe it divides us as a people in a mighty way and as a body. Believe me, we're more divided now than we've ever been. But our job should be about rolling up our sleeve and creating real solutions for real problems. We may not agree with each other sometimes in the method but I want



to work with people from every district, from every background in trying to solve the problems we face.

I love West Virginia. When I was in seminary I used to have a logo in my window, in Kentucky when I was in seminary, of the Great Seal of West Virginia. And I told people I was the embassy in this foreign land from the State of West Virginia. I love this state. And I want us to continue to fight for this state, not with newspeak but in reality. And I promise you that if we can defeat this newspeak bill, we can get together on real issues. We can move this state forward.

I started with Orwell and I'm going to end with a quote from Orwell. "The [great danger of clear language] the great enemy of clear language is insincerity. When there is a gap between one's real and one's declared aims, one turns as it were instinctively to long words and exhausted idioms, like a cuttlefish squirting out ink." I'm tired of squirting out ink. I'm tired of the groups in this state squirting out ink. I'm tired of us a body in this state, the greatest body in West Virginia, legislative, being here in the Senate, I'm tired of us squirting out newspeak. The ink of newspeak. Let's say the truth. Let's vote the truth. Let's defeat this newspeak legislation today, and we can do this today and start over with real changes for West Virginia. Real future for West Virginia. Real hope for West Virginia. I want to be part of that, and I want you to be part of that, and I want you to be part of that, and, Mr. President, I want you to be part of that. As we lead this state forward in real change with what we do.

Please defeat this today.

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**Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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**REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO**

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*Thursday, January 21, 2016*

SENATOR ROMANO: Thank you, Mr. Chairman.

You know, in my lifetime, this is probably the most serious legislative session facing some of the most serious challenges that we have ever had in West Virginia. This week our top priorities should be roads, fixing the potholes; infrastructure, getting water and sewer for development and economic development; education, making sure our kids graduate and go on to college when they choose; a trained workforce to provide to employers when they come to West Virginia and want to set up shop here; drug addiction, which has plagued so many of our communities; putting more money in the hands of working people so they'll spend it in our local economy so all of our businesses will do well. Perhaps most important was what we should have faced last session, a worldwide energy glut that depressed energy prices that began more than two years ago and today has caused us a significant deficit that we have to address. Instead, we've spent our first eight days on right to work, workplace freedom, newspeak. Propaganda is the real word for it.

It's a bill that divides us, it's gonna keep us from working on the real problems because we all know it isn't gonna do one darn thing for West Virginia. We're chasing ghosts. We're chasing ghosts for a hidden agenda instead of facing our problems. And I sat through two days of Judiciary committee hearings, so did my esteemed colleague from Morgan, and we have to agree that at best the benefits are murky. By the best possible estimation from the professor, we're looking at a .4 percent increase in unemployment, excuse me, a reduction of unemployment by .4

percent. That got wiped out in the last two years with the downturn in the oil and gas company tenfold.

Now, was it one, one company? Not one company stood up and said you pass right to work we're coming to West Virginia. And if my opposition had one, they would have been there to testify. They would have testified they were bringing a hundred jobs to West Virginia. Every person who spoke from out of state said they could not name one company that came to their state when they, because they passed right to work.

The study that we're all relying on from the other side of the aisle didn't include Oklahoma. A state that's lost thousands of manufacturing jobs since it passed right to work. Which has seen a depression of wages. Wisconsin, which is now \$1.2 billion in the hole. What was undisputed was there would be a decrease in wages for working people and that, in states that had right to work, workplace deaths were 40 percent higher because there's a lack of safety.

Now, if you want to know what workplace freedom or right to work is gonna do for West Virginia look no further than Mississippi. They've had right to work for 50 years and they're the only state we get point to, that they, we can say is below us. It did them no good and will do West Virginia no good.

What, we, was also undisputed in the committee hearings was that no employee can be fired for not joining the union. No employee can be forced to join a union. No employee has to pay full union dues. The Beck dues, which we all learned in committee, was the portion they pay for what they get from unions even when they're nonunion employees which was the same wages and benefits that were negotiated for the union members and representation before their employer when there was an adverse employment action

for free under right to work. None of those dues, none of those fees that were paid by nonunion members for their fair share of representation by the union to go towards political activities or campaign. That's federal law. If you don't like, if you think the fee you pay is too much for what you get out of a union, you can challenge it, challenge it with the Department of Labor, with the federal Labor Board, and they do real investigations. If you think your fees are being spent wrong, you can make the same challenges. That's called due process. And what better freedom can, could there be when the unions are operated just as our government, as democracies. You don't like your leaders, you vote them out. And that's what our voters ought to do if we pass this bill.

The goal of this bill is very simple: Financially starve the unions out of existence, end collective bargaining, have your sway over every individual employee because in right to work states, and they're mostly in the south, right to work states, 70 percent of the new hirers do not join the union and do not pay union dues. People will say that's their choice. They don't understand what they get when they join a union. They don't understand that you can't negotiate with your employer if you're one man. But we're going to find out in West Virginia if this law passes, eventually, our children and grandchildren . . . . On the vague promise, as my friend the Majority Leader said, on the vague promise that somebody might come here and create a job. He wants this legislation passed. It will financially starve the only representation, the only strength of working people, without a single promise of a job or a new business opening in this state. It will guarantee lower wages. It will decrease worker safety, when those parents want to return home to their children at night. It's not another tool, it's a weapon, it's a sledge hammer against collective bargaining in our state.

We've created an enforcement scheme with no fiscal note. The Department of Labor will have to have enforcement activities, the Attorney General will have enforcement activities, 55 prosecuting attorneys will have to enforce this, but there's no fiscal note attached. That's wrong. That's wrong because in Michigan alone where right to work passed they put a million dollars into the Department of Labor to oversee this same bill. We need a fiscal note before this bill passes.

This bill will get nothing done. It's divisive. And how can the majority push this through when a hundred thousand people plus are not represented in this chamber? They have one senator. They're missing their other senator. It is wrong to push a bill of this magnitude, of this divisive nature, through this chamber without full representation in the Senate.

You know, for 20 years I've watched our Legislature and I, I don't just blame the majority. The Democrats have been responsible too for chasing ghosts. For not facing our problems: A trained workforce; flat land; raising wages for all of our workers, our state workers, our teachers, and our private sector workers, because when you put money in the hands of working people everybody does well.

Instead, we've spent eight days on a divisive bill that requires a full Senate, that requires a fiscal note. We owe it to every West Virginian to stop chasing ghosts, to start solving our real problems and, most of all, to do what's right every time.

Thank you.

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**Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

*Thursday, January 21, 2016*

SENATOR BEACH: Thank you, Mr. President. Ladies and gentlemen, I'll try to make this brief. I hope that my voice stays with me and that you'll bear with me. I think the folks in the gallery deserve to hear from as many of us as possible.

There's a mystery here in this, this chamber today and it, it made me think of myself as a young teen. I often enjoyed to read the stories of Arthur Conan Doyle. I enjoyed countless hours following the adventures of Sherlock Holmes. The Holmes character used observation as his key tool to unwind the mystery that surrounded him. The Holmes character was unique in the fact that he seldom spoke and, when he did it, was only often to, to discredit the findings of local authorities.

Now I'm not the Sherlock Holmes type, obviously, but I do quietly sit here in my seat during session and during our chamber meetings and I observe my surroundings. From this very seat I'm able to inject myself into conversations behind me in the reporters' aisle. I can hear conversations over here and, on occasion, I can hear a conversation in the gallery above it. And what makes these conversations interesting is the body language that develops around the whole scene. These are tells as most, most poker players will tell you. We all have them. Whether it would be avoiding eye contact, a high-pitched voice, the touching your face, or simply not returning a phone call. These are all tells.

I bring this up because, I believe here today, we do in fact have a mystery to solve. Here's the thing, I'm lying in bed last evening, I'm asking myself, who is it that is asking and wanting right to work in the

State of West Virginia? Is it our economic development coordinators? There's 55 of them. I have yet to receive a phone call from any one of them asking me to support this issue. Is it our municipalities? Well, just this week, I had dinner with both Morgantown City Council and Fairmont City Council. Did they bring this issue up? No. Is it our county commissioners? One hundred sixty-five county commissioners and not one has contacted my office. And these are the women, men and women, that I would dare say are on the front line who are looking at things to improve economic development in their communities. Again, not one has contacted me. And just this past week over 2,000 men and women, some of them here in this gallery today, rolled into Charleston, filled the halls of this great Capitol to show their displeasure with this piece of, piece of legislation. Oddly enough, I've yet to see people in the halls that support this issue. In fact, I've not seen a person come to my office asking me to support this issue. To date, I've received just eight emails in support of the measure. And I've actually lost count as to how many emails I've received opposing the legislation.

So let me bring this back around to the mystery we're trying to solve. The mystery I spoke of earlier. I look around the room, and using my powers of observation that we all have the ability to do, I know for a fact that there are two of you on the opposite side of the aisle that actually oppose this piece of legislation. I know it from the looks on your faces, I know it from your body language and, quite honestly, I've read your lips. And to those two individuals, and there may be more who oppose this legislation and who are, in their minds, thinking that this may cost me my election or for the fact that you simply believe this is a bad piece of legislation, well, all I can say is that only you know what to do at this point in time. Only you can make that decision to vote no.

So where are we? Has this mystery been solved? Have the people actually come

forward or is this some known, unknown entity outside the State of West Virginia trying to take control? Again, I'm not Sherlock Holmes but I would argue and I would conclude that the only thing being resolved today is a vote trying to validate the unknown.

Ladies and gentlemen, I ask you to reject this motion.

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### Establishing WV Workplace Freedom Act

*(Passage of Eng. Senate Bill 1)*

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#### REMARKS OF HONORABLE WILLIAM R. LAIRD IV

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*Thursday, January 21, 2016*

SENATOR LAIRD: Thank you, Mr. President.

I rise today to speak in strong opposition to Senate Bill 1, a piece of legislation which appears to have as its only object the decline and weakening of union membership and, therefore, diminishing, diminishing the ability of workers to organize and bargain collectively.

In the past several months, in anticipation of the potential for this debate, I have sought out and read a multitude of reports and articles attempting to frame those issues related to so-called right to work legislation and to discern what economic benefit, if any, can be derived from the passage of any such legislation. What I found in the literature was a series of inconsistent and contradictory findings predicated largely on spinning facts in support of some preconceived notion concerning the wisdom of this legislation. For those who may laude or seek to trumpet

the pressing need for the passage of this legislation through claims that it holds any potential whatsoever for attracting new business and jobs to our state and increased economic prosperity for our people, your claims are highly questionable at best and, more probably, incorrect.

What troubles me more than engaging in a wedge issue debate, which appears to be far more political than substantive, is the valuable time that we waste that could have been better spent on real issues affecting the lives of our people, substantive issues as diversification of our economy, efforts to improve our lagging workforce participation rates, and properly retaining and developing the workforce and jobs for tomorrow are among those matters that are far more likely to improve our business climate in this state.

As we all know, since 1935, through the passage of the national Labor Relations Act, business and labor have benefitted greatly from collective bargaining processes intended to bring stability and fundamental fairness to workplaces throughout America. Questions concerning closed shops or required worker membership in a labor union were clearly resolved through the passage of the Taft-Hartley Act in 1947, through which a worker may choose to opt out from membership in a labor union and the payment of membership dues in excess of that which is required for collective bargaining representation. For this reason, Senate Bill 1 can only be viewed as an open assault on organized labor in an effort to diminish the effectiveness, the many benefits, of the collective bargaining process.

Mr. President, my strong and unequivocal opposition to Senate Bill 1 has very little to do with the particulars of this legislation or its bogus claims about economic prosperity for our people. Rather, my distaste for this bill is more closely aligned with my understanding of the history of our state and its people. The history of organized

labor is interwoven in the very fabric of our state and has everything to do with who we truly are. In the communities in which I live, many of our people are the proud sons and daughters, grandsons and granddaughters, of West Virginia coal miners who have fought for and secured the rights to bargain collectively, for workplace safety, and fundamental fairness in the workplace. For those of us who understand that West Virginia is truly special, it is often said that the true strength of our states, state can be found in the character of our people. What is it in our people that has molded our character and make us who we truly are? In my judgment, the answer to that question can be found in the struggle for workplace safety and the sacrifices and solidarity that was required to bring fairness to the workplace. Indeed at one time there was thunder in the mountains as persons fought the good fight to establish and maintain the right to engage in the collective bargaining process for the benefit of the many. Senate Bill 1 is an affront to the dignity of our proud past and it is in no way representative of the character and nature of the West Virginians that I have always known.

Finally, on a personal note, I had the misfortune of losing my father at an early age and was, therefore, deprived of his good advice and counsel on many issues. However, as a much younger man, I clearly recall my father telling me "Son, never cross a picket line." In response to this advice, I asked him why? His response was that everyone is entitled to their fair share of the pie. With this advice in mind, Mr. President, today I see a line which runs right down the middle of this Senate chamber today and we all must decide as a matter of conscience and conviction whether we will cross that line. Today, I am proud to stand for working men and women across the State of West Virginia and will never do anything to encroach upon their hard earned rights to stand in solidarity and to negotiate and bargain collectively.

For these and many other reasons, I urge the defeat of Senate Bill 1.

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**Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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REMARKS OF  
**HONORABLE  
CRAIG BLAIR**

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*Thursday, January 21, 2016*

SENATOR BLAIR: Thank you, Mr. President. I promise I won't be brief.

I'm sitting here listening to everything that goes on here this morning and, Mr. President, I think it's well known that I'm blue collar. I'm not a college graduate. I'm a plumber. I'm an electrician. I grew up on a farm. Certified water specialist. I've went through welding training, machine training, the list goes on. I've never quit learning for that matter. Refrigeration engineer. I forgot about that. I majored in refrigeration. It's an old trade, not a new trade. It's an old one. Very few people are capable of doing that.

I run a small business and my employees are like family to me. My son is the treasurer, a union member, a treasurer of his Local 102. My wife is a shop steward and a trustee for her union. So when it boils down to this where big business and not, no. This is about looking out for the people of West Virginia. We've done things a lot the same way for a long time, Mr. President. A lot. It's time we stopped doing the same thing and, over and over, and expecting different results.

Twenty-five states have right to work laws. Will this fix it? We don't know, but we know one thing for certain: What we've been doing hasn't worked. Our employees in this state with the right to work law

have a lower per capita income than most other states in this country and certainly the lowest of our surrounding states. Now frankly, as a West Virginian and a blue collar guy, I want to make sure the people in West Virginia are making more money, not less. And the only way that you're capable of doing that is to have more jobs, more businesses, locating here. Is this the end all? Absolutely not. But I've heard it said here on the floor today and for years we never heard of where a business didn't come to West Virginia because we have right to work.

Well two things take place. Number one, somebody's not listening, or two, they didn't come here to ask. They went somewhere else because it's common knowledge which states are right to work and which ones are not. Terrain doesn't have a thing to do with it. We can actually to do things throughout this state and be unique and make it happen and put our people to work.

Now that leads me to the next issue. There's a picture out here on the internet of union bosses and political leaders holding up signs supporting the very president of this country right now that put our coal miners out of work. And I'm telling you right now that if they had the choice of whether to pay dues or not, I predict those very people in that picture holding that sign up for the person that is destroying our state and brought upon us the deficit that we have currently right now, they wouldn't have been there because their dues is mandated. Nonsense. Give the workers the opportunity to decide whether they want to be in the union or not. Give them that opportunity. Because if you do, the union leaders will be responsive to their employees, or their members, instead of the other way around. And I get to hear this quite often.

I didn't think I'd stand up here and get quite this passionate about it. It's disturbing. Two years ago, sat in this chamber and I was in that seat over there closest to the

door and I was in the minority. And we were passing a minimum wage bill and I had a floor amendment. Some of us remember what it was. I'm not going to remind those that didn't or who wasn't here. All I did was exempt out people who were making minimum wage or 10 percent above that from paying union dues. Not exempted out of being in the union. They could still be a member of the union but they wouldn't have had to pay dues. It was voted down. It was voted down this chamber. Now you tell me what was taking place by making people making minimum wage pay union dues? What benefit were they getting? Nada. Zero. Nothing.

This piece of legislation is gonna do two things. It's gonna give us another tool in the toolbucket of being able to get businesses to locate to West Virginia, those that have never even given us a glance. That's one. And the other one is, it's gonna make union leaders more responsive just like those of us in business that when we go to provide a service to our customers that we do everything we can to make sure those customers are happy. And so it's a two-fold win for the people of West Virginia and when we get more jobs here, and this isn't about what happened yesterday, we, it's been decades that we've had problems. We're talking about tomorrow and the future. And again, if you think doing the same thing over and over is gonna get you a different result, well, I don't know what to say about that, because it won't happen that way. But we are providing the leadership to West Virginia and I want to see those wages go up \$10,000 a year for every worker and we put our people back to work because there's not a better way of getting people off of the drugs and the public assistance and everything else than having a good paying job.

Thank you, Mr. President. I appreciate the opportunity.

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### **Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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#### **REMARKS OF HONORABLE GREGORY L. BOSO**

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*Thursday, January 21, 2016*

SENATOR BOSO: Thank you, Mr. President.

I appreciate the spirited debate that we've heard so far this morning, Mr. President. But the one thing that I've not heard discussed thus far is a word that I've heard as I've traveled through my district, as I've had conversations with people back home, and that's hope.

Our people right now are struggling because they feel there is no hope. Our kids feel like there's no hope because there's no jobs. With the decline in our mining industry, the, the situation that we're having in the northern oil and gas fields . . . We just have to look around throughout West Virginia. Businesses are closing. Why? Because they feel there's no hope.

Mr. Burdette stood before the committee earlier this week and I will affirm that he said that he had never been presented with the question or challenged because we didn't have right to work because, quite frankly, the businesses that were coming to West Virginia to talk about bringing their business, their industry, to West Virginia already knew the question, the answer to that particular question.

It's time for change. Change means that we have to leave the direction that we've been going, turn and go a different direction. Change is hard. I will tell you as I look around this gallery, as I look into the balcony above this gallery, change is

hard. But change is necessary. Change is necessary now.

Right to work is, or, or workplace freedom, however you want to tag it, is a very difficult subject. But when I stood, or rather sat, and asked the speaker earlier this week about change in the direction, change in the opportunities that they might experience . . . Rather than hearing someone who was willing to change, I heard "I'm not willing to give my people hope. I'm not willing to change the message. I'm not willing to aggressively work with the future businesses and industry representatives that would come to our state and market my people." That's what I heard. And it's unfortunate.

We've got tremendous suicide problems, drug abuse problems in our communities around West Virginia. The reason that we have that problem is because they feel there's no hope. I will tell you that it's time to make change so that we can bring business and industry here, to West Virginia, so that we can give people hope. When we start doing that, we'll see our kids coming back to West Virginia. We'll start seeing our kids willing to be educated because there's hope and they know that there will be a job here in West Virginia for them to enjoy.

Mr. President, I urge passage of the legislation.

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### **Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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REMARKS OF  
HONORABLE  
ROBERT KARNES

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*Thursday, January 21, 2016*

SENATOR KARNES: Mr. President, I've heard here this morning, and now this afternoon, from a few people on the other side of this issue. The idea that we have a lot of different problems that need to be addressed and maybe this is not the right problem to address.

We do have a lot of problems in West Virginia. Our roads. Our schools. Really any number of things. But they've had eight decades to address these problems. And for eight decades the response has been to shove these problems off to one side and to ignore these problems and to propose Mickey Mouse solutions to these problems such that after eight decades our state is last in practically everything we could possibly want to be first in; and we're first in practically everything we want to be last in.

But today, they want to elevate these problems to the forefront of everyone's consciousness and, and somehow we should drop everything and focus on the issues that they've ignored. I believe that we are going to address those issues. We did big things last year and we're going to do big things this year. And those issues are going to get attention. This is one of many issues that cause problems in West Virginia. This particular issue is one of many issues that cause problems in West Virginia as far as economic growth is concerned. And as far as economic or, economic and personal liberty is concerned, it's an issue that needs to be addressed. And we're addressing this issue just as we'll address a number of other issues.

It doesn't do any good though to demagogue the issue. That, that accomplishes nothing. That's what's been done and nothing's been accomplished. It does no good today to, to demagogue this issue yet again. And they'll be other issues, we saw it last night in Judiciary on an entirely unrelated issue. Demagoguery that had no real foundation in fact. Just throwing up obstacles to solutions.



The word newspeak was tossed around a little while ago. That somehow calling this bill the Workplace Freedom Act was a type of newspeak. That's the opposite of what the word means and I would take issue with the way that word is characterized, although *1984* does have a word for it; doublethink is another word for it. But in this particular case, I would say that newspeak, as defined, is taking a portion of a man's wages against his will to force him to support a cause that he does not like and then you tell him that you're representing his interests and protecting his rights. That's newspeak. That's the opposite of what you're supporting in this issue.

Now, I'll address a little bit an issue that was also raised related to the question of freeriders. I've got a quote here directly out of a decision that was made by the National Labor Relations Board and it addresses that question very directly and I'm going to read it. And it says, this is from 2010, this is not a years' ago quote, this is from 2010, and it says "the Board and courts have long recognized the 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."

There's no such thing as a freerider issue here. The unions choose exclusive representation clauses in contracts that then force them to represent members but it's their choice to do that. And they'll have a choice to not do that the next time the contract is up for negotiation. So there'll be no change in current contracts. In future contracts unions will have the option. This particular NLRB decision actually even quotes a Supreme Court decision that reaffirms that. It says that in the decision the Supreme Court reasoned that such agreements could be beneficial to interstate

and international cooperation, or commerce I should say. So, it's been tested in NLRB, it's been tested in the United States Supreme Court, unions are absolutely not required under any circumstance to represent people that are not paying dues. That's the simple truth.

Now, I'll tell you something else about the freerider clause—I like the comments there. People who support right to work, they're out working. The freeriders are right up there.

MR. PRESIDENT: Chamber will be in order.

SENATOR KARNES: What the unions have done, as it relates back to newspeak, is, the UAW, forced members of the UAW to support Planned Parenthood, even though many of their members are Christian people who are opposed to that issue.

What we saw in Wisconsin whenever they recently passed right to work was a reduction in union membership. But what does that represent? That represents people who were tired of being misrepresented by the union. So they dropped out. Now that doesn't mean that it destroyed the union. Unions are still good in Wisconsin and some states, for example Indiana, the fastest growing union membership in the country is in Indiana, which is a right to work state. So right to work does not kill unions but what it does do is it forces unions to represent the members in a real way and not in a contrived way.

I, I want to close, because of the particular party divide that we see here, by quoting someone who is the founder of the party across the aisle and what he said was "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical." That's Thomas Jefferson. When unions force people to pay dues that don't want to be a member of the union so that they can then

have their dues used to, to pay for Planned Parenthood, to pay for Ken Hall to come over and use the Beck dues, which he admitted to illegally using the other day, he used Beck dues for political purposes not as representation with the company—to force people to pay for ideas that they find sinful and tyrannical with something that we as a free people have to reject and say no. And the founder of that party is the one who said that.

Thank you, Mr. President.

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**Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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REMARKS OF  
**HONORABLE**  
**DOUGLAS E. FACEMIRE**

*Thursday, January 21, 2016*

SENATOR FACEMIRE: Thank you, Mr. President.

You know, back home in the country where I come from, there's a saying that some people use "That a lie well told and stuck to is better than the truth." That's what we just heard.

As members of this body, shame on any one of us who disrespects the people who come down here to represent what is near and dear to their heart. And I want to apologize to every one of you for that.

Now look, our friends across the aisle said a lot of cool things here today. Most of them not true. They wanted to talk about our president. Well, let's just talk about something for a minute. Our friends across the aisle always say how we're for lower, smaller government and lowering the

deficit. Every Republican president that has left the White House left us farther in debt and larger government. Every single one of them. Check their record.

Now look, whenever we start trying to get political gain off the backs of the people that are only of guilty of one thing, trying to go to work, make a living and do the right thing, shame on us. We've lost our real purpose of being here. Our purpose of being here is to represent everybody. To try to make everybody a better lifestyle and life. And what we're witnessing here today is the dismantling of the working class of this state and these United States and I certainly apologize to you people for that.

Thank you, Mr. President.

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**Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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REMARKS OF  
**HONORABLE**  
**MITCH CARMICHAEL**

*Thursday, January 21, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

And let me just say what a great debate it has been and to thank all the people for coming here and to participate in this and to listen to it.

It is an important issue, and I want to stay on the issue. Not presidential politics or anything else. Stay on this issue. And what we are presented with today, the condition in which we find our state, Mr. President, is incontrovertible. We have absolute evidence from study after study after study that demonstrates West Virginia

has an economy that has not prospered. We are last. We're last. And somebody might argue with me and say no, no, no, we're next to last. Do you really want to make that argument? Do you really want to say "I didn't finish last, I finished next to last"? We should be ashamed of our position from an economic prosperity perspective in West Virginia. Some of the studies that have been referenced in the debate, *Forbes* study, ranks West Virginia—I have it—last. *Last*. Last in labor supply, last in regulatory environment, last in economic output rank, last in growth prospect rank. *Forbes*. CNBC. You're right. We're forty-ninth. You win that one. Forty-ninth.

In opposition to those statistics, we have a study from a Ph.D. economist at our flagship, flagship university in West Virginia. Nobody here is a Ph.D. economist, right? But we all have opinions on it. And we've all, I've heard all the opinions, but we have a Ph.D. economist who says the following: Passage of this bill will result in more jobs. And somebody talked about it was only a .4 percent growth rate, .4 percent improvement, .4 percent in West Virginia is a 33 1/2 percent increase over the job creation. In fact, it's written, various commentaries, the job growth in America is only 1.4 percent. A .4 percent growth rate in addition to what we're experiencing would be over 30 percent increase. Is that important? Are those 30 percent more jobs important? So, that's one piece of evidence we have that, that says this will help West Virginia.

The second thing is that our gross domestic, or state product, will increase by .5 percent. That's . . . . In West Virginia, a .5 percent increase in our gross state product. That's 10 percent in West Virginia. The study also says, and I'm weighing all these, I'm asking you to weigh these in a balance. You've got a Ph.D. economist and you've got a state ranked last. So you've got two pieces of evidence that say I've got job growth and I've got gross state product

growth, or state product growth. It also says there will be no reduction in wages or benefits. It says it in the report on page five. He found the right to work laws were associated with a 6.7 percent increase in per worker wages relative to where they would have been without right to work. Now, Ph.D. economist or status quo. Those are the, that's the record.

The end of the day, as the Chairman of Judiciary began the comments, this does not prevent anyone from joining a union. Does not prevent anyone from joining a union. Does not prevent anyone from paying union dues. Does not outlaw collective bargaining. What is the problem with this bill? You've got evidence, Ph.D. economist, that say it will create jobs, improve income, not reduce wages and create more state product for West Virginia versus opinions that say "might hurt, could be scary".

What we're doing now is not working. It's been said over and over and over. What we are doing now does not work. We're last. And so we come to this body attempting to solve these problems and I respect—thank you for all your comments and the respectful attitude in which we've gone about this today. You've been terrific. And I know nobody's going to change their mind from this today. Although I will say I'm a little concerned that somebody could read the caucus over here better than we could. But it's important work, and because we're doing this doesn't mean that we can't do other things. We want to roll up our sleeves and work with you in every possible area that will move West Virginia forward. But when we encounter something that's hard, we don't stop. We don't stop because it's divisive. Many times the hard things are the things that will move us in the greatest direction forward. And so, I think, and by the way, nobody over here is trying to lie. I hate that word. None of us use lie to . . . . We believe these things. We believe it because of the evidence that

we have before us, the studies that we have before us. Would it be easier to come here and vote to make everyone happy or to not have any opposition? Certainly. We don't do those things. It hasn't worked. We need to do the things that will move our state forward. And I know you want to help us do that. And if you don't believe that we need to change then continue on the status quo. But, you know, we've heard a lot of quotes, George Orwell, others, and I, you know, I'm not great at quotes or anything like that but I'll paraphrase because we're here tonight, or this afternoon, to do this thing that is hard that will move our state forward. And it should be said of us by those who come after us that in our day, in our time in the chamber, we did all that could be done. We did all that we could to restore prosperity for West Virginia, to move our state forward, to create jobs. We took the hard vote. We kept the faith. We did the right thing. And I would ask you to consider supporting the study and the empirical evidence that demonstrates this will help West Virginia. Because, like my colleague, I want all of us to prosper. I want all of us to have more work, more jobs, more opportunity and more income.

It was mentioned that there are those who have a history of a labor movement. I have that same history and it's been impugned, often through comments and you know, we all get all that Facebook stuff and all that junk . . . . I'm a product of a union environment. My father was a union member, a leader of a labor movement. I was a labor, member of a labor union at one time. But what I will say is that this doesn't, this does not impugn or deviate from the principles and the tenants of union leadership, union membership, union dues paying. It is opportunity to decide the freedom for which you want to pursue within the workplace. I support unions. You may not believe it. You may laugh. I do. It's a product of my heritage. I want to be stronger and each one to have more income, more opportunities.

And for those reasons, I would ask you to support this bill and move West Virginia forward.

Thank you, Mr. President.

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### **Establishing WV Workplace Freedom Act**

*(Passage of Eng. Senate Bill 1)*

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#### **REMARKS OF HONORABLE CHARLES S. TRUMP IV**

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*Thursday, January 21, 2016*

SENATOR TRUMP: Thank you, Mr. President.

Distinguished members of this Senate, I have listened to the compelling arguments that have been made on all sides of this question. I, I have to say I'm impressed as I always am with, with what this body does and with the seriousness with which important questions are tackled and debated in this chamber. There were some arguments made in opposition to the bill that I would, would need to address, respond to. Actually, there were some things that were said by people who oppose this bill that I agree with fundamentally. Not opposition to the bill, but points made on the, during the earlier part of this debate.

Let me, let me first back up and say though that as I was hearing the debate I checked back through my notes deeply, I read them as closely as I could, and looked for the words "silver bullet" or "magic bullet" and I didn't see it written anywhere in my notes. I don't think I said it. I don't think I said it. And let me just say to my good friend, the distinguished Minority Leader from Marshall County, I don't think this bill is a silver bullet. I agree with him on that. I don't

think this is something that wipes away or cures all the problems and challenges faced by this state. But I do think it will have a positive effect. I think it will help.

Let me, first of all, talk about the legal question that was raised by the distinguished Minority Leader, this issue of labor organizations having to represent people who are not members or who do not pay dues. The gentleman from Upshur is correct on that. The case, there's actually a U. S. Supreme Court case, the case is *Retail Clerks International Association, Local Union Numbers 128 and 633 Petitioners versus Lion Dry Goods*. And the case goes all the way back to 1962. It's a decision from 1962 from the United States Supreme Court. For those who would care, it's 82 Supreme Court reporter 541. The decision was penned by Justice Brennan, Justice Brennan, and he concluded his opinion in that decision by saying "members only contracts have long been recognized", and there citations there. And so I think that disposes that question. No labor union can be compelled to represent people who choose not to be members.

I want to go back to our bill, to the text of the bill itself. You know, we tend to focus on the new article in the bill but, as I mentioned at the outset in discussing the legislation, the bill amends and reenacts a couple of sections that are already in West Virginia Code. So I want to read you, if I may, the first part of the first section of this bill, it is amended and reenacted if it passes: "Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining . . ." and it goes on from there.

That's not only our current law but it will be part of what, if this bill passes, we reenact today, and I couldn't help during the course of our discussions being moved

more than one time but in particular I'm thinking of right now the remarks from the distinguished gentleman from Fayette County talking about the history of the labor movement in this state. And I think, the Thunder on the Mountain, I think it was the gentleman from Fayette that mentioned the Thunder on the Mountain, and he's right. He's right.

West Virginia, these free-spirited, independent Mountaineers who settled across these Alleghenies fought hard and desperately over a long period of time for the right, the right to organize. We must preserve that. This bill does preserve that. What this bill does not preserve was not part of that struggle, something that came later perhaps. The bill does not preserve the right to compel people who don't want to be a member, who don't want to be a participant, who don't want to pay dues to be a member, or be a participant or pay dues. Just as it is inconsistent with the spirit of freedom that we all hold dear for West Virginians to prevent citizens from organizing or joining a union, so too, so too is it inconsistent with the spirit of freedom. To compel people to do it against their will; this bill addresses that.

Now, the distinguished Minority Leader mentioned other measures. I wrote them down. I might not have got them all but I wrote, I was able to write as he spoke, workforce training, education, expansion of broadband, infrastructure. I agree with him 100 percent. I agree with him 100 percent. Those are measures we must work on. And for my part, and I think all of us, I stand ready. I stand ready. Roads were mentioned by, I think it was the distinguished Senator from Greenbrier County and the Senator from Harrison County. Our road, our highway infrastructure needs attention, our attention. I agree. Absolutely. We should work on all those things, Mr. President. And I'm sure, under your leadership, we will. They are not mutually exclusive to the question before us today.

I take at the word, at their word the remarks of all the members here who've said they oppose this measure because they don't believe it will help. I, I take you at your word and I ask that you take, take us at ours, that we believe it will. Now, on that point I will say I, I agree with the gentleman from Logan County. There is no certainty about any of this. The gentleman from Logan mentioned it. I think that was also mentioned by the gentleman from Fayette. You know, that there's, it's not absolutely clear what will happen but I would submit to the members of this body that's true with every, every measure we consider, undertake and pass here. None of us have a crystal ball to know for sure exactly what's going to happen. But what do we do? We try to make reasoned, informed judgment. The leadership of this body and the House of Delegates asked our flagship university to look at the question, examine the question, tell us what would be the consequence or effect of the adoption of a right to work bill in West Virginia. We have the results of that examination in that report. Are we to ignore it and pass on opportunities to change what we all must agree is an unacceptable status quo, the lot that has been cast now for the citizens of this state?

You know, I look around this chamber and I see people of extraordinary goodwill and commitment and devotion to the people of West Virginia. And when I look around this room—and I'm not talking about either side of the aisle in this chamber, I'm talking about the whole room—what I see hoisted upon the shoulders of each of you, strapped hard upon your backs, are the hopes and aspirations and dreams of West Virginia, its people, its future. The gentleman from Nicholas said change is hard. It's hard. It is hard to disrupt the status quo, always.

Mr. President, on this point, I'm grateful, for one, for your leadership. You know, since you ascended that chair, you have had a laser like and singular focus on what can we do to improve the economic climate in

West Virginia, to enhance the opportunities of our citizens for prosperity. And we must, we must have the courage to answer the call. It's not a magic bullet or a silver bullet but I believe it is part of multiple measures that can enhance our chances and move West Virginia in the right direction for all the people we represent.

Mr. President, I close. I urge passage of the bill.

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REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER

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*Monday, January 25, 2016*

SENATOR KESSLER: Thank you, Mr. President.

Myself, and on behalf of the entire Democratic caucus, we would like to welcome to our midst today, the newly appointed and seated Senator from Wyoming and wish her a warm welcome to the Senate and look forward to a productive working relationship with you as you represent the citizens of Wyoming County and your district.

Welcome, Senator.

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REMARKS OF  
HONORABLE  
MITCH CARMICHAEL

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*Monday, January 25, 2016*

SENATOR CARMICHAEL: Mr. President, one other, under remarks.

Just wanted to share with the members . . . you know, I know we had a long debate

about the right to work piece of legislation and it was a very good discussion, a lot of back and forth, and I think everyone handled themselves very professionally. Well, I wanted to say that *The Wall Street Journal* picked this up and if you have an opportunity to look at the editorial today in *The Wall Street Journal* . . . Just wanted to share some good news, I think considered good news, *The Wall Street Journal* certainly considers it good news. “West Virginia’s right to work: The struggling state may allow more worker freedom”. And it just talks about . . . The beginning line, Mr. President, is “West Virginia has suffered economically” this says “as President Obama tries to kill the coal industry, but now comes some economic hope. The Mountain[eer] State [could] soon [could] become the 26th [state] to pass a right-to-work law.” And as you go through, and it’s a very brief article, and I won’t read it all, but I just wanted to . . . with the concluding paragraph “Right-to-work laws”, as, as some of my colleagues have said, “Right-to-work laws aren’t the only driver of economic growth, but many businesses won’t consider building a new plant in a state without it. After New Mexico [6.6 %], 6.8 %, West Virginia is tied with Nevada for the [nation’s] second highest state jobless rate at 6.5 [%]. The state desperately needs to make itself more competitive, and right to work would help.”

So, thank you, Mr. President, for your leadership on this and for the national publication for calling attention to this and as we go, continue through this process, let us all hope that it really does provide more jobs and opportunities.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
HERB SNYDER

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*Monday, January 25, 2016*

SENATOR SNYDER: Thank you, Mr. President.

I wanted to take the opportunity today, of course we’re all aware of the snow, to thank some people and I’m going to start with the Department of Highways, each of our municipalities. I stayed in Charleston this weekend and first hand got to see all that and especially the National Guard that helped here so much at the Capitol, all over the state. The Guard Unit . . . and I got to talk to each of them personally, the loader operators, and so forth, some of them in the middle of the night. I got up at 2 in the morning to go out and talk with them because I felt I had to. To thank them for the job they were doing. They were here some very long nights and I think they’re still out there this morning removing snow. So, that, that Guard Unit was from Nicholas County, some great people up there. You sent your salt of the earth people here to remove snow at the Capitol. So, thank all of them, the effort has been statewide.

My area got hit with 36 inches to 42 inches of snow. So they’re, they’re twice what we have here. But again, it’s a Herculean effort by Homeland Security, all the first responders, I know we had in Jefferson County a fire truck stuck trying to get to a collapsed house. So, again, it has been a effort by everyone involved but I, I want to thank neighbors for helping neighbors, Mr. President. I got to see that first hand that in an emergency situation like this, that just to shovel your neighbor’s sidewalk, that can’t do that themselves, whether it’s, it’s their elderly or for whatever reason, that it does show the best in humanity when there is, there is something like this happen. And I wanted to thank everyone. I believe I can officially do that as part of the Senate, Mr. President. Thank everyone for the kindness and the hard work that they’ve all shown.

**Designating January 26, 2016, as WV  
Local Foods Day at Legislature**

*(Adoption of Senate Resolution 10)*

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REMARKS OF  
**HONORABLE  
BOB WILLIAMS**

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*Tuesday, January 26, 2016*

SENATOR WILLIAMS: Thank you, Mr. President.

Today, as, as you heard the Clerk indicate, is, is Local Foods Day in the Legislature and we're here to celebrate agriculture and the production of food products for our consumers. Just a couple of interesting facts you might be interested in: West Virginia has just under 21,500 farms in West Virginia. 18,469 of those are, are very small farms that produce less than \$20,000 of agricultural products a year. Which means that someone's working off the farm during, while they continue to produce agricultural products, a lot of food products in West Virginia and we, we, we appreciate the support for that.

West Virginia is number one in the nation in the number of family farms that we have. Nearly all of our farms are, are considered family farms and we're very proud of that.

An interesting number too that I find is that 2,705 of our farms are managed by women. The principal operator is a woman. Which I think is an interesting number and one that is continuing to grow all the time. West Virginia University Extension Service, every year, has a Women in Agriculture Conference. Two, three hundred people attend that conference every year. It's very successful. And, and, I've been honored to speak there a couple of times and it's a, it's a wonderful experience and we enjoy visiting with those folks.

The average farmer in West Virginia is 59.7 years old. So we're, we're aging and we need to get more young folks in. And the local food, the local food movement is something that is attracting younger, younger people into the agricultural industry. They can produce food on a smaller acreage so they don't have the large investments in, in land that, that our more traditional farms in cattle and grains have. So, it's, it's a wonderful opportunity. Local foods provide great opportunities for our West Virginia farmers and for our West Virginia consumers.

I urge the adoption of the resolution.

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**Designating January 26, 2016, as  
Broadband Day at Legislature**

*(Adoption of Senate Resolution 11)*

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REMARKS OF  
**HONORABLE  
CHRIS WALTERS**

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*Tuesday, January 26, 2016*

SENATOR WALTERS: Thank you, Mr. President. Happy Broadband Day to you.

This is a great day here in West Virginia where we get to shine light on a consistent problem that our state is having to push forward economic development.

I do want to thank two groups, Generation West Virginia and AARP, who, together, have come here to the Capitol to set forth Broadband Day. Think about that for a minute. The two groups that came to the Capitol to set up Broadband Day were AARP and Generation West Virginia. I think that's fascinating. I think that is really telling for what we are dealing with here when we talk about broadband infrastructure in West Virginia.



From AARP's perspective, they talk about telemedicine. They talk about some of the things that we have done in West Virginia to try to create rural access to health care. CAMC, right here in Charleston, West Virginia, has made investments to put cameras in our rural health clinics so that senior citizens or people living in rural counties can go to their rural health clinics and be viewed through the camera lens to see if they need a transport to Charleston for health care. Unfortunately, Mr. President, due to our bandwidth in West Virginia, most of those cameras are obsolete and cannot be used so they still have to pay, and our insurance companies have to incur, the cost of nonemergency medical transportation to Charleston or to other large urban areas where these hospitals are.

Generation West Virginia looks at the young generations in, in our state. They look at the homework gap. West Virginia has the largest homework gap in the United States. What is the homework gap? It's when our students go home to do their homework and cannot access the internet. Mr. President, there's a lot of great new educational initiatives moving forward that we can't utilize in West Virginia because our students can't access the internet when they get home.

We talk about trying to bring new businesses to West Virginia. About all the flat land that we have down in Logan County, down in Boone County, down in McDowell and Wayne and all the areas where we have the strip mines, Mr. President. But if we don't have the fiber infrastructure for these businesses, if we don't have the infrastructure that's needed, they will not come to West Virginia.

We talk about doing things for our existing businesses, Mr. President. For the companies that are here, trying to help them out, the people who have made the investments in West Virginia. Well, Mr. President, without this infrastructure,

without this affordability, they have problems growing.

Broadband Day is a great day for West Virginia. It shines light on these problems and we are asking that we all work together to find solutions to create a great economy in West Virginia to help our citizens, to lower the cost of health insurance and to move our state forward.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

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*Tuesday, January 26, 2016*

SENATOR MILLER: Thank you, Mr. President.

I just want to remind the members, not in a form of announcement, in remarks, today is E Day at the Capitol. And there are a lot of displays in the Rotunda from West Virginia Environmental Council and you're encouraged to visit them as you leave this floor session.

There, there are many issues to consider and they'll be talking about those. They relate to the health and quality of the life of, for our citizens. Today, it's become unpopular to, in our political climate, to talk about environmental issues and concerns. But the issues dealing with air and water that surrounds us are, and should be, very central to much of what we do as a legislative body.

I said last week in our jobs' discussion that quality of life is essential to the future of economic growth of our state. Farms and small businesses cannot function without clean water. Communities will not build and grow where the air is dirty and disease

is found due to the lack of infrastructure for sewer and basic needs. Air, water and our health are all interrelated. If you doubt this, just, just, you no need to look no further than Flint, Michigan, at the moment on the very water crisis they are having. Or think about our own water crisis here in Charleston two years ago. We can have industry, we can have drilling, we can have mining, and we can, we must, do that with an eye for the protection of all that around us. So I enjoyed, I, I, I ask you to join us in fighting for important issues that will lead to better quality of life for all West Virginians.

Visit and, and take part and discuss the issues with folks here today for, for E Day in the Capitol.

Thank you, Mr. President.

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**Designating January 31, 2016, as Day of  
Prayer for Coalfields**

*(Adoption of Senate Resolution 13)*

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**REMARKS OF  
HONORABLE  
ART KIRKENDOLL**

*Wednesday, January 27, 2016*

SENATOR KIRKENDOLL: Thank you, Mr. President. And I, I want to thank the staff for making this kind of a speed issue.

I was home the other evening and I got a call from the President of the Citizens for Coal, Mr. Roger Horton, and he said, “You know, it’s time that, that we do something a little different in our effort to bring awareness to the coal industry; how it’s affecting our state, how it’s affecting our friends or families, the economy, and it’s dragging down the mental aspect of people,

they simply are about to give up.” Roger said, “Senator, would you employ your colleagues, nonpartisan, in an effort, and the President, to put together a resolution that simply would ask West Virginia, on this particular day, to bow their heads and ask the good Lord to help us get back what was the best thing this state has ever had?” And that is the ability to wake up on Monday morning and have a job to educate your children and to reinstate the industry that made this state and this nation what it is.

Too many people read comments about dirty, a dirty industry. You know what? These people have taken time, we reduced our CO<sub>2</sub> emissions 34 percent in the last 12 years. We are the most compliant nation on the face of the earth in the production of fossil fuels; but yet we are not to the point to where everybody that has the ability to make the difference has stood up. I want to thank Mr. Horton, the President of Citizens for Coal. This gentleman was a miner for 30 plus years, worked every day, continues to fight on behalf of the people that has the ability of the coal industry, and with him is Delegate Phillips, the gentleman from the House of Delegates, they call him the Coal Delegate. Mr. Phillips goes daily and works on issues.

All of our constituency back home and our, and our leadership . . . we know what’s going on. My colleague, the Senior Senator from the Seventh, his county at one time had 100 coal mines. One hundred active coal mines. I researched this. I studied the production levels. I study what’s going on. I speak with people in the, in the Health and Safety Administration. I, I talk to the corporate people about production levels. At one time, West Virginia had 200 plus coal mines, active, and Boone County was almost 50 percent of that number. We have 70 active coal mines in West Virginia total now. And I can proudly say just a few short years ago that three of the counties that I represent in the seventh district, along

with my senior senator, Mingo, Logan and Boone, traditionally sent between \$165 and \$170 million to the coffers that our Finance chair, you know, graciously gave us some numbers of what we're doing now that we're robbing the Rainy Day Fund, \$170 million, and they gave us about 12 back on some projects. But that's another issue.

This body did, a few years ago, go back to coal-producing counties and give us another one percent increase for a period of five years to be capped at \$20 million. When that bill was passed, I was on the county commission. I was elated, totally elated. That would have brought \$2 million more to Logan because we, at that time, were producing between 18 and 20 million tons of coal annually. I could see where we had all those water projects with coal money that we got in our county and we were past the 90 percentile level, but those areas where they have 18 and 19 homes that we couldn't get certain grants . . . . I can take that infrastructure money and go back in and give these people quality water. And that's what my commission's doing now and I think, my colleague, in Boone they're doing the same thing.

But our production levels back, I think, 15 years ago, was over 170 million. Last year we were under 100 million. Why? When you look at . . . America has 33 percent of the coal reserves inside our borders, more oil and gas than Saudi Arabia. We should be doing the energy portfolio for the world. And we're sitting, letting everybody tell us when we can import and when we can export. They're dictating the price to us. I don't understand that.

But, I think this resolution today, hopefully, will awaken people to the fact that now we're asking the good Lord above for help, divine intervention. But I keep imploring this legislative body, all 34 members, both sides of the aisle. It's not a Republican-Democrat issue. I voted for the coal bill exactly the way it was written last

session. I got a little rebuttal from some of my union friends but, you know what, the merit of the bill I think gave us, at least, the ability to compete better than what we were. Other issues, I went with labor. I make no bones, I try to look at every bill based on the merit of what it does for the working class people of West Virginia. And I implore each of you to start looking at those issues the way we need to, not on party lines.

But today, when I look to my left and I see my, my senior senator, he goes home and he's a doctor. He is the main person, legislatively, in Boone County, at one time the number one coal-producing county in the State of West Virginia. And he fights every day to try to bring in grant money and do things to supplement what's going on with lost revenue. He and I are in a tough situation. When you haven't money to do what you want to do with, when you bolster the State of West Virginia up with taxation from your coal-producing counties and now you're over here fighting for grants to take back to get people retrained to where they have the activity level of a job—it's a tough fight.

But again, I want to thank this body for allowing this resolution to be adopted today and I want to personally thank Mr. Horton for his commitment to Citizens for Coal. He has over, I think, 4,000 people that he deals with on his website that has an interest.

But today I'm asking when we implore this particular day of prayer for the major industry that made America what it is, that West Virginians, when they bow their heads on this particular day, we'll change the future of West Virginia.

Mr. President, colleagues, I thank you so much for the adoption of the resolution.

Thank you.

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REMARKS OF  
HONORABLE  
RYAN J. FERNS

*Wednesday, January 27, 2016*

SENATOR FERNS: Thank you, Mr. President.

I have a unique honor today on behalf of myself and the Senator from Brooke County. This time of year, Mr. President, we have teens that travel from all over the state to be recognized for their accomplishments in athletics and other things but it's not very often that we have two teams from the same school, both of whom are state champions in our great state. And today I have the very distinct honor. . . in the rear gallery here, we have the Wheeling Park High School boys football team and girls cheering team. Both of whom are Class AAA state champions.

And there's a little bit of interesting history behind this. In the school's 39-year history this is the first football championship that they've held. They were victorious this year over Capital High and the interesting part about that is, that in, the last time that they traveled to the state championship—which was here in Charleston at Laidley Field—they were defeated by Capital in overtime, 15-14. So a little bit of revenge for them this year in their state championship.

The cheering team is actually a two-year repeat state champion.

So it's a tremendous honor to be from Wheeling, to have these two great teams represent our, our great city. And I would ask the members of this body to please stand and give them an ovation for being here today.

Thank you, Mr. President.

REMARKS OF  
HONORABLE  
MITCH CARMICHAEL

*Wednesday, January 27, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

Ladies and gentlemen of the Senate, a great West Virginian will be laid to rest today. Darrell Holmes was first elected to the West Virginia House of Delegates in 1974. He served four terms in the House before being elected to this body in 1982. He was reelected to the Senate in 1986 and then appointed as the nineteenth Clerk of the Senate on August 15, 1989. He was elected as Clerk of this distinguished body in 1991 and every two years thereafter until his retirement in the year 2013.

For nearly 40 years, Darrell Holmes served this state with honor, pride, humility and distinction. He also served this state with a one of a kind sense of humor. As some senators in this body today can attest, Clerk Holmes probably took you to your office for the first time. As he guided you through the halls of the Capitol and across the roof of the West Wing, your anticipation building as you were about to see your office for the first time, Clerk Holmes dropped you off at the janitor's closet and told you to enjoy your new office as he walked away and left you standing alone dumbfounded.

In addition to his charming one liners, hand buzzers, zapping pens, zapping staplers, zapping lighters, squirt guns, rubber bands and air horns, fake snakes and whoopee cushions, just to name a few in his collection, these were all part of his repertoire. From governors and members of the Senate and House to staff and lobbyists, nobody was untouchable when it came to Clerk Holmes' joke or prank.

In a building, Mr. President, that has the ability to produce a lot of stress when the issues that we face every day, Darrell Holmes reminded us that we have to take time to laugh.

Mr. President, members and our guests in the gallery, I would ask that you all stand and join me in a moment of silence in honor of this dedicated public servant, the Honorable Darrell Edward Holmes.

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**Repealing prevailing hourly rate of wages requirements**

*(Adoption of Senator Miller's motion to prepare a fiscal note for Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
JOHN R. UNGER II**

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*Monday, February 1, 2016*

SENATOR UNGER: Thank you, Mr. President.

We are lawmakers, and we make laws and we develop rules, and, and we're not above those laws and rules, and we develop our own rules in order to govern ourselves. And I just want to say that our Rule 15A, I heard the proceedings where he, the Senator from Greenbrier, was misled by staff in regards to his motion regarding having a fiscal note.

And I also want to point out, and I want to read the rule because I disagree, respectfully, with the Senator from Putnam, the Finance chair, that it only regards those matters regarding revenues, as far as general revenues and state budget. Cause the rule reads this "Prior to any committee reporting a bill to the floor, any bill which

either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of [taxes], such bill shall have attached thereto a fiscal note, if available." Now one can say, "Well, Senator, maybe it's not available." Well, the Senator from Jackson just said we have all the information that we need for this so evidently it is available. And, and no, this rule is very clear that "Prior to any committee reporting a bill to the floor" it must, if it qualifies under these provisions, must have a fiscal note.

And so, for that reason, Mr. President, I would urge that we support the Senator's motion so that we can have full transparency. That the people of West Virginia have all the information that the Senator from Jackson alluded to and that we can proceed with a deliberative, a very, very deliberative vote on this particular piece of legislation.

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**REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL**

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*Monday, February 1, 2016*

SENATOR WOELFEL: Thank you, Mr. President. I may not be brief.

You know, I've never been a member of a labor union. To my knowledge, nobody in my family has ever been a member of a labor union.

We're in our fourth week now as a body. I've heard reference to the woodchuck bill earlier today but I'm troubled, Mr. President, by the fact that not once have I heard any discussion about what we're going to do about the horrific nature of our roads. Not a single time have I heard a

word of discussion about what we're going to do for the citizens and residents of our state that suffer from addiction. We haven't done a single thing to, to prepare and make available additional treatment facility beds for these, these folks that want and need treatment. Not a single time have I heard, in, at least in this chamber, any suggestion or a plan on what we're going to do to spare our public employees of draconian cuts in their benefits, particularly, our retirees who worked hard for the state or its political subdivisions.

And these are matters, I mean, these are matters that are of the utmost importance to our citizens and yet we're in our fourth week and, you know, all I've really heard about are looking out for our friends, labor union issues and I, I believe it's shameful. I'm, I'm up, I'm up here for a short time. I mean, I'm 63 years old. I'm not going to be here for 20 years. I'm here to help solve the state's problems. All I see are parochial issues "Let's get our licks in for our friends and let's take a shot at our nonfriends, or our political enemy." Now I know my friends across the aisle share many of my sentiments. But let's get to work on the matters that really should take priority.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
MITCH CARMICHAEL

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*Monday, February 1, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

I appreciate the remarks by my friend from Cabell, but I want to just make a few remarks in contrast to that. And the reason that, and I . . . rightly so, he points out that we have problems as it relates to roads;

treatment facilities for our overdose, drugs and our drug epidemic that we have in West Virginia; the education issues that we face; the PEIA issues that we face. These are all problems that have been thrust upon this Legislature. We walked into these seats and found these problems here waiting on us. Now, many of us haven't been in this body for that long. Certainly, we haven't been in these relative seats, these would be majority and minority. These are the problems that we are faced with.

Mr. President, and to your credit you have, and you'll see this, that are working their ways through the committees that address these pressing issues that we found ourselves and we inherited. Because many of these has been, I mean the roads didn't just go bad when Republicans took over. The road issue has been confronting us for years and years and years and years. And we're intent on finding ways, working with our colleagues across the aisle, to correct those issues. And thank you for bringing them up. I absolutely appreciate that.

And with regard to drug treatment programs and addressing the drug issues that we face here in West Virginia, we have bills to do that also. And I welcome your support on those as well, on your interest in those bills.

Education, PEIA, on and on and on. And I can frankly say . . . and I, I heard the gentleman say he didn't have any background in labor from a family perspective and, you know, that's just a nature of your birthright. Who you're born to, you don't get to pick that. I have that. It's steeped in labor history. And I can say, you know . . . and I know my friends that are opposed to me on this issue are, you know, watching and my Facebook will blow up with this. I don't want to hurt labor. Nobody's out to hurt labor. We're out to promote West Virginia and make this a better place to live, work, raise our families and keep our citizens in West Virginia. We're losing population. We're losing jobs.

Nothing has been more hurtful to labor than the current position that we found ourself in in West Virginia. Nothing has been more hurtful.

And so, when we attack these issues and we want to promote prosperity, opportunity, hope, growth for all of our citizens . . . . We might not always agree on the method in which we encounter those problems but certainly we can agree that what we're doing isn't working.

And so, let's try something different. Let's try a change. And I commend my friend from Cabell County for highlighting these issues and I want to work together with you to advance these causes that are so desperate for the people of West Virginia. And, and let's all just join hands, work together to promote what's good for West Virginia.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

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*Monday, February 1, 2016*

SENATOR BLAIR: Thank you, Mr. President.

I, too, commend the Senator from Cabell. We've got a bill right now that is parked in Rules and there was three sponsors: The Senator from Morgan, myself and the Senator from Cabell. And a man puts his mouth where his money, money where your mouth at, or whatever, when it comes to this issue.

Now, I want to back up just a little bit here because way back, a decade ago, when I was in the House of Delegates, I introduced this bill, and I think I was first

one in the country to ever do it. And it was about drug testing for welfare. And for me it was about helping these people get aimed in the right direction. But the one thing that came and was said over and over and over and over was "What are we going to do? We have no treatment facilities?" There was no state-sponsored treatment facilities.

But the fact of the matter is, is that we've got a bill that's out there and, and my own home county, the county commission has stepped up to the plate, actually worked out a deal with purchasing a building to put a facility in place, but it's within the city limits. And it's sort of like "not in my backyard". So there this big friction going on now between the city and the county. And the only people that are going to win out of this deal are attorneys whenever they're sitting there suing each other back and forth. And the intent of this piece of legislation that we had here was to make it so that we got away from that and we got on with the process and the progress of being able to help those that are suffering from addiction. But it's turned into this fiasco, otherwise, and we cannot afford to wait. Thank you for signing on with that. I can't begin to thank you enough for that.

I'll close out here, that we're not dumb. We're going to figure a way to get through this and get that solved. And, and it shouldn't, it just hasn't gotten to your county yet, or your district. And the fact of the matter is, is we got to get something in place to be able to help them and fighting against it doesn't work.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

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*Tuesday, February 2, 2016*

SENATOR STOLLINGS: Thank you, Mr. President.

Earlier today we recognized the American Heart Association's efforts and the Go Red for . . . and the fight against heart disease. I'd like to take just a brief moment to thank this body for doing some very good things in that regard.

You know, we talk about the joint use agreements for after school activities. We talk about hands-only CPR. We talk about sending money back to our districts for wellness trails, walking trails and making our communities much more healthy.

And I just, again, there's Senate Bill 401 that deals with stroke care in West Virginia. Similar to the trauma center designation that we have in place now, whether you're a Level IV trauma center, or a Level III, or a Level I trauma center, there would be a similar designation where if you went to, if you had symptoms of a stroke, you could get directly where you could get the best possible care.

And I encourage this body to continue to look, to make our state a healthier place and to kill, to help kill, stomp out our number one killer.

Thank you.

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**REMARKS OF  
HONORABLE  
MIKE HALL**

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*Tuesday, February 2, 2016*

SENATOR HALL: It was hard, to let me, let this day go by, without mentioning a couple of things. Obviously, most of you know I had heart bypass surgery this year. And I just wanted to . . . I talked to some people from our hospitals. I had that

done at St. Mary's. You can have it done at CAMC. I think Ruby does them. But one of the things . . . you know, we often talk about where we're last in this and that in our state, but there are 450, 4,500 hospitals that do open heart surgeries in the United States. Both CAMC and St. Mary's, and I, I do not know, probably our hospital up north, they're in the top 300 of outcomes. And I can tell you that when I was there and experienced, obviously it was a sudden thing for me, people asked what happened to you? And I said "Well, I took a stress test and I failed it." I haven't failed a test since I was back in school. I failed a few of those. And I failed that one and then . . . when they did the heart cath, I tried to negotiate with the cardiologist, I said "What's my chances?" He said, "Your chances of open heart are 20 to 30 percent. Once I get in there and take a look at you, and I will know in four minutes." And so, I negotiated him down to 20 percent. And then we went in the room, the, the anesthesiologist said "Can we play Bruce Springsteen while we're doing this?" So they did that in the background and then he stuck the little needle in my hand, they can do it through the groin, and four minutes later he said "Looks like he's going to have to have open heart surgery" because I have blockages.

Well I'm thankful to God and to my wife and, and to these marvelous people that do these things, like Dr. Takubo back there, and Stollings, I mean you guys are . . . I mean, and other physicians that have the capacity to do . . . I was absolutely stunned, you know, obviously, my family was stunned when they rolled me out and I looked at all of them and said they're going to have open heart. Actually, while we were in the room where they did the heart cath, the decision was made to do it the next day. So I did not leave St. Mary's. I went in that day thinking I would leave . . . and I left five days later. But I was a different person.

And it's amazing to me how they can break you apart and stop your heart, rewire it, replumb it, fill you with potassium, bring



you back out and there you are, awake in five hours and it's beating again. It's an amazing technology. I did, I did want to say though as I left there, I said you know, if I have a chance to speak on this publically, I would just like to say please if you have, I mean I thought I was healthy, but you know do keep up with your check-up, you know, do, go have a stress test if you can get one every now and then. Don't fall into denial, if it's there, it's there. Because sadly we know so many people die suddenly of heart attacks. Many of whom that I believe may have survived. That I may have died this year, maybe, if I hadn't gone through it. I did, I had a 100 percent blockage in one part of my heart. So, I'm, I'm made . . .

I want to thank the people at St. Mary's. I grew up two blocks from there. The last time I was in the hospital was 60 years before that to have my tonsils out at St. Mary's. I hadn't been in the hospital for 60 years and I don't want to go back for 60 more. But I also . . . in, in the climate of that hospital's wonderful—Senator from Wayne and different ones know about the capacity of that place down there. And they're going through this thing about selling it and so forth. I hope it maintains its same level of capability.

Also, I want to thank the people at CAMC cardiac rehab that put me on the treadmill and this machine and the bike and so forth to get you rolling.

So I, I couldn't let Heart Association Day go by without saying a thank you to the people that helped me and I'm amazed that I'm here, you know. And, and my cardiologist, I went and saw him a couple of weeks ago and he said, and I said "Will I need a stress test?" and he said "No, you will not need one for five years. We'll check you then." Well, I'm amazed at that so . . .

Anyway, I thank all those people that have done that. The technology, it's absolutely stunning what can happen. But

do keep up. I have changed my diet so I will say that to the good Senator from Kanawha that I don't, I haven't had two steaks since June. I won't go into any more of that. But you know, watch your diet, exercise, here's what the cardiologist said to me or is it heart surgeon, he said "Three things, Mike, you've got to do: Watch your diet, exercise and avoid stress." And I said "I'm in the West Virginia Legislature, that's going to be a challenge, particularly this session."

Alright, thank you, Mr. President. I just wanted to make those remarks. And keep up with your appointments. I don't want you . . . I want you to make it as well.

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**Repealing prevailing hourly rate of wages requirements**

*(Adoption of Senator Snyder's amendment to Eng. House Bill 4005)*

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REMARKS OF  
**HONORABLE  
HERB SNYDER**

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*Wednesday, February 3, 2016*

SENATOR SNYDER: Thank you, Mr. President.

What this amendment does, it still repeals, totally repeals, the West Virginia Prevailing Wage Act that's been under great debate here and now before us on second reading and replaces it with the Davis-Bacon Act, federal wage scale. And, Mr. President, if appropriate, I'd speak to my amendments at this time.

What this does is leave us, at this point, if we simply repeal, we have nothing. And I'll take just a moment and I will try to be brief.

The reason that the Davis-Bacon Act was enacted in 1931, that Representative Bacon, who was a Republican, along with Senator Davis, realized that in the lead up to the Great Depression and during the Great Depression that public moneys were still being spent but in many cases they weren't staying in the communities, for wages, where those building projects were happening.

And the particular instance that caused this is actually in 1927, before the bill passed, and the Davis-Bacon Act passed in 1931, was the construction of a Veterans Bureau—they called it at the time, now its VA hospital—in New York. And it, that project caught the ire of local citizens and politicians, and especially Congressman Bacon, that in New York the laborers that came in for that job were from Alabama for very low wages. And he thought that this was wrong. That the community needed those, that influx of money at the local level for those local workers to buy groceries and cars and live instead of simply sending the money back to Alabama. So that was the genesis for the, for the act. And I think its relative here. And it happened during the Great Depression.

So, there are similarities, Mr. President, between what the economic stress that West Virginia is going through now to those times. But it leaves us with something. That there's a standard, and this is a federal standard that is used by all 50 states. West Virginia will have to use it when the other is repealed for any project with federal money.

So this is doable. It does, it gets the State of West Virginia completely out of the calculation business. Doesn't try to recalculate anything. It's all done at the federal level and they've been doing it for many, many, many decades and it's been refined many, many, many times. In fact, under President Nixon it was refined. And under President Reagan, Mr. President,

it was refined. They were dealing with discrimination issues at that time. So it's been there and even refined and revisited through many presidents, both Democrat and Republican.

Congressman David McKinley has been a champion for Davis-Bacon. Congressman Evan Jenkins and Congresswoman Shelley Moore Capito, when she was in the House, have both voted on Davis-Bacon legislation. Senator Manchin and Senator Capito support Davis-Bacon wages.

They rely on federal surveys and calculations that are so much under debate here that somehow the ball got dropped in West Virginia. Quite frankly, Mr. President, I'm not sure what data they used to come up with that. But at the same time this goes to the federal level that has done a good job of this and we are still imposed and will have to use those wages, federal Davis-Bacon wages, if there's any federal money. We've all seen the billboards along the highways when we're fortunate enough in our area, or anywhere in the state, says state money put in on a project and federal money put in on a project. When you see that federal line, these wages apply.

In addition, there are no union dues and there are no union marketing funds allowed under Davis-Bacon. They are not part of the calculation and are not used as part of the wage. Fringe benefits are only used, only used if they're determined in the area that those wages are applied and its geographic throughout the country, states are split into multiple regions and so forth.

So I, I urge my colleagues to think about this option, something short of a total repeal of the West Virginia wage and I reserve the right to close, Mr. President, and ask for the yeas and the nays.

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**Repealing prevailing hourly rate of  
wages requirements**

*(Adoption of Senator Snyder's amendment  
to Eng. House Bill 4005)*

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REMARKS OF  
**HONORABLE  
MITCH CARMICHAEL**

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*Wednesday, February 3, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

And with respect, I urge my colleagues to vote no on this amendment for a couple of reasons. And let me just say to my good friend from Jefferson, who always makes such articulate arguments and positions with regard to his proposals, our approach with the repeal of the prevailing wage provisions in West Virginia is to allow the free market to function.

And one of the things I might take exception with to my good friend from Jefferson was the fact that if we do not adopt his amendment instilling the Davis-Bacon wage rates, that we will be left with nothing. Well, what I would say is what we will be left with is capitalism, is free markets. It's the way the rest of the world and America does business, by bids, by achieving the best that you can be and bidding the project at the best rate that you can and getting the best deal for the taxpayers and allowing the workers to flourish by having more jobs, more opportunity and bidding their most valuable resource, their labor, and allowing the marketplace to set that wage rate. Many of us in, in all of our individual lives and in our work environments conduct business that way. Nobody likes or condones the government setting your wage rate. And that's really all this debate is about. And I'm sure we'll have it tomorrow. We'll have it on other amendments now.

At the end of the day, it's a simple argument. Should the government set your wage rate or are we better served by a free market capitalistic society in which a willing buyer and a willing seller conduct a transaction in a free market capitalistic society? And for those reasons, the adoption of capitalism, the adoption of the free market system, I would ask that we reject the gentleman's amendment, respectfully, and I appreciate your remarks.

Thank you.

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**Repealing prevailing hourly rate of  
wages requirements**

*(Adoption of Senator Snyder's amendment  
to Eng. House Bill 4005)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO  
AND  
HONORABLE  
MITCH CARMICHAEL**

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*Wednesday, February 3, 2016*

SENATOR ROMANO: Yes, thank you, Mr. President.

Will the gentleman from Jackson yield?

MR. PRESIDENT: Will the Senator from Jackson yield? Senator yields. Senator from Harrison.

SENATOR ROMANO: My colleague from Jackson County, I have just a couple of questions. One, the supporters of this bill believe that it's going to create more jobs in West Virginia. Is that correct?

SENATOR CARMICHAEL: Yes.

SENATOR ROMANO: And, and, and my, my difficulty with that is the purpose of prevailing wage or Davis-Bacon wage is, is to keep out-of-state companies who might use cheap labor, sometimes immigrant labor, from coming in and underbidding West Virginia companies. If, if that did occur, that would result in the job loss for West Virginians wouldn't it?

SENATOR CARMICHAEL: Well, I reject the, the preface of the question. The purpose of our bill is to allow the taxpayers to get fair value for their tax-paying dollar and for the worker to be able to provide their labor at the, the going market rate.

SENATOR ROMANO: And, and of course we've, we've seen the contrary evidence that, you know, prevailing wage jobs are done cheaper overall, they're done on time, they're done with less material cost and that labor is a very small part of that. But, but I understand you believe it's going to create West Virginia jobs if this bill passes.

SENATOR CARMICHAEL: That's my hope is that West Virginia workers will bid the projects and win in a free market society. Yes.

SENATOR ROMANO: And would you agree with me that Davis-Bacon is the federal government's mandate throughout our country? I mean you talked about how the rest of the world does business. Our entire country, for federal projects, has to follow Davis-Bacon.

SENATOR CARMICHAEL: That's the current law. Yes.

SENATOR ROMANO: Thank you, thank you, sir.

SENATOR CARMICHAEL: Thank you to my friend.

**Repealing prevailing hourly rate of wages requirements**

*(Adoption of Senator Snyder's amendment to Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

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*Wednesday, February 3, 2016*

SENATOR TRUMP: Thank you, Mr. President.

I rise also in opposition to the gentleman's amendment.

Actually, I, I think if we adopted this amendment and passed the bill, we'd be worse than the status quo for this reason: West Virginia is sovereign and how many times on both sides of this chamber, both ends of this building, across all political parties, have we heard ourselves decry the erosion of West Virginia's sovereignty at the hands of the federal government? Look what it's done to our coal industry. Look what it's done all, in all aspects of our economy. So to the, to the gentleman from Jefferson and, and others who would, are not pleased with the idea of repealing our state prevailing wage, you know, I would, I would say that the, you know, the better course of action would be to vote no on its repeal, which is, of course, is their right. But to surrender more of our sovereignty to a federal bureaucracy that's going to set wage rates for the people of West Virginia and to invite them to do it on the question of how we spend, not federal tax dollars, but our tax dollars is a, is a surrender of why we have a government in the first place. We might as well turn out the lights and go home.

I urge rejection of the gentleman's amendment.

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**Repealing prevailing hourly rate of  
wages requirements**

*(Adoption of Senator Snyder's amendment  
to Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
ART KIRKENDOLL**

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*Wednesday, February 3, 2016*

SENATOR KIRKENDOLL: I would like to speak to the bill in question.

You know, listening to the debate on both sides, and coming from the southern coalfields, I have, since I've been here, talked about job creation and have a session on jobs.

But the, the Honorable Chairman mentioned the coal industry. As a legislator, I don't understand why that we don't get together and spend our time finding out why is the industry suffering so much? There's market-driven issues I know but a person that worked in the industry, been a part of the industry, knows this: Fifteen or 20 years ago you could, you could put a permit application, have your lawyers take it through OSM, DEP, and all, all of those institutions that you need to take it through for thousands of dollars. My point is this: I bet you a qualified mine permit is around a million and a half to \$2 million. A mine permit used to be, possibly, granted in 180 days. We can go to Mars and back now before we can get a mine permit.

So I guess to make a short circuit acknowledgment of what I'm trying to say: We got PEIA problems. We lost 77 teachers in Boone County. We're, we're looking at uncertain bills that I spoke to early last session, and the news media said I was right on prevailing wage. I implore this legislative body to come in and, and dissect

the problems in the coal industry about permitting, applications and permitting, the market system and everything else. And bring these people in and sit down and find out how we can change this back to where you can afford . . . . The problem in our industry in, in the entire West Virginia system, the most prevalent word you could ever use, is uncertainty. And all we do is expand on it. We're sitting here looking at issues now, we should do more and I have said this. I get so tired of looking at surveys and questionnaires that people do these surveys for us. You know, most of the time a survey will be respondent to you if you're paying the bill. I would implore the Governor's office to sit down and redo questionnaires and activity level of other states that have certain businesses for them to have the total nonbiased attitude toward what we're looking at.

But I guess, in short, I just think we have more pressing issues right now about keeping our teachers, our service personnel, our retirees, our coal industry, all this is suffering, then to spend time debating issues that we need more time, more study. And I told one of the workers, when I, I said when I went home last year I was not going to tell a constituent I voted no on prevailing wages simply because talking to these young men and young women—they work nine and a half or 10 months—if I could have went home and said, "Look, I think by the arbitrary system we have we're going to get you another month's work. Your salary's going to go down a dollar and a half per hour but we're going to be able to put more people to work." I'd have a pretty good argument. But when I walked back and my constituency said, "Senator Kirkendoll, what do I make now under the new rate of the bill that was passed?" I don't have a clue. And if anybody here when I get through wants to stand up and tell me what the new rates will be on certain projects, I'd like to know.

But the certainty that we do have is the suffering of the coal industry. Investors don't want to spend money. You can't go to the bank and get a loan on equipment.

MR. PRESIDENT: Senator, Senator . . . .

SENATOR KIRKENDOLL: We sit back as legislators and people. . . .

MR. PRESIDENT: Senator. With respect, confine your comments to the merits of the amendment placed . . . .

SENATOR KIRKENDOLL: That is, Mr. President, I would, I would challenge the fact that my comments are of merit to the amendment. It's about the economic activity in which this bill and everything else we're talking about is. Out of respect for you, I'll be as, as calm as I can be.

But I will finish with this. I implore this legislative body, take the issues that we are, we are compressed with. I hate to go back home with my colleague and, and see, see what's happening back home.

Thank you, Mr. President.

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**Repealing prevailing hourly rate of wages requirements**

*(Adoption of Senator Snyder's amendment to Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
ROBERT KARNES**

*Wednesday, February 3, 2016*

SENATOR KARNES: Thank you, Mr. President.

While I can certainly appreciate the Senator from Jefferson's desire to bring home the Davis-Bacon . . . . I would like to point out one of the flaws I think in the argument that has been raised here today and multiple times during this debate related to this issue. And that is the idea that repealing prevailing wage is going to cause out-of-state companies to come into West Virginia to take jobs that are currently being served by West Virginians.

A lot of us have received letters from contracting companies related to this particular issue. Oftentimes saying: I rely on this. This is how I build my company. Please don't repeal this. And one of the things I've noticed is that roughly half of the contractors that have sent me letters have had addresses in Maryland, Pennsylvania, Ohio, Kentucky. These companies are coming into West Virginia because our prevailing wage rates are currently so high that it makes sense for them to chase after that big dollar instead of staying at home where they can get paid less. Our wages are too high because of prevailing wage. And this bill, absent this amendment, will help to correct that issue by bringing the free market into it.

I would also agree with what the Senator from Morgan had to say. I don't, I think that it would be a hard case to make to say that our current problems in West Virginia, economically, do not tie back in large part to federal policies, whether it's EPA policies, or OSHA policies, or whatever other policies, that the federal government has caused tremendous amount of economic damage and why we would want to tie our economy even further to federal policy by adopting the Davis-Bacon as our standard for prevailing wage, seems to me to be. . . . We would be getting completely off track of the type of action that we need in this state now to get our state back on track. We need to avoid getting entangled in federal policies. We need to establish the State of West Virginia's policies on issues like these.

I do believe that the prevailing wage will not bring in more outside contractors. I believe it will actually have the opposite effect because of wages tended lower in West Virginia then there'll be less of a draw for outside corporations to come into West Virginia for the high wages that we currently pay.

So I would reject, and urge the rejection of this amendment.

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**Repealing prevailing hourly rate of  
wages requirements**

*(Adoption of Senator Snyder's amendment  
to Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
HERB SNYDER**

*Wednesday, February 3, 2016*

SENATOR SNYDER: Thanks, Mr. President, and I will be very brief.

The Senator from Logan mentioned, he talks and has constituents that are laid off coal miners, laid off teachers, and I ask you to ask yourselves what help will this repeal of prevailing wage help those laid off coal miners and help those teachers? Now yes, I, in fact, I will submit that we may build some more infrastructure and maybe you'll have a fifth school for free. I don't buy that. Instead of four, you'll have five new schools.

But I don't think that the citizens in West Virginia need more bang for their bucks in buildings. They need wages. They need money to go buy their cars, they need money to go buy their groceries and pay their electric bills and gas bills. This is a pocketbook issue if there ever was one.

Now I ask everyone to go back one year from today, one year, here in the Legislature. And we were talking about and there's been talk all summer about how to calculate this. The repeal bill laid here for a week on the floor about . . . and it was all about trying to work something out about how to calculate this. Came up, I believe the bill passed unanimously. If not, it was very close, Mr. President, thanks to your leadership. And I'll submit, yes, there were a lot of questions and maybe some problems as to the way it was calculated. But like anything else we do here, it could be fixed. You don't have to throw the baby out with the bath water which is, I think, what this is doing.

We talked about the rest of the world uses free economy. Well I report to you that that's not true. Not in government spending. Laws on the books here today give a preference for materials, Mr. President. Is that any different? If you're from West Virginia, you're selling materials. I think that's a good law.

In addition, Mr. President, you and your leadership team have talked about getting West Virginia, especially in Judiciary committee, into the mainstream—Mainstream America—that we don't want to be an outlier. Well, I report to you, Mr. President, that this puts us in the mainstream because 31. . . . We are the thirty-first state that has some type of prevailing wage. So, clearly, we are in the mainstream with the West Virginia prevailing wage and this option would keep us in the mainstream. So we're not an outlier. We stay in the mainstream if this amendment is adopted.

I started out with the 1931 passage of the bill and it is still so true today. The original concept behind caveats and standards on government spending at that time was a VA hospital, Veterans Bureau

at the time, in New York, when Alabama labor came in. Very, very cheap labor. That, that circumstances is still prevalent, that example and the reason this is a reasonable law at both the federal and state level.

During the debate, and I'll use the words that I found on the internet looking so much of what Davis-Bacon is on, that in the Halls of Congress they said to repeal it would be a race to the bottom. A race to the bottom. Now what do they mean by that? Cheap labor, lower skilled labor, meaning that a journeyman carpenter, four journeyman carpenter may very well do the job of five untrained carpenters. And that's proven to be a fact. But those are the principles embodied all the way back from 1927 when this all started. Those principles are still alive and embodied in these 31 states' statutes. It's embodied in federal law. And I gave you Senator Manchin's, Senator Capito's, support for the federal laws. They're on voting records. They've supported it.

And I ask that you take the spirit of that law to do everything we can to help our West Virginia economy and put money back in West Virginians' pocketbook. And I think a total repeal would hurt West Virginia's economy.

And for that reason, I urge adoption of the amendment. And I have previously requested the yeas and the nays.

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**Repealing prevailing hourly rate of wages requirements**

*(Adoption of Senator Romano's amendment to Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO**

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Wednesday, February 3, 2016

SENATOR ROMANO: Thank you, Mr. President. I'll be brief on the amendment.

This amendment preserves the majority's preference to repeal prevailing wage. It simply does, and ensures, what the Majority Leader indicated this bill would do. It ensures jobs for West Virginia workers. The bill would be, or the amendment would be simple, that any contract with a public entity or political subdivision would give a first preference to West Virginia citizens who've been in this state for three months or longer. And if there's insufficient workers in West Virginia, then we give it to U. S. citizens. This will avoid what would be the use of immigrant labor, low cost immigrant labor, that doesn't receive the benefits or pay the taxes that West Virginia citizens do. And it will help West Virginians.

May I continue to explain the amendment, Mr. President?

MR. PRESIDENT: Senator from Harrison.

SENATOR ROMANO: Thank you.

You know, this is another one of those divisive bills and, and we're not going to get any closer, solve any more of West Virginia's problems, by forcing it through. But the privilege of having a one vote majority is you can pass what you want to pass. And repealing prevailing wage, which is going to pass today, I know that, is not going to help West Virginia workers.

Contrary to my good friend from Morgan, coal prices are down and we can blame the federal government but then we also ought to thank them for gas prices being down, and natural gas prices being down. There's a worldwide energy glut that is causing the loss of coal jobs more



so than what the federal government's doing, although that certainly has an effect. But let's call facts, facts. And let's call propaganda, propaganda. We can't do anything. The gasoline is a \$1.76 a gallon. I haven't seen that since I was a young kid. And the same with coal prices. We can't help that, that there's too much energy in America.

But we can help West Virginia workers. We can help them. If we don't want to help them by making sure that it's a level playing field when competing with out-of-state contractors, then we can certainly make sure that they get the first bite of the apple of our public money and public projects.

And to my friend from Kanawha County, there may be Ohio state contractors that come in here and, and bid on our projects and may win one or two but they employ West Virginia workers. They go to the local unions to get their workers that are going to help build those projects. So really it doesn't matter where the contractor comes from.

But the reality is this amendment is very straight forward. We should all be able to get behind it. Doesn't preserve prevailing wage. Doesn't preserve Davis-Bacon Act wages. It just gives West Virginians a good shot at getting a good job. And if not West Virginians, citizens of the United States.

Mr. President, I would request the privilege of closing and ask for the yeas and nays on this amendment.

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**Repealing prevailing hourly rate of wages requirements**

*(Adoption of Senator Romano's amendment to Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

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*Wednesday, February 3, 2016*

SENATOR TRUMP: Thank you, Mr. President.

I rise in opposition to the gentleman's amendment. And there are three fundamental reasons why I would oppose the gentleman's amendment.

The first, I believe it to be constitutionally suspect under equal protection principles to explicitly treat differently in the law people from different states. I think, at a minimum, it's suspect and is going to engender a whole slew of litigation, expensive litigation.

The second reason why I oppose the amendment is related. In the gentleman's amendment, and I would refer to this as the lawyer's bonanza amendment because it, the amendment, if it's adopted and this becomes law, is going to engender litigation apart from questions of the constitutionality of the amendment. The way the language is worded says if the alleged violator fails to take corrective action, the Division of Labor is going to institute a civil action and recover liquidated damages for a violation of the contract an amount equal to wages paid to any employees. So, if this amendment is adopted, let's be clear what's going to happen is you're going to have the Division of Labor suing contractors, lawyers squaring off all over the place and sucking out all the money of an infrastructure project into attorney's fees that should be used for the infrastructure that we desperately need for our state government, our county governments, our, our municipal governments. . . . All these public works projects are going to go the way of litigation costs. So that's the second reason.

The third reason that I oppose the gentleman's amendment is because I believe it is unnecessary. It is absolutely unnecessary. And let me explain why. West Virginia workers will have, for any public works project, the competitive advantage over workers from any other state for a number of different reasons. One, just their proximity to the jobs. Workers from other states would have to pay, be paid travel costs or housing costs. West Virginia workers have a competitive advantage over workers from any other state in that regard.

The second competitive advantage that the West Virginia workers have, and I'll say this on the floor of the Senate, and honestly, I, I think the amendment itself for this reason, Mr. President, is insulting to the working people of West Virginia. We have the competitive advantage here because we have the finest and best workers that can be found anywhere in America. Anywhere in America. Right here. The working people of West Virginia. They do not need a governmental crutch or a legal preference. They have an advantage. The advantage of being the best. The best there is.

And so, for that reason, the gentleman's amendment is completely unnecessary and I urge its rejection.

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**Repealing prevailing hourly rate of wages requirements**

*(Adoption of Senator Romano's amendment to Eng. House Bill 4005)*

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REMARKS OF  
**HONORABLE  
CHRIS WALTERS**

*Wednesday, February 3, 2016*

SENATOR WALTERS: Thank you, Mr. President.

I rise in opposition to the amendment as well. And let me clarify why.

This amendment, I know we're looking at it as a micro level but let's look at it as a macro level. Are we going to tell people from other countries around the world that we don't want them to do any work in West Virginia? Are we going to look at Toyota who has put a manufacturing plant in my district and say no? That is what will be looked at from a macro level if this amendment passes. It will make our state look in a horrible, horrible light when looking at people from all around the world. Gestamp, stamping Volvo hoods in South Charleston, West Virginia, from Sweden, are we going to say sorry, your country, the people that you put forth are not qualified to be here in West Virginia? From a macro perspective, this would make West Virginia look horrible.

I rise in opposition to the amendment.

Thank you, Mr. President.

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**Repealing prevailing hourly rate of wages requirements**

*(Adoption of Senator Romano's amendment to Eng. House Bill 4005)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

*Wednesday, February 3, 2016*

SENATOR WOELFEL: Thank you, Mr. President.

I have not weighed in on, on this divisive issue until now. I just want to make a couple of observations. What I've learned today from the Senator from, from across

the aisle is that West Virginia workers are overpaid. Did not know that until today.

I've also learned that this amendment which would give a hiring preference for West Virginia workers, and if they're not available or qualified, citizens of the United States of America and the response from across the aisle is this is the lawyer bonanza act. No. This is the green card appreciation act. Okay.

So that's great. I mean, this is, I'll just be candid and tell you that right to work is a very tough issue for me personally and for a lot of folks in this room. This is not a right to work debate. This is a prevailing wage debate.

And I also learned from across the aisle that, got a lesson in economics a minute ago about macroeconomics. What we're really hearing today is trickle-down economics. President Bush referred to that as voodoo economics. Trickle-down economics is this: On Halloween when all those kids are knocking on my front door, what I did this year is. . . There was one big kid. I was tired of answering the door. So one big kid showed up and I said "Hey buddy, you're about 15 years old. Here's all the candy. I'm tired of answering the door. You give all this candy out to all those other kids and everything will be great."

Thank you.

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**Repealing prevailing hourly rate of wages requirements**

*(Adoption of Senator Romano's amendment to Eng. House Bill 4005)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Wednesday, February 3, 2016*

SENATOR ROMANO: Thank you, Mr. President.

I'm not sure where to start with all this. But I'm going to start with my colleague from Kanawha County. I didn't know SAAB wanted to build our schools. This is only for public projects. We're not telling anybody they can't come in here and open a plant like Toyota has and had great success. Like Proctor & Gamble has. Like Macy's has. Like, up in my area, Bombardier, which is an Irish company. Like Aurora. Like Pratt Whitney. We're not telling them not to come here. We're welcoming them here with open arms.

But again, we continue to chase ghosts. We chase ghosts. This bill's going to nothing to create a job for a West Virginian, but this amendment will.

To my friend and fellow counselor over there from Morgan, I will tell you that any good attorney looks where, looks for the law before he goes and says it's unconstitutional. Connecticut has had this law for decades and it's much broader than the amendment proposes.

This is good law. This is good law for West Virginia. Let's put our money where our mouth is. We want to create West Virginia jobs, this creates them without any prevailing wage. This will help make West Virginia jobs. This will help put food on our table. Put money in the hands of working people which makes everybody do well. So that they can buy cars. So that they can go to restaurants. So that they can go out and put clothes on their kid's back. Get them an education. Put an air conditioner in their house.

We have to have working West Virginians. We can't have people rush in, throw up a school then leave. You know what that will leave us with, a school with no kids in it. That's what that will get us.

Now, you know, we, we throw facts around here; I should say trivia around here like they are facts. But you know, the, the reality, the reality of this bill is we're going to lower wages for people. My friend from Upshur County, I don't know how he thinks making \$60,000 a year is some big, fantastic wage. You know, you got two or three kids, that's a hard life in West Virginia today. And that's well above our poverty line.

You know, I've made it my goal in life to help working people. I've been in, been lucky to be in on the creation of thousands of jobs up in my area. I'd like to know how many of us have really ever tried to create a job. Nobody's ever come in and said a thing about prevailing wage. In fact, the last factory that we were able to get constructed up in West Virginia, they insisted on using prevailing wage when they had no obligation to do so. I've never had one person come in and say, "Man, if you were only a right to work state, we'd bring even more jobs here." Not one. And I've dealt with them from all over the world.

Chasing ghosts. We're never going to get anywhere but where we're at and moved further down based on this agenda. I will tell you that I do not insult West Virginia workers; I look out for West Virginia workers because West Virginia workers are the best. But when you're coming in here with somebody willing to take half of the wage you're not going to be able to go to work if you're a West Virginian. Not make a living wage. You could go to work as a slave—and maybe that's the ultimate goal here—but you can't go and make a living wage that gets a better life for your kids than what you had.

I want to tell you one story. We were building a prevailing wage job. Yeah, it was costing money, it was on time, no change orders and, by God, it was under budget. Next door at this development they were building a wage with, or they were building some structures with out-of-state projects. One of the supervisors came up

and said "Hey," he said "isn't this great." I said "Yeah," I said "you know they don't look . . . . Are these Americans?" They were Mexicans. I thought maybe they were Mexican-Americans. He said "No." He said, "They're, we don't . . . we bring them up." He said "They're not citizens." And I said "Why do you do that?" And he goes "They work for, for less." I said "But we want to employ Americans." He goes "No, we don't." He goes "These guys, when I'm done with them . . . ." He said "We just call somebody to come and get them." He said "They take them out. We don't have to pay them their last week's wages." That's what we're going to get in West Virginia. That's what every one of you all ought to go take a look at before you vote no on this amendment let alone vote yes for this bill.

Thank you, Mr. President.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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REMARKS OF  
**HONORABLE  
CRAIG BLAIR**

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*Thursday, February 4, 2016*

SENATOR BLAIR: Thank you, Mr. President.

This bill repeals article five-a of chapter twenty-one which mandates prevailing hourly wage rates be paid to public authorities for construction of public improvement projects costing over \$500,000.

And, Mr. President, I reserve the right to close.

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**Repealing prevailing hourly rate of  
wages requirements**

*(Passage of Eng. House Bill 4005)*

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REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER

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*Thursday, February 4, 2016*

SENATOR KESSLER: Thank you, Mr. President.

It should come as no surprise to anybody in this chamber that I rise and urge the rejection of this bill. You know, this has had a tortured past over the last couple of sessions. We've debated it on the floor, in committee, in the press, everywhere under the sun.

The truth of the matter is, the truth of the matter is that the rationale to do this is it will save taxpayer money. The evidence does not support that underlying false premise. In fact, the evidence that we have, the evidence that has been presented, the evidence that we collected during this period of time during the summer when we had no prevailing wage that there were no appreciable savings to taxpayers. Zero. None. Yet it creates losses to workers, West Virginia businesses, contractors, our citizens and our communities. We always argue, well, West Virginia is an outlier; we want to be mainstream. Well, I don't have to remind you that on all federal construction road projects there's Davis-Bacon prevailing wage rates used routinely. It served us well. Thirty-two states I believe, at the last, my last look, still have prevailing wage. And they work well. It's a law that has served West Virginia well because the premise of it is to make sure that we have a skilled, quality, trained work on public projects that are required, Mr. President, to be put out to the lowest responsible bidder.

So there's always going to be pressure to do it cheaper, to cut corners by hiring less skilled and trained workers. The jobs aren't done as well. They aren't done with a level of safety. They're not done by skilled craftsman and tradesman that are skilled. And who loses? The public.

I submit to you, Mr. President, that this bill, this repeal, is a solution trying to fix a problem that doesn't exist.

You know, it'd been mentioned last year that we could do three, five schools for the price of three. And you know how this all unwound but yet, when we had that study done, when we looked at some schools—I believe over in Gilmer County, and down in Wayne County I believe, and one up, believe down in Mingo County, or McDowell, I can't recall—that the price per square foot on those schools was, was unappreciable. There was no savings.

So at the end of the day, Mr. President, this bill, if it passes, will hurt people, will, will hurt the folks not only that you see here up in the balcony and have seen out in the hallways. It will hurt our communities because the moneys that are paid with a decent wage to individuals on these projects floats back through our communities again. Not only our, just our communities but the fringe benefits provided provide insurance, provide health insurance and coverage and retirement benefits to so many of our workers. It helps our communities.

I've had letters from—I showed you last year, when I come out on this floor, a stack of letters probably an inch thick or longer—from businesses in West Virginia, community businesses in West Virginia, contractors, that said don't do this. It will hurt us.

So this isn't just a labor issue. It's a labor and business issue. It's a West Virginia issue that's going to hurt the people of this state and, particularly, those that are employed in the construction industry.

We need to reject this bill. We need to stand with our friends not only in the labor community but in our business community and the contracting community and in the hospital community—I've got letters from hospitals saying don't do this. It will hurt because our trained skilled workers that have benefits keep us from having folks show up with uncompensated care. It helps provide employment throughout our entire economy. And again, the, the supposed benefits are false. A passage of this bill are not true and they will hurt the State of West Virginia. Not help it. Hurt it.

For that, Mr. President, I urge strongly the rejection of this bill.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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REMARKS OF  
**HONORABLE  
ART KIRKENDOLL**

*Thursday, February 4, 2016*

SENATOR KIRKENDOLL: Thank you, Mr. President.

I'll try to be brief, I'm sure there's a lot of other people that want to make comments regarding this. But I want to go back just a couple of points of interest in my conversation about, about this particular bill . . . . And it's totally the uncertainty of it. And that's frightening to me as a legislator. The calls I'm getting about the uncertainty of people's wages, the future of the ability for them to operate on, on decent wages.

But I go back to also the quality of work. In my area, when a new school usually is built, you build that hoping that that

school—and data will show—that most of them schools are 20- to 30-year buildings. Now, if you are going to put something that you hope will last with the plumbing, the, the foundation, the other details of construction and you were hoping that that would last that long for a high school, a middle school or a grade school—like I say, check the data—you got buildings in southern West Virginia that were maintained and lasted 30, 40 years. I would hope in the wisdom of this Legislature that we would allow trained workforces to build those buildings because if I was building a building that was designed with quality trained workforce and I was hoping would last 30 years and after eight or nine years I started having major problems and on the initial front end of that particular financial aspect I showed that I saved 11 percent, at the end of the day, I would probably lose about 45 to 50 more percent by having to redo the job.

So, Mr. President, as a legislator, I'm concerned about the uncertainty and the future of the workforce and their ability to maintain a qualified wage to feed their families but I'm truly, truly worried when the School Building Authority and these counties put their money up in the future that build these facilities and other buildings in West Virginia, will they be built to last?

Thank you, Mr. President.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

*Thursday, February 4, 2016*

SENATOR BOSO: Thank you, Mr. President. I appreciate the comments from the Senator from Logan.

As a registered design professional who puts his signature and seal on a set of drawings and represents to the public and who's held accountable, I will tell you that the quality of the construction will not be compromised. Why? Because the design professionals have a responsibility to review the construction and to affirm to the county, to the state, that the project fulfills its project responsibilities and meets the quality requirements. So we're not going to compromise integrity and, and, and the quality of the construction. I take exception to that.

Mr. President, this has been an issue that's been debated for a number of years. I can't for the light of me understand why this state, through this body and through the body on the other end of the Capitol, has legislated wage rates paid to individuals working for contract, on contracts outside of our state agency at high rates when we haven't taken care of our own public employees. Our Department of Highways' workers get up at 2 o'clock, 3 o'clock in the morning and go plow snow. They show up and clean up the trees that have fallen along the roadway. Most recently, I had a chance to sit down with our supervisor in Nicholas County and looked at the wage rates that are being paid to those particular individuals. I will tell you it's nowhere close to what this body holds up as the prevailing wage that we're paying to our contractors and their employees throughout the State of West Virginia.

It's time that this body take care of our public employees first. We represent the people at home. All of the people, not one or two percent, but all of the people at home; the people that work, yes, in construction at home that aren't, aren't able to be paid these high wages. Why? Because of local community which is the prevailing

wage that they're being paid in the local community. It's much, much less than what we as a state say is the prevailing wage. It's wrong. We've done this the wrong way for too many years, over 50 years. It's wrong!

I represent all of the people in the eleventh senatorial. Not only that, I represent all of the people of West Virginia. I get it. I understand it. I ran a construction business. I employed people that worked on prevailing wage projects but I also had those same employees that worked on nonprevailing wage projects. I know what the impact's going to be to these that we have held up, where we've held up this prevailing wage for so many years. It's going to have an impact. I get that. But you know what? At some point we have to recognize that we represent all of the people of West Virginia—the ones at home that are working in the restaurants, the ones that are home working in the convenience stores, the guys that are working as plumbers in the local community that aren't paying, being paid these, what we hold up as prevailing wages. They're the ones that we rely on. They're making ends meet. They're making a living. It's maybe not to the level that these have come to expect, but they're making it.

Mr. President, I urge passage of this bill.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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REMARKS OF  
HONORABLE  
WILLIAM R. LAIRD IV

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*Thursday, February 4, 2016*

SENATOR LAIRD: Thank you, Mr. President.

Ladies and gentlemen of the Senate, I rise today to speak in strong opposition to the passage of House Bill 4005; a bill intended to repeal our 81-year-old Prevailing Wage Act in the State of West Virginia.

Throughout our divisive discussion of this issue, and based upon my independent reading and research concerning the merits of this matter, I can find no compelling evidence that leads me to believe that the passage of this legislation will in any way improve the current economic climate in our state.

Rather, I am of the strong opinion and belief that the passage of this legislation will actually weaken our economy through lost wages and tax revenue, weaken our workforce training programs intended to help diversify our economy and reduce the quality of the work performed by highly skilled workers from our own communities employed for the completion of work on government-funded construction projects. Despite my strongly held belief concerning the merits of this legislation, the real source of my anxiety relates to our continued waste of valuable legislative time on divisive public policy issues which hold no real potential in addressing the very serious problems which face our state and people.

With only 60 days to complete our important work, I am sincerely concerned that we continue to flounder with issues which appear to be mired in the dogma and in the imagination of free market economists while ignoring those very real problems and issues that concern our people.

In my home county of Fayette, our public school system stands on the brink of systemic failure. Our county revenues are spiraling down as a result of continued bankruptcies and layoffs in the mining industry and we may soon be closing a

120-year-old institution of higher education which will most probably cripple the regional economy of the Upper Kanawha Valley.

At the state level, we must find ways to address our projected \$350 million budget deficit, plug our PEIA funding shortfalls and, hopefully, begin the process of addressing our deteriorating roads which are in the worst condition during my lifetime.

In conclusion, Mr. President, in July of 64 AD a great fire ravaged Rome for six days destroying 70 percent of the city and leaving half its population homeless. According to some historical accounts, Rome's emperor at that time, the decadent and unpopular Nero, fiddled while Rome burned. This expression "to fiddle while Rome burns" has taken on the more modern meaning of to do nothing or something trivial while knowing that something disastrous is happening. In our consideration of House Bill 4005, intending to repeal requirements for the payment of prevailing wage rates in the construction of public improvements, I would submit that we continue to fiddle while ignoring those real problems affecting the lives of citizens throughout the State of West Virginia.

For this and other reasons, I urge the defeat of House Bill 4005.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

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*Thursday, February 4, 2016*



SENATOR MILLER: Thank you, Mr. President.

I have thought about and dreaded today all this week. I know that many of you would wish that I would sit down and let the inevitable happen, a vote for this terrible, in my opinion, piece of legislation, so that we could move on with whatever the agenda might be. I know that the Majority Leader may tease me about this but I've always been, until recently, the quiet guy on the back row who kept his mouth shut, watched and voted. I never wanted to or planned to be a, a, a clanging cymbal or banging gong, and I'm sure that some of you have thought that's what I have become. I've listened to the talk and the speeches this week as we on this side have tried to shine some light on this whole legislation. We tried, unsuccessfully, to request financial statements and economic records without avail. We've been ridiculed and accused of trying to slow down and stop legislation. That's not been our agenda.

First, let me say that I never understand how having the proper study in the financial fields and job reports on a piece of legislation would slow anything down or stop legislation unless the report shined light on the truth and we realized how bad the truth really was.

I've listened all week on this issue and I've heard since the beginning of this session how we needed to reduce the cost of doing business in West Virginia and I've heard the words of my colleagues across the aisle say "I believe this will happen if we pass this" or "I think that will take place if we pass this legislation." Well, let me tell you what I know. Chamber of Commerce released a booklet to each of us in our, in our offices. And I found a CNBC study for "Top States for Business Rankings in 2015" in it. It's a bit interesting. It does say what my colleagues say: West Virginia rates fiftieth in business rankings. And that's what many of you've been saying all along.

But did you look at the ranking breakdown in that report? What brought us so low on that list? Our ranking in technology innovation, we're fiftieth in that area which is an education issue—I've talked about that before; our quality of life—another area I've talked about, which concerns air and water, we rank fortieth in the nation in that area; and the cost of doing business which this prevailing wage legislation is, we were seventh, mind you, seventh in the nation. Another fact, according to the U. S. Commerce Department, in 2014 we were forty-ninth in per capita personal income by state.

I've heard the words "I believe" and "I think", but I know this, if we put into place a mechanism to further cut the pay of workers, union or nonunion, no one will be lower than us. This I know.

And I'm not going to bore you today with the facts. I didn't promise I'd be brief either. Facts will never help in an agenda fight. I have discovered that and that's become part of what I've seen.

I've struggled the last two years with how we deal with legislation, how we deal with voting, how we deal with the lack of really trying to work together even though we say we're working together. Friends, we are the Senate. We are the higher house of legislative action behavior. But for the last two years, because we've not acted that way, I ask myself every day—and you may be asking why, Sue, also—why am I here? What difference do I make in this atmosphere except to maybe slow down a Thursday afternoon? Am I just a clanging cymbal as I said or a banging gong? It discourages me. It frustrates me.

Last night I went back and reexamined why I ran for office and why I even wanted to be in this place. I wasn't sure what the reason was after the last two years. And then I went back and looked at something I shared six years ago. And this is what I said.

And I'm going to share this with you and I apologize for boring you but this is from my heart and this is how I feel. I said this to a group: I spent my life in the mountains of this state that I love. I was educated in the public school system of Greenbrier County in this state. I attended and graduated from a public institution of higher learning at Shepherd University in this state. My children have all graduated from schools of this state and they have been educated in this state. My family has made a good living in this state as a small business operation. I am a sixth generation mountaineer. I don't even mind calling myself a hillbilly because I am. I am six generations of that. I have been nurtured and raised and aided and given to by the people of this state and the people of my community. And no matter how clichéd it might sound or even how phony you may interpret it, I truly believe that I owe much to this state that I love. And maybe this one way, getting involved in this place, I can repay by offering to be a public servant in government struggling with issues that are real.

I told the folks I was not running because I needed something else to do. I have enough to do. I am not running because I have a greater ambition. I'm running because I can make, and I must try to make, a difference. I believe I have something to offer and I am determined to do just that. I don't have all the answers. The truth is I don't even know all the questions. But I'm willing to listen. I'm willing to think and I'm willing to try.

I told the folks that day my run for the State Senate is not about lots of promises other than this one: I promise you that nobody will work harder for you and the people of this state in my district than me. I have no secret agenda or hidden alliance. I am in this race because I believe that together it can be better. As I say in my campaign slogan "A strong voice for a proud people".

I stand today, six years later, I take up your

time today when you're hungry for lunch and when I probably should sit down and quit sounding off. But I still believe and I still fight for that which I believe.

I want to be a voice for those who are forgotten. I want to be a voice for those who work with their hands and back every day building schools and roads and bridges. I want them to be paired, paid fairly. I stand as a voice for every man and woman who knows that the future of their financial livelihoods are put in the dangerous, ways of danger because of the quick agenda thinking we're doing today. I stand by people and for people that are in small businesses just trying to make a living. I stand for people that do not have giant super PACs or special secret organizations paying a way for them. I stand today opposed to this egregious legislation because it is ill-conceived, thoughtlessly steam-rolled through the great West Virginia Senate. We're acting like a lesser body today and I apologize to the people of this state. I apologize to the newest members of this body. This is not how we act; nor this is how we work in the West Virginia State Senate.

I encourage you today to reject this legislation. Be a strong voice against a hurtful agenda. Be a strong voice for the proud people of West Virginia. I apologize for taking your time but I feel strong about this.

Thank you.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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REMARKS OF  
HONORABLE  
ROBERT D. BEACH

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*Thursday, February 4, 2016*

SENATOR BEACH: Thank you, Mr. President, and, and thank you to the good gentleman from Greenbrier.

Ladies and gentlemen, I was hesitant even to stand here today. Last evening I was asked if I had planned to speak and, and my thought was what more could I say, what more could I add to this issue? But it's not important that you folks hear what I have to say but the folks up here above us because some of these are new faces. Some of us . . . they don't follow us on social media, they don't follow us on public television or public radio but some of these are new faces and they need to know that what has been going on here this week in this chamber. So I thought I would take a few minutes and just maybe recap some of the comments that have been said throughout the week. And I'll be honest with you, I sat here this morning and I didn't even share with my good friend from the Greenbrier that I was a little hesitant because I thought some of the remarks might be a little harsh but at the same time these remark, remarks that were actually made. These were a matter of public record. So just let me go through just a few them that, that come to my mind. And these are comments from both sides of the aisle.

Earlier this week we discovered little or nothing has been done to address PEIA, transportation, education and jobs. We also discovered the prevailing wage bill is revenue neutral, which begs the question "Why is it needed?" We also discovered that one individual in this room holds West Virginians in such contempt that he believes wages are too high here in the State of West Virginia. And it's also been revealed to us that some of you believe that there's no opposition from the business community to prevailing wage legislation, which begs another question "Why are there 300 letters on my desk from contractors from across, in the state, opposing this piece of legislation?" And finally, it's pretty clear

that more than a few of you believe that free market should determine state contracts. Well, I would argue that that notion plays well in the media and it may play well in some of your social circles but it falls on deaf ears to those that understand that we are not a business but that we are actually a service provider. Now that being said, I would agree that we should be good stewards of the people's money because it is, in fact, their money. And I believe, as members of this Legislature, we have done a good job with that. We balance a budget each and every year. But folks we are still just a service provider. And a service provider is about these people up here above us, the people back home.

So now let me ask you, how many times have you had someone say to you that we need to move this state forward? We've heard that in this chamber a hundred times probably over the last few weeks. But is moving forward really what we want for our residents? The last time I checked moving forward is the last thing you want on your, the last thing that's on your mind when you're standing at the edge of a cliff.

My argument is simple: Our object should be to lift people up and, as servants of the people, we must do that with compassion. We are ignoring our residents, as this bill obviously does, because it lacks compassion.

I urge each and every one of you today to show your compassion, show the compassion for the people in the gallery here and show the compassion to those people in your communities. Reject this piece of legislation.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
HERB SNYDER**

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*Thursday, February 4, 2016*

SENATOR SNYDER: Thank you, Mr. President.

Elections have consequences. No one knows that better than you, Mr. President. You now hold the gavel and, and your leadership team on the right, your right-hand side of the chamber. Legislation, when passed, has consequences.

So I ask you on this very serious matter to ask yourselves some questions. What if we are doing the wrong thing? What if the passage of this legislation does reduce our state wages, which is already very low? What if the passage of this legislation hurts working families? What if the passage of this legislation further reduces the possibility that those men and women that work for these wages today will no longer be able to save and send their children to college, which is a huge problem in West Virginia? We need more educated people in West Virginia. What if the passage of this legislation further increases the exodus of our young people from West Virginia? What if we're doing the wrong thing? And for that reason, I ask that we reject this legislation and admit that we are capable of addressing issues that are surrounding this, and very important.

Last year, Mr. President, this body, this Legislature, passed the way that West Virginia's prevailing wage was calculated. I understand there was a lot of consternation about whether it was calculated correctly, what data they used and so forth but surely, surely given the chance we can come up with a calculation that will satisfy us all.

I do not believe the passage of this bill, I hope not, that we're admitting that we're

incapable of doing the math to do the calculation that can satisfy everyone. We will not have that opportunity if this bill passes.

I ask you also to join me to look at other ways of savings, other than the backs of the men and women that work every day and lay the brick and block and weld the steel and pound the nail in, on our jobs. And they do a very good job of it by the way.

I ask that we take a close look if we're, if the driving force behind this saves the state money on construction projects that we look at engineering costs, Mr. President. And that we look at architectural costs, Mr. President, that are in the same job, in the same bid that we've singled out the construction workers' wages.

My beloved late friend, Senator Bill Sharpe from Harrison County, always introduced a design-build bill. Now what that is, they're canned drawings. The state buys the drawings for certain size schools and we own them, Mr. President. We don't have to have every single school building throughout the state different and pay for the design and 10 percent architectural fees, or whatever.

There are ways to save money. So I just ask are we doing the right thing? Are the items that I listed possible? And I suggest to you that this vote, of pressing red, red and green buttons today is the most serious vote that this legislative body has done since I came here in 1997.

So I ask that you reject this legislation and let us go back to work looking at other areas that don't have the great possibility of harm to our citizens.

Thank you, Mr. President.

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**Repealing prevailing hourly rate of  
wages requirements**

*(Passage of Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
JOHN R. UNGER II**

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*Thursday, February 4, 2016*

SENATOR UNGER: Thank you, Mr. President.

I rise as an elected senator representing all the people in my district. Not too long ago a single mother came to me, two children, said "Senator, there's a lot of talk about jobs, jobs, jobs. Frankly, Senator, I have three jobs. What I need is one good paying job." And it dawns on me that, I think that each and every one of us regardless of where you stand, what party you're in, or what group, particularly in this chamber, that we all are about jobs. There's no question.

The question comes down to "What are we talking about when we talk about jobs?" Are we talking about quality jobs for West Virginians or are we talking about jobs in general in the macro sense? For me, representing my constituents as an elected representative, Senator from Nicholas, I am all about quality jobs for West Virginians.

This lady continued to say, she said "You know, I don't know much about economics but it seems to be the things that which you are discussing down in Charleston that in a lot of ways you're blaming the economic condition of the State of West Virginia on the people of West Virginia because you're saying that the reason why we don't have good quality jobs is because we pay our people too much." I can't disagree that is what this is about. I've heard inflated, about inflated salaries and, and West Virginians being paid inflated salaries and that's why

we want to get rid of the prevailing wage. And to me, she's right. It seems like our debate is about the reason our economic condition is the way it is because we think that there are certain West Virginians getting paid too much money and these inflated things. So we want to repeal the prevailing wage which will drive down their wages. She went on and said, said "Senator, again, I'm just a working person but I'll tell you what I think the problem is. I think the economic problem in West Virginia is the fact that we don't get paid enough because if we did we could actually buy more products locally, we could do more things, there would be more stimulation in the economy." I can't disagree with her.

Now I don't have, Senator from Jackson, a Ph.D. in economics but I do have a degree in economics from Oxford and we studied this and one of the areas, people we studied is of course the founder of capitalism, Adam Smith, an economist, eighteenth century economist, that talks about this, matter of fact they say that they touted him as being the first capitalist and the father of modern economics. And in there he talks about the invisible hand in, in, in economics, in the economy. See in this, what we're doing right now with the prevailing wage is kind of like an invisible hand in the sense that what's happening is it allows for local people to be paid adequate wages, competitive wages, so that those wages and those, and that money stays in the local economy. We heard this yesterday of Davis and Bacon and the reason for the prevailing wage was the very notion of trying an attempt to keep the money locally.

You know, the rising tide lifts all ships. If someone's on a contract project with the state using state money and they're paid well, that, of course, rises the whole tide for the whole community. The safeguards, my good friend, Senator from Logan, talks about the uncertainty and the fear of the uncertainty. And that's what the prevailing wage was also to try to prevent is that uncertainty.

The uncertainty is that if you take away this provision and you open it up to the free market, and we're all for the free market, but without the invisible hand it runs amuck. We, we saw that with the financial crisis that this country's gone through when there's no break and what happened. Adam Smith would be the first to admit that. That's why you need the invisible hand. But in that uncertainty of taking that away opens up a market where contractors which they can right now bid for projects could come in, and they could do this now. They could underbid our contractors, West Virginia companies that hire West Virginians they could do that now. But what they would do is artificially drive the labor cost low because they would use low paying labor and import those individuals here and pay them less. Now we all know, turn on the television, we have, we have an illegal immigration problem in this country. People coming across droves, working illegally, and let me tell you something, all you got to do is ask anybody in West Virginia "Do you know of any sites where there illegal immigrants?" And they'll all tell you "yes." They see them. They see them in their communities. But now these out-of-state firms will come in importing low-waged workers to replace West Virginian jobs with low-paid workers from the outside. Creates uncertainty. They no longer have the work anymore. Why? Because someone was imported, or was migrated in, imported in by this company and took my job. What's the cost going to be with that family when that worker can no longer raise their family? What's the cost going to be on the state?

Now I can't get the answer. I've asked for a fiscal note. And it just seems to be that all the information provided but I can't seem to get that information. What's the cost going to be? What's the ripple effect on that? And the Senator from Putnam, Finance chair, that's going to have an impact on our budget if that family member can't raise their family and has to go into DHHR and the services are going to be provided.

Look, Mr. President, let me tell you about uncertainty. This chamber, we talk about free markets, and yes we're all for that. We're talking about capitalism. We're all for that. But you know what, Mr. President, we also in this very chamber last year, also put provisions in to put certainty in a certain market where there was uncertainty. And I want to point to you Senate Bill 453 that did two things. Senate Bill 453 last year did two things. First thing it did it, it direct the sales of Tesla vehicles were banned, direct sales of Tesla vehicles were banned in West Virginia. We didn't want some out-of-state corporation coming in and creating uncertainty with our car dealerships here in the state. So we said "You know what? We're going to protect our folks and put in some certainty."

Let me tell you what else it did. It also provided a minimum reimbursement calculation that manufacturers must pay auto dealerships for warranty repairs. My goodness, if that doesn't sound like a prevailing wage . . . it sounds like it to me. But we put certainty, we want to make sure that our folks who hire West Virginians pay West Virginians wages that they would have the certainty in order that they could survive and wouldn't be undercut by out-of-state corporations bringing in cheap products, cheap labor, labor that would undercut our workers in our state, Mr. President.

Now, I'm going to end on this. Ancient philosopher Diogenes, he was a cynic and he walked around—some people said he was a little eccentric—but he walked around with a lit lantern with him. And they asked him one day "Why in the world do you walk around with a lit lantern?" And Diogenes says "I'm looking for an honest man." Mr. President, right now, let's all be honest men and women and let's reject House Bill 4005.

Thank you.

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**Repealing prevailing hourly rate of  
wages requirements**

*(Passage of Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

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*Thursday, February 4, 2016*

SENATOR TRUMP: Thank you, Mr. President.

I rise in support of the legislation and I do so enthusiastically, Mr. President.

For more than a generation, I had been hearing from my former service as a member of the House of Delegates, here as a senator, as a county official, county prosecutor, from county governments, municipal governments about how little they can accomplish with the dollars they have available to them because of the prevailing wage.

Now I respect the members of this body greatly, all of them, and the arguments that are made but, as I listen, I feel sometimes as if I've gone through the looking glass on this question, Mr. President. We are talking about a law on our books, been on our books for a long time, that requires, when the taxpayers' money, extracted from the working people of West Virginia involuntarily—they have no choice in whether to pay taxes, they have to, it's the law. When the taxpayers' money is taken from the citizens by the state or by a county or municipality and put to work for a public purpose, our law, our current law, which I hope we are about to repeal, enshrines the principle that we're not going to be great stewards of that. We are not going to fulfill our duty for the taxpayers to get the best bang for the available buck with their money, taken from them involuntarily

because we are going to require that it be used to pay inflated wages, and inflated is the correct word because they are above market, above market. In other words let's talk about what we're doing. We're spending the taxpayers' dollars and we're requiring that we pay a painter or drywaller or a carpenter or some other trade or skill more for a public project than that same person will make if he's working on building a church or private building, a garage, that's how we become bad stewards of the taxpayers' money.

And, Mr. President, I don't want to have to tell you we have enormous, enormous infrastructure needs in this state. And many of my colleagues in this chamber on both sides of the aisle have mentioned some of them. Roads, bridges, water and sewer projects. The infrastructure needs of West Virginia at all levels of government are incredible. I'm talking about state government, county government, municipal governments, school boards. Now can we really, really countenance the argument that paying above market wages for those kinds of projects does not inflate the cost of the projects? We don't have to be economists to know, to know that it does.

Now, we hear from the other side, from others who make the argument that maybe there's a value to doing that. Maybe there is a value to doing that. But at a time in West Virginia when this state needs so much in the way of infrastructure, construction, we have to be better stewards than we've been of the money that is extracted involuntarily from the taxpayers of West Virginia.

Gentleman from Jefferson made some comments about engineering costs. I think he's right. I'm ready to lock arms with my colleagues in this chamber on both sides of the aisle. Let's look at ways to save money on engineering costs.

But think about this prevailing wage discussion in the context of what else

we do. Do we overpay teachers in West Virginia? Do we? Anybody here want to say we're overpaying the teachers of West Virginia? The people who are building our future and teaching our children? We do not. We do not pay them above market wages. We should pay them more than we're paying them. We're paying them below market. And the consequence of it is they're leaving. In my part of the state, they're leaving.

What about correctional officers? Do we overpay our correctional officers? It's mentioned elsewhere, our state road workers. We're underpaying and we're able, we're able, perhaps, to overpay, overpay in prevailing wage construction jobs by underpaying others who work for us full time. The gentleman from Nicholas County, the gentleman from Nicholas County talked about supervising jobs, contracts that are prevailing wage jobs and that are not. And I bet many of those jobs you have the same worker. Just to make up or talk about a number who makes \$18 an hour on a nonprevailing wage job but makes \$28 an hour on a prevailing wage job. Is his skill level only at that high level when he's being paid the higher wage or is his work his work? The skill level is the same. His work is the same.

If we repeal the prevailing wage law, assuming everything else is constant, assuming we have the same amount of money for infrastructure projects, we should and will be able to do more. So, let me just suggest as a response to one of the arguments I've heard that maybe there's a benefit for paying people inflated wages. I say there's also an economic benefit that will ripple if we can do more jobs. Maybe they won't be paid as much on a particular job but there will be more jobs to do. And that will generate activity and economic growth and prosperity in West Virginia. And it will be fair, it will be fair.

Why not, why not materials? Why don't we just say, well, let's pay 25 percent more

for every material that's ordered for a job than we do now? Pay 25 percent above market for it. Well, the taxpayers would run us out of the building and rightfully so.

This state does not have the ability to print money as the federal government does. We, under our constitution, must balance our budget every year and we have a duty and a responsibility to be good stewards of the money that is extracted involuntarily from the citizens of West Virginia.

And I submit, Mr. President, that the passage of this bill will accomplish that. I urge passage of the bill.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
MITCH CARMICHAEL**

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*Thursday, February 4, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President, and thank you ladies and gentlemen of the Senate for this great discussion about what is being characterized as the most significant issue that we faced during our time here in the body and, perhaps, some for quite a while. And for the great behavior, really, and for the attendance of so many here today who are here to listen to this debate and watching it on a wider audiences. And I want . . .

There's been a discussion here about how we approach the problems that we all agree we face in West Virginia and rightly so. There's a difference of opinion on how we turn this state around. How we confront the crisis from an economic perspective that



we face. We want, I want—everyone on this side of the aisle, everyone on that side of the aisle wants—the workers of West Virginia to make as much money, more money than anyone else in the nation. We want this to be the highest, most incredibly profitable place to work and to conduct business and to raise your family in the nation, in the world. And we talk about the uncertainty that comes with the free market system. And I agree. There is uncertainty in a capitalistic free market economy. But what I would submit to you is the alternative has been tried; the alternative of guaranteeing results, employment, guaranteeing wage rates. The history of economic thought has proven that doesn't work. It doesn't work. The socialistic tendencies that, to, to guarantee outcomes has not worked and West Virginia is a classic example of an economy in decline.

We, we faced, and I've heard others talk about, the issues that confront us on such a wide range of, of problems, drug issues, infrastructure problems, school issues, education issues. We have to change something. We have to change the way we conduct business here in West Virginia and to take on confrontational or hard issues is what we should be doing. It's what we should do when we confront a crisis. Coming here and voting 34 and nothing on issues that we all can find middle ground on and common ground and, and never really changing anything to move the people of West Virginia forward and to allow the people in the galleries and the people throughout our state to make more money, to employ their skills, and their talents, and their abilities to the greatest benefit of their own lives and to the lives of all West Virginians. And so . . . .

You know, often we're characterized sometimes as saying, you know, you're running this agenda just for, you know, this particular interest group or this particular interest group and I can tell you it would be. I would love to be convinced that guaranteeing outcomes and wage rates and what we're doing here in West Virginia for the past

so many years has worked. I'd love to be convinced. But the fact is the economic data and the results that we all are familiar with underscore the fact that it's not working, Mr. President. And I commend you for being willing to take on the issues that, that, hopefully . . . . And there's no, there's never a guarantee. And I've heard the gentleman from Jefferson—my good friend who always gives such great, eloquent speeches—elaborate on the fear of “what if”. But I would also look from the perspective of an optimistic attitude that says what if this moves our state forward? What if we build more schools? What if we improve our infrastructure projects? What if we move from last to first? We want to win in West Virginia. We want to be winners. We don't want to have the failing school systems and the infrastructure systems that we have in Fayette County. We don't want that any longer, Mr. President. We want to win. And we can. I am convinced that the people of West Virginia will do when they're given the opportunity and freed from the government intervention can move our state forward in such an amazing way.

And I'll just conclude by sharing the motivation maybe that we all should have for and I genuinely believe you . . . what . . . the positions you put for us, you hold those dear, you believe them and I respect you for those positions. And I hope you do the same for us because we really believe this will move West Virginia forward.

And there's a poem by Edward [sic] Markham that I'm familiar with and I often think of it when we're in these difficult moments where it says the task given to each one, no other can do, so the errand has waited and it has waited for, through the years for you, and now you appear, and the hushed ones are turning their gaze to see what you will do with your chance in the chamber of day. This is our chance. This is our moment. This is the time when we can vote yes on this bill; this most significant moment to try to move West Virginia forward.

Thank you, Mr. President.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO**

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*Thursday, February 4, 2016*

SENATOR ROMANO: You know, I, I wasn't going to say anything about this. I've spoken enough. But, sure, we all want to win. Sure, we want West Virginia to be the best but if we don't face our real problems, we're never going to win. If we continue to put on the backs of working people our strategy to win, that's a losing strategy. I've said in this chamber many times if we don't put money in the hands of working people, our economy's never going to move forward.

We can make up stories about how this is going to allow us to build more buildings or build more schools, but it's not going to have any effect. We're hypocrites. We, we hold up one study from a professor and say this is gospel and we discount the other one. We heard the testimony that nonprevailing wage states pay more per square foot for their public projects than we do with prevailing wage. And they're the best workers. And they're the most under budget workers. And they're the least problem workers that you could have. We have the best construction workforce in the country here. So we can talk about winning. And we can have our different strategies for getting there but when we put it on the backs of working people who make \$65,000 a year, and that's too much money, then we've got problems here.

You know, you're, we're good people on both sides. I know we think we're doing the right thing—but when you make this vote,

this vote, it isn't going to help us do one thing just like right to work isn't going to help us do one thing in this state. Search your consciousness. Don't vote politics. Don't vote the way somebody's told you to. Vote for what's right. Vote for our working people of West Virginia.

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**Repealing prevailing hourly rate of wages requirements**

*(Passage of Eng. House Bill 4005)*

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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

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*Thursday, February 4, 2016*

SENATOR BLAIR: Thank you, Mr. President.

You know, this past summer something completely unique happened in West Virginia. During that time period, our state was without prevailing wage when all these public construction projects and the free market was responsible for setting the wages. Guess what? The sky didn't fall, sun still came up, schools were built, capital improvement projects were still bid out and worked on and completed. West Virginia workers and contractors were doing those jobs. It didn't go to these so-called out-of-state fly by night contractors that we keep hearing about and . . . I, I, I keep listening to that part of the conversation and, and frankly, I want, when we have 29 border counties, I want our workers to be able to work in other states as well. When we get so provincial that we can't even go across the state line to go to work—and where I'm from, 30 percent of our population goes across the state line for work. Wow!

This sure isn't the picture that's been, we've been having painted here to us of . . . and bombarded in the media that we're trying to undermine West Virginia and their employees and, and our, our workers. You'd think this Legislature was determined to make every one of our hard working citizens, men and women, destitute and left to work in a terrible, unsafe conditions. That's not going to happen. By the way we passed a law of . . . was it last year, OSHA 10? I can remember doing that. That, that takes care of things. Huh. I don't see where that was funny myself, but you'd be left to believe that if we had our way, they'd never have work again. And that all the public construction projects would go away and they would cease to exist. That is absolutely categorically false. We're counting on we're going to be able to do more projects and have more people on the job and working.

And I want to give a couple of just quick facts here and then I'm going to finish up because a lot of what we've heard isn't true. The current prevailing wage rates only applies to taxpayer projects. I've actually had people in my office and I've asked whether they were building a school or a library or this or that and they go "No, we don't do that." But they, but they thought their wage rates was going to go down. That's not true. Only about 20 percent of the construction jobs currently in West Virginia fall under that category. Twenty percent. The other 80 percent of the work is in the private sector. Companies who want state bids must meet the qualification standards, quality standards and maintain the surety bonds. All to protect taxpayer investment. That is the safeguards that's in place. The prevailing wage, as it has been, does not guarantee that.

You know what, in my opinion the real war on the working families in this state is the lack of jobs and it's also maintaining the status quo of the past, Mr. President. And I'm not for one for keeping it that way. It's

time that we move forward and do right by all the citizens and the people not having the government picking the winners and losers but leveling the playing field and letting the good West Virginia people prove to themselves and the world that we are the best and we can do it better than anybody else. And this Legislature is working hard to do just that to give them that opportunity.

Mr. President, I urge passage.

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**Honoring life and legacy of Dr. Carter  
G. Woodson**

*(Adoption of Senate Resolution 24)*

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HONORABLE  
**ROBERT H. PLYMALE**

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*Friday, February 5, 2016*

SENATOR PLYMALE: Thank you, Mr. President.

It's really an honor in two respects for us to be doing this today. First off, today and tonight, starting at 4 o'clock this afternoon, Marshall University's going to be doing a tribute to Dr. Woodson.

First, I would like to speak not to the resolution but to the person that's here getting the resolution. Mr. David Harris, who is accepting on behalf of the Carter Woodson Foundation, is here. He is a resident of Huntington. He is a person that I've known for many years. He worked for 21 years at International Nickel with my aunt, Gloria Hamer. She was one of the nurses there. He has been a businessman that has done numerous things in business. He, you know, worked on Mayor Wolfe's transition team. He's worked in, in, with youth sports and youth activities now. And he is retired and dedicated his life to working for, for the

community that the Senator from Cabell and I represent. And first off, I'd really like to thank you for your service.

For Dr. Woodson that we're talking about today, he was a distinguished author, editor, publisher, educator and historian and is widely considered the father of black history. Dr. Woodson was born in 1875 in New Canton, Virginia. He was the son of former slaves. His father, James Henry Woodson, relocated in 1870 to help complete the C&O railroad in what became Huntington, West Virginia. Dr. Woodson mastered the fundamentals of common school. Subjects that, by the time he was 17, he did by self-instruction. He spent six years working in the coal mines in Fayette County and he graduated at the age of 19 from Douglass High School in Huntington, West Virginia. Went on to Berea College. Got a BA and an MA at the University of Chicago and a Ph.D. in history from Harvard University, becoming the second African-American to become a doctorate from Harvard and the first child of a former slave to earn a doctorate in history from any university. In 1926, Dr. Woodson developed Negro History Week, which is now become and named Black History Month in 1976. He returned to West Virginia in 1920 as the Dean of the West Virginia Collegiate Institute, now West Virginia State University. Dr. Woodson passed away April 3, 1950.

And as I said, Marshall University is honoring him and we will be presenting this resolution this afternoon at Marshall University. And I would like for you to make sure that we remember Black History Month and, particularly, the roots that have started here in West Virginia.

Thank you.

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**Down Syndrome Awareness Day at Capitol**

*(Adoption of Senate Resolution 25)*

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**REMARKS OF  
HONORABLE  
JEFF MULLINS**

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*Friday, February 5, 2016*

SENATOR MULLINS: This is a great day for me. I wish my wife and son could be here because they're in town but little did I know, I didn't know today was Down Syndrome Awareness Day. Should have known that.

But you know, I think back 16 years when my son was first born. And, you know, when he first, when he first was born, they took him into ICU because he had heart problems. And, and the doctor also said we think he has Down Syndrome and . . . So I went to the window of the ICU unit and, you know, just said a little prayer. And I just had this warm, calming feeling come all over my body. And I knew right then that, that . . . you know, God gives special children to special parents. And so I was blessed. And from that point forward he has been nothing but a blessing, not just to me but to my family, my friends and everybody that comes in contact with him.

So this is a special day for me. I know it's a special day for you, so . . .

Thank you.

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**Shared animal ownership agreements to consume raw milk**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 387)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

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*Friday, February 5, 2016*

SENATOR STOLLINGS: Thank you, Mr. President.

I rise in opposition to this bill primarily from a public health standpoint. We've had this same discussion last year and I stood up and fought it last year.

We . . . I don't worry so much about the adults drinking this raw milk but I do worry about the children. The friends of mine who have, who were raised in other countries who are physicians here have talked to me about this. And they think it's amazing that we're trying to step back a century in public health and not pasteurize our milk. Pasteurization of the milk does nothing to the nutritional content of the milk.

We . . . what would have made this a little more digestible, I guess, would have been if DHHR made the rules with consultation with Agriculture. The Finance chairman has heard the Commissioner talk freely about the inadequacies of the laboratories, the laboratory systems that the Agriculture has, the Commissioner has at his disposal. We are going to put more work on the local health departments whose budgets we're cutting 25 percent.

We . . . you know . . . and again I don't know what all kind of politics happens with regard to whether or not we can do things, do the right things, and who gets mad on the other side or whatever. But I certainly think we're taking a step back from a public health standpoint. I worry about the children. The Center for Disease Control is adamant, the Bureau of Public Health is adamant that this is a bad thing. You know, we talk about deregulation and everything like that, some things needs regulated. Public health's one of them.

So I urge rejection of Senate Bill 387.

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**Shared animal ownership agreements to consume raw milk**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 387)*

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

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*Friday, February 5, 2016*

SENATOR BEACH: Thank you, Mr. President. Excuse my language here, the mike is breaking up a little bit, so is my voice.

Let me first say that I, I appreciate the gentleman's comments from Boone. As a physician, I, I take his thoughts and, and suggestions very seriously when it comes to public health.

So I quickly pulled up a study and I used this the other day when we were speaking to this, this issue in Agriculture. So I pulled up the study done by the CDC where they collected data between the years 1993 and 2006. And within that period they reported 121 outbreaks that were caused by dairy product. Now these were both, in all honestly, these were both pasteurized and raw milk. So the study also went on to break it out to determine the raw milk versus the pasteurized milk and 73 of those outbreaks were actually raw milk outbreaks. You have to also keep in mind that just approximately one percent of the United States population uses raw milk. So that, that number of inflation and the, the outbreaks is, is rather large when you stop and think it's just one percent of the population using it and 73 of those outbreaks are attributed to raw milk.

Now, if you'll bear with me here I'll, I'll throw a few more numbers out here to you. In, in those outbreaks that occurred there was 4,400 illnesses. Two hundred and

thirty-nine of those were hospitalizations and three deaths at this time. And, as the gentleman across the aisle indicated, there have been more deaths since that time. Again, going back to the numbers, when you take in that one percent of raw milk versus the pasteurized milk that we use here in the United States, the risk of death or illness is 150 times greater than what they would be versus the use of pasteurized milk. When we, when we say pasteurized milk, we also include dairy products such as cheeses as well. So again, we're talking about patients and outbreaks of illnesses and—excuse me, my little web page just flipped around on me there, I apologize—but again, the population that's, that's hit the hardest is our youth. And I heard a discussion in, in our Ag committee just the other day that while folks aren't being forced to use this product, well that's not true. If you're a parent and you go into a herd-sharing agreement, you are certainly, in fact, forcing your children to drink raw milk. And again the studies show that 23 percent of those illnesses and outbreaks and deaths occur in that younger age group, below the age of 20. So, for that reason alone, I object to this piece of legislation and ask you to also object to this piece of legislation and vote no.

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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

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*Saturday, February 6, 2016*

SENATOR BLAIR: Thank you, Mr. President.

You know, this morning I've heard a lot of remarks about us being here on Saturday. And you know, over the last day or two I've been listening to questions about are we being punished? And I've never once heard that discussed in any of our meetings on that. This morning in Finance, it's a running

agenda about being here on Saturday and listening to . . . . Actually, people there's even coming in and testifying, making remarks about they missed their tennis game or this or that when it's on working on Saturday.

Now, Mr. President, where I come from, when I was an employee, I worked six days a week, sometimes seven. As an employer, guaranteed to work six days a week, most of the time had work to do on seven. Dave Branson made a comment about that, too, and we were talking over here a while, a few minutes ago. And he goes "You know, it's great being a CEO. I can pick which 16 hours of the day I work." You know, as I'm driving to work here this morning, I see people traveling all over the place to work at the convenience stores. I had to go down at the drycleaners cause I hadn't had time enough to get my clothes down there this week. Everybody's out here working. The staff that's up here working for us. Throughout this whole state, everybody is working. Farmers, by the way—who have cows since we've been on raw milk this week—do that seven days a week, twice a day. And the last time I checked, we were elected to represent the people for 60 days, not 43.

Mr. President, it's an honor and a privilege for me to be here. And it's even a greater honor and privilege to be here working on Saturday because there's so many issues that we have in this state as demonstrated by the conversation that we've had here today that we could probably work 160 days straight and still not begin to scratch the surface of what we need to do for the people of West Virginia to make their lives better.

Mr. President, I applaud you for having us in here working and doing the job of the people. That's what they expect from us. That's what we should give to them. So if we want to work next Saturday and the following Saturday, Mr. President, I'm all in.

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REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL

Monday, February 8, 2016

SENATOR WOELFEL: Thank you, Mr. President.

Very briefly, we . . . lately I've been watching a lot of the town hall meetings and, particularly, the Trump rallies. And when I say Trump, of course, I'm not referring to the Senator from Morgan, it's Trumpus Maximus.

Let me just say that this afternoon, the Senate Judiciary committee, on a serious note, will be asked to approve a 270 percent increase in donor limits. And this bill has eviscerated last year's bill, which we passed here in the Senate, which provided a, a ray of sunshine on these clandestine contributions. All those provisions are stripped out of the Senate bill we're going to look at today. So we're gonna, we're gonna almost triple the amount of donations and, and without any more disclosure.

And when I watch these town halls they, the folks say Washington is the problem. And the basis for our bill today is we want to be like Washington and come up to \$2,700 per person per donation. We want to mimic what they do over there in the district which makes no sense to me. The other thing I hear from, from the town hall meetings, is money is corrupting our system and these invisible donors that play a shell game from corporation to corporation to candidate, you know, are a big problem in our country.

And I, I really would like to see some support from across the aisle on this. I can't believe that on this important issue of campaign finance that we're going to come down to a 16-18 vote again. Last year we did have bipartisan support to control

the, the obscene money that comes into elections in our country. So I'll ask the fair-minded members of the majority party please examine your conscience and see if you can't get behind full disclosure in West Virginia.

Thank you.

REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

Tuesday, February 9, 2016

SENATOR TRUMP: Thank you, Mr. President.

I wanted to bring to the membership, and to the membership's attention, a Georgia statute that I became aware of just within the last few weeks. Members will remember, last year, Mr. President, this Legislature passed a bill providing for caps on punitive damages in civil cases. And in the first iteration of that bill that we reported to the floor, we had in it a, a provision, the Judiciary committee had in it a provision that captured some of the punitive damage award for the State of West Virginia. And that ultimately failed here on the floor. We, we passed a bill but it didn't have that language in it.

Georgia has a statute. It's Georgia code, Official Code of Georgia Annotated §51-12-5.1, that addresses punitive damages and it imposes caps and it's similar to ours in some respects. For instance, the Georgia statute makes clear that punitive damages are not awarded as compensation but to punish, penalize or deter a defendant. And that's similar to our law. The Georgia law makes it clear that there's a higher burden of proof. And we put that in the statute we passed—clear and convincing evidence under the Georgia statute of, of

evidence that, of conduct that is malicious or fraudulent. The Georgia statute calls for bifurcation and that was addressed in our statute as well. And the Georgia statute has a cap—theirs is different from ours but what I . . . .

There are two features in the Georgia law that I wanted to bring to this body's attention. One is the provision that says "Only one award of punitive damages may be recovered in a court in this state from a defendant from any act or omission. [If that] the cause of action arises from product liability . . . ." And if you think about it, that law makes a great deal of sense. In other words, if the purpose of punitive damages is to punish a defendant or deter future conduct, you don't do it repeatedly. You do it one time. So that's what Georgia law says. Once it's happened, once a jury has assessed that punishment, that's it. They don't get punished again in other cases.

The other feature of the Georgia law that I wanted to bring to the attention of this membership is, it's in subsection (e)(2), and it says "Seventy-five percent of any amounts awarded under this subsection as punitive damages, less a proportionate part of the costs of litigation, including [reasonable] attorney's fees, all as determined by the trial judge, shall be paid into the treasury of [this] state through the Office of the State Treasurer." Now we didn't do that last year but I think we should. I think last year when we had that bill under our consideration we were aware that Ohio and other states do that. And it made sense to me last year. It makes sense to me now.

I'll tell you I became aware of the Georgia statute in this fashion. In January of this year there was a case decided by the Fourth Circuit Court of Appeals. And one of the issues in the case was this Georgia split recovery statute. And it was challenged in district court and on appeal and the district court upheld it as being, as being constitutional and said that it was

not, did not violate the takings clause of the Fifth Amendment to the United States Constitution. In other words, that it was enforceable as valid law, that was affirmed by the Fourth Circuit. And for the lawyers in the room are probably thinking, well, why is the Fourth Circuit Court of Appeals rendering judgement on a Georgia statute cause Georgia's not within the fourth circuit? The reason is the case was a case litigated here in West Virginia. And the decision of the district court upholding the Georgia statute in that case was by Joseph Robert Goodwin, the district judge of the United States District Court for the Southern District of West Virginia. And his decision was affirmed by the Fourth Circuit Court of Appeals.

So, all this leads to this: I'm hoping that we will, at some point this session, maybe get a chance to reexamine the question of punitive damages and to whom they're allocated when awarded.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

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*Tuesday, February 9, 2016*

SENATOR PLYMALE: Thank you, Mr. President.

I, I rise today to, to talk about an issue that . . . Last night I was fortunate enough, my wife and I, to attend a, a fundraiser for Ebenezer Medical Outreach. One of the free clinics, one of the free clinics that started around 1984. And last year this body, in the budget session, actually got additional money, was able to get additional money that the Governor vetoed and that's bad enough what happened. But what happened later was the Secretary of DHHR and



their people actually did a formula and they started looking at . . . like a clinic similar to Ebenezer is like Milan Puskar in Morgantown, you have one in Wheeling, you have in the Eastern Panhandle. Well, all of those clinics that I just named received very, very little money from this formula. The formula was devised by Health Right out of Charleston.

Well, if you remember, what is a free clinic? A free clinic was started to help people in an area that needed served. And the area that, that I'm talking about that the Senator from Cabell and I represent is in the historically black district. It's actually in . . . located . . . Ebenezer Clinic's actually located in the old Douglass High School. Douglass High School is the historically black high school in, in Cabell County. One that Dr. Woodson that we honored here the other day graduated from. Hal Greer graduated from. There's a number of people. But this was there to serve that area.

And this formula that they did gave 80 percent of the money to Health Right here in Charleston. Well, I'm not against what Health Right gets but the free clinics that were based upon service, and this was from the Marshall Medical School, the Marshall Medical School had given free service and their doctors had . . . giving the free service and then the dentists in the area had given free service. So they're out raising money because we've cut them so drastically. And we're not really recognizing free clinics in this state the way they should.

And I don't care what anybody thinks about health care reform or anything like that there are always going to be people that fall through the crack that you've got to try to serve and try to help. It's the humanitarian thing that we need to be doing. But I certainly would like for us to make sure that we in, in the Finance committee, or in the Health committee we ask them to come and bring us that formula and what that formula is going to be based

upon and actually let the free clinics from the Eastern Panhandle, from Wheeling, from Morgantown and from Huntington look at that before it is approved. That cost the area that I represent hundreds of thousands of dollars that the, you know, philanthropic community is trying to fill up. And obviously it's pretty tough to do that. But I would certainly like to think that we would start looking at those kinds of things to make sure that we are doing the kind of item . . . you know, actually looking at things that really, you know, have, have hurt people in trying to offer them care.

Thank you.

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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

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*Tuesday, February 9, 2016*

SENATOR BLAIR: Thank you, Mr. President.

I rise today to talk about something that the Senator from Jefferson and I have been working on and it's called unfair trade practice. And the Senator from Morgan had sort of a hearing on Saturday afternoon where people came in and addressed some of the issues that was going on. And to, to give just a little bit of . . . And one of the things it's a standout, it's going to be the, the, the news here for you today because I think the people in West Virginia are just going to be astounded by what I'm about to say. But what the unfair trade practice is is where in the State of West Virginia at the wholesale level things need to be marked up, mandated by the state, four percent, and on the retail level they're marked up by seven percent. And, you know, it's pretty much unenforceable on all the items that's out here except for motor fuels. And motor fuels has sort of enforced it upon themselves by either lawsuits or threats of lawsuits.

Well, as we've been working through the bill and trying to compromise or craft an agreement so that we could get something that would address it—and, by the way, gas in Berkeley County was \$1.95 and it was, in Fairmont \$1.69 I believe it was, no, \$1.64; what is it in Ripley? \$1.55—all of us sharing the same fuel tax.

It came to our attention that, as we were working through it—they wanted to make sure that they, the cost of the product included the applicable taxes passed through to the retailer. Now to put this in layman's terms, what this meant was is that they wanted to make sure that the highway taxes, both the federal and the state—which is just a little bit less than 55 cents total—was included in the cost of their product. The unfair trade practice mandates—remember what I said, four percent on the wholesale level and seven percent on the retail level—I'm not exactly sure cause I've sent a letter to the Attorney General to find out but every indication is right now that this industry has been adding the four and the seven percent onto the fuel tax. What that means is is that it's not bad enough if gas is on the retail level or on the wholesale level costing \$1 a gallon to them, the state mandates it be marked up 11 cents; \$2 a gallon, 22 cents; \$3 a gallon, 33 cents; and the list goes on and on. So the higher the gas price, the more the state mandates a markup. But they're doing it on the fuel tax, the highway fund tax—and in 2013 there was 790 million gallons of fuel sold in West Virginia. Everybody want to get their phones out and get the calculator out? Six cents is the number. When you put it onto the 55, the fuel tax, and 11 percent, it's six cents. Now you multiply that by 790 million gallons and it comes out to being \$47 million that this industry made off of everybody that drives a vehicle or bought fuel in West Virginia by marking it up on the fuel tax.

Now, I believe the law actually says that they must do that but never one time

has anybody in the years that I've been in the Legislature came to me and said "Craig, this is going on. It's not right. Would you fix this?" Crickets. But to the tune of \$47 million in one year of additional mandated profit by the State of West Virginia. Mr. President, we have to fix this. We have to fix it.

We had a special interest group with the prevailing wage where just a small segment was getting wages that were increased. Just for that small segment. And exactly the same thing is happening on the other side. We're not in the business of picking the winners and losers in this state. The free market ought to be able to do that but there's clearly something wrong when our gasoline for everybody is being marked up an additional six cents a gallon on the tax. Unacceptable. Unacceptable. And I wanted everybody in here to know this today because it's going to be on the agenda tomorrow in Judiciary. It passed out of Government Org but we got to keep this in mind. This is, must be fixed and it must be fixed now. I don't care what they sell the gasoline for out here. That's a business owner's decision. But I can tell you right now you shouldn't be using a law on the books to set the prices.

Thank you, Mr. President. I feel a little bit better now.

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REMARKS OF  
**HONORABLE  
HERB SNYDER**

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*Tuesday, February 9, 2016*

SENATOR SNYDER: Thank you, Mr. President.

Just very briefly and, and I had not planned to speak on this issue today and didn't bring a single note so this off the top of my head and from the heart.

But, what the Senator from Berkeley just told you is that the gasoline marketers are marking up the . . . by the mandated, mandated by law 11 percent, the fuel taxes, state and federal. And I think they're right, Mr. President. And I didn't realize . . . this is the fourth year I've worked on this, this unfair trade practices, that, that was what was happening. But now that we know, now that we know, we need to correct this 1939 law that was adopted by this Legislature right after the recession—Roosevelt was in office—and modernize that law to fix that. Mr. President, I think it's incumbent upon us now that we're aware of this that our law—in fact I'm going to take up for the oil marketers—our law requires them because this is a mandatory mark up on cost. And, lo and behold, I think that would be a cost if they're paying for it at the rack, etc. So . . .

But I don't think that members here, I hope, and the citizens at home think that's fair to mark up a state and federal tax that the state and federal government get no benefit from whatsoever. And it is a very large amount of money \$46, \$47 million as the Senator from Berkeley said. Because gasoline . . . there's a lot of gasoline and, and those numbers from 19 . . . or 2013 are 790 million gallons of gas. That's, that's a lot. Gas is a high volume, very high volume. And I want those oil marketers to do well. I want every business in this state to do well, whether you're selling ice cream cones, gasoline or refrigerators. Thank you for being in business in West Virginia. But this is an anomaly that needs to be fixed.

And, Mr. President, I ask for your support and the members of this body now that we're aware of the practice I think mandated by law, rightfully so, to mark up those state and federal taxes that, that is not what we want to have happening. And I ask you to support the Senator from Berkeley and I in getting this done this session.

Thank you, Mr. President.

REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

*Wednesday, February 10, 2016*

SENATOR TRUMP: Thank you, Mr. President.

Today is a big day for West Virginia and for the rule of law, both in West Virginia and in the United States of America. If you'll indulge me a minute.

Every member of this body knows the devastating effects upon West Virginia of the Obama EPA administration's Clean Power Plan. There's been much said in this chamber about the effect of the EPA Clean Power Plan upon the coalfields of West Virginia, the families, communities, people who live there.

There's also been a great deal of discussion about the fact that this action by the President of the United States administration, unilateral, executive action, was inconsistent with congressional authority. Inconsistent with the separation of powers contained within the United States Constitution. Remember, the EPA Clean Power Plan includes provisions that were rejected and voted down by the Congress of the United States.

Our Attorney General, on behalf of the citizens of West Virginia in this state, filed suit—the district court, the District of Columbia—filed suit challenging the legality of this federal overreach by the Environmental Protection Agency, the EPA. As part of that litigation, our Attorney General asked for a stay, asked the U. S. Supreme Court to issue a stay of the proceedings. I should mention that that litigation is built upon a coalition of 29 states, led by West Virginia's Attorney General Patrick Morrisey. They asked the United States Supreme Court to issue

a stay of the EPA's rule, the Clean Power Plan. The EPA argued that has never ever been done. And for a district court case, for the U. S. Supreme Court to issue a stay of an agency's regulatory regime . . . Mr. President, as you know, yesterday—gonna write this date down as an important day in the history of this country and the rule of law and the prospects of the people of this state, particularly those who live in the communities located in our coalfields—yesterday, the United States Supreme Court issued a stay of the entire EPA Clean Power Rule. That regulatory regime will not be in effect now.

Now, the litigation still continues. The litigation on the merits is in the, is in the district court, but the stay is in effect until the litigation is over. And what that means from a practical standpoint is that a stay will remain in effect likely until the, until a new President of the United States takes office.

So we don't know what the next President will do but there is hope here in the mountains, in the hills of West Virginia where the men who dig that coal from the ground and do that hard work and have for generations and hope to be able to continue to do so, to provide cheap, affordable energy and electricity to this nation and ready to continue with their work. There's hope, we have hope that a future President of the United States will take a different view. And the EPA will no longer try unilaterally to redesign without congressional authority the energy portfolio for the entire United States of America and every state within it.

So for any member of this body or any member of West Virginia who had not heard the news, I'm happy to announce I have a copy of the stay right here. A single sheet of paper from the United States Supreme Court that says the application for a stay submitted to the Chief Justice and referred by him to the Court is granted. Is granted. If you see our Attorney General—and we all do in the halls of this building—offer him

your earnest congratulations and thanks for his hard work on behalf of the citizens of this state and Solicitor General Elbert Lin, who worked very hard on this as well. General Morrissey recognized him.

It's a great day for West Virginia, Mr. President, and for the rule of law.

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**REMARKS OF  
HONORABLE  
HERB SNYDER**

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*Wednesday, February 10, 2016*

SENATOR SNYDER: Thank you, Mr. President.

A little hard speech to follow, the eloquent Judiciary chair, but . . . it's not necessarily quite as weighty of a subject as the United States Supreme Court decision but it's a bill that we have before us here in the Legislature. It's up in Finance and I know the Finance chairman's aware of it—is patching what I would say is a hole in the gas tank of the Road Fund. There's a hole in it that I found out about a few years ago that's been in code for over 20 years.

Now the Judiciary committee did some excellent work yesterday, Mr. President, by referring back to the floor, we repealed about 125 different rules. Old stuff back in the 90s. Some of the boards and commissions had even been dissolved but the rules still laid there.

So the code is riddled with that, not just rules, but our code, and over 20 years ago something was got in code that most of you don't know about—and it's a hole in our State Road Fund. It's the discount that oil marketers get to keep on the fuel excise tax, the road tax. When you're out all of us have seen the stickers on the pump, 52, it will vary a tiny bit, 52 1/2

cents that you're paying in state road tax. Oil marketers proudly put that on there. Well, what that sticker should say but doesn't say is the oil marketers get to keep .75 percent of that money for turning it in to the State Tax Department. Now that doesn't happen in any, anybody else's retail business anywhere in this state—only the oil marketers.

So the fiscal note on this bill, and I know, Mr. President, my math has been challenged, my math is wrong, so I try to double check myself and I did on this. Well I'm, I'm reading off the fiscal note of Senate Bill 38, this year's modern fiscal note, I trust them, that discount is \$1.7 million, along with the bill today. So that number's correct. And I went "Well," Mr. President, "how much asphalt would that buy?" Well, we're losing it from the Road Fund and I think that's relevant. Today's contract price for the State of West Virginia for the better asphalt, the, the top wearing layer, layer not sub-base, top wearing, is \$58 a ton. That's what we pay for asphalt throughout the state under, right now that's the contract. Well you do a little math—and I think I'm capable of that, Mr. President—that \$1.7 million in filling potholes . . . how much blacktop is that? It's 32,000 tons of blacktop. We gave it away. We know that people at the pump paid it—we never got the money because of this over 20-year-old statute. It's only seven and a half lines in statute and I, and I hope we have the, the opportunity to strike those lines. That's all the bill does. And bring it down here on the floor and we'll strike those seven and a half lines that's costing the Road Fund seven and half million dollars. But with that 32,000 tons of blacktop, Mr. President, that's 1,600 tandem loads. Now, bumper to bumper, how much is that? Bumper to bumper, that's nine miles of tandem trucks. Imagine that. Nine miles all loaded with hot, fresh blacktop mix to do on our roads or fill in these potholes. It's a lot. So I decided I was getting better with math, Mr. President, hundred pounds per pothole, that's an

average size pothole, the one you've got here in the picture, about a hundred pounds to patch that. Six hundred and forty thousand potholes could be filled with some money that we're not seeing. It's a discount on the road tax that the oil marketers keep. Six hundred and forty thousand potholes. Each of our 10 Department of Highway offices throughout the state could patch 64,000 potholes per district if we had that 1.7. And each one of your Senate districts, each one of your Senate districts could patch 18,000 potholes—and if we don't get to them all, cause there's a lot of potholes, don't fret, this is every year we give this money away. So if we don't get them all patched this year, we'll patch them next year cause this is \$1.7 million hole in the Road Fund every year, Mr. President. And we have the opportunity to correct it now that we're aware of it. And I think the citizens of West Virginia, when they see that sticker what they're paying and whatever the price of gas when they pump that gas in their car, let's make sure, as good stewards of their money, that that money goes into the Road Fund.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
ART KIRKENDOLL

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*Wednesday, February 10, 2016*

SENATOR KIRKENDOLL: Thank you, Mr. President.

Just want to follow up with, actually, some brief comments. The announcement our Judiciary chair made about the stay that seems to be, finally, a little bit of, maybe, some fresh air for people like me and the rest of this body that depend on the coal industry and the, the ability of jobs . . . but I do, I hope that we don't sit back and just wait for the judicial rulings to tell us what

our next step is. That could be a year away. It could be eight months away. And we all know that this is about CO<sub>2</sub> emissions in, in our power plants and what it does to the environment and all this and that. But, in the meantime, and I've spoke to this on the floor before, I would like to see our leadership bring in some of these people from the industry and us talk about why that permits take four years; why that the banks and all of our lending institutions, the uncertainty of loaning money for, for an industry that is so challenged take some of the points of interest that how do we get our coal miners back to work? That's where we need to be. If they're going to give us an opportunity, let's be ready for that opportunity. Like I said before, I can remember when a few thousand dollars you, you could qualify for a permit. Now the lawyers will tell you it takes four guys with eight dollies to haul in the repetitive information that the EPA and all these regulatory people require.

I had the opportunity to speak to the EPA and I'm telling you it was something I will never forget. Some of the questions that they asked me and some of the questions I asked them . . . some of the, some of the requirements that we have now on surface mining or layered mining, whatever you want to call it. We still don't even . . . we, actually, with all the legal, intelligent people in this nation, we do not understand what a stream is. And if you live where I do on 45 degree slopes . . . I want you to come down and I will take the EPA and us find all these pristine streams that we're covering up with the overburden. The same format when we build a highway is how you actually mine coal.

So I would ask, I would encourage this body in their wisdom to sit down with the industry leaders and find out . . . on the elongated process of permits needs to be totally done away with because they know every tree on that mountain, they know every, the, the slope of that mountain,

they know the degree of that mountain, they know how much they got to contour, whether its layered mining or whether its deep mining. And for some of the rules and regulations, if, if, if a stay's granted in regards to this we need to challenge some of the formats that keep us from mining coal. We can do that. This year is a breath of fresh air.

So with that I would encourage this Legislature, in their wisdom, to work with the industry and get our people back to work.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
MIKE HALL**

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*Wednesday, February 10, 2016*

SENATOR HALL: While we, since we've heard such a detailed mathematical calculation on how much asphalt one and a half million will, how many potholes will fix . . . I think it's time that we probably do, our body, talk about the road situation, you know. There are organizations called, you know, "Fix the Darn Roads", I think they say something else but . . . I don't know if the public's aware but, you know, with the gasoline prices being where they are, may have missed this. But on January the first this year, due to the calculation of the wholesale gasoline tax, the way we do it in our state—most of you in this room know that but others who may be watching—we basically set the wholesale price based upon the average price of gas between the months of July and October and then apply that calculation to the tax beginning January first. The net effect of this year was the gasoline tax went down a penny and a half. That's \$30 million. And when you look at the Highways Department revenue

you see, basically, their projection next year is about 30 million less than last year. And while we're doing all this conservation about fixing our roads we're just letting this happen. It happened a year ago where they lost a penny. And so last year it was about 20 million. So we've had, we've seen a decline and, you know, I've been here awhile. I was here when gasoline prices went through the roof. And I'll not forget this back during Hurricane Katrina. That was the year that gasoline prices went through the roof. And so the wholesale price was calculated to raise the price of tax, the tax, January of that year, which would have recruited the Highways Department somewhere about \$65 to \$70 million that year. But I'll never forget it. I wasn't there but the Governor at the time called a press conference and said we are just not going to do that, you know, and he used Hurricane Katrina, called it an, an emergency in West Virginia though it happened in New Orleans, and suspended that tax and made, you know, some points about it in an election year, Mr. President, that he cut the tax and Highways was reeling from that loss and then two years later it happened again in the summer and this time there was no hurricane so he had to call in the Legislature. And we did it again. We suspended that increase. Cost them 85 million. That had been a lot of potholes. And so, you know, so the point is, I mean, I'm probably going to get quoted around the state or I don't know but, but we probably should, I think the public now would go along with us at least restoring that two and a half cents.

Now here is what they'll say. Here's two or three things that will be said. One will be said "Well, I'm going to make sure that that tax goes to Highways and nothing else." Now, I want to assure the public that gasoline taxes have always gone to Highways. They don't go, they don't fix our general revenue problem. Highways budget's different. Now there's going to be some other ideas floated out here about

bonding for example, about, you know . . . It hasn't said much, the Blue Ribbon Commission—well, I was on it, as an ex officio, nonvoting member—has been around for two and a half years and, or however long . . . I started a couple years ago. We all know this problem but at the, at the, and we're probably going to put something on the Finance agenda to deal with it in the near future. But I just wanted to point out today at least this, I mean, there are those around this building that probably would even refuse to restore the two and half cents. But that would go a long way toward fixing a few potholes and maybe paving a few roads. So I just wanted to take the opportunity since we've had this wonderful explanation about the million and a half. What's happened and why it is that we're riding roads that are like this and there are slips everywhere and there are these problems.

So I hope you'll join with me, and I'm speaking for myself now this is not a caucus position necessarily maybe there are others that disagree with me, but it's time for us to hear what the public has to say and we're riding these roads, they're dangerous. Let me tell you what's going to happen on Wednesday morning, Thursday morning in the Finance meeting, here's what's going to happen, Mr. President: You're going to get the Court of Claims bill and what you're going to see in that Court of Claims bill is road hazard damage like you've never seen it before. So I would say to the public, you know, if your, if you object to this. . . . Do you want to buy shocks or do you want to have good roads?" You know, it's basically that. So that we're seeing it and, and sadly every now and then, I don't think this year but every now and then in that Court of Claims bill we see a death claim due to a road hazard. So at that point to that family this was a life or death matter. So I think it's time, I'm speaking as one who's highly interested in the infrastructure of this state for all of us to join together and try to

get the members on the other side of the building and the Governor to move forward with something relative to Highways. And I just, this is a modest proposal that I'm talking about. And we have a bill now from my fellow senator in our committee that actually addresses the question that I just brought up. So I wanted to take the opportunity while you're talking about that million and a half, which we can probably garner, and, and some other things so that we can begin to tell the people of this state that we're interested in fixing the roads. The Senate Finance committee will begin to address this in the next few days.

Thank you, Mr. President.

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**Establishing WV Workplace Freedom Act**

*(Adoption of Senator Carmichael's Motion to Reconsider Veto of Enr. Senate Bill 1)*

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

*Friday, February 12, 2016*

SENATOR MILLER: Mr. President, I do stand to ask that we do not override this veto this day. I know it is probably a waste of my time. This is our last chance to do what is right. What we're about to do is wrong. The Governor has given us his reasons. I, I don't have to spend a lot of time talking about those reasons; we know those reasons.

This is a chance to do what's right for workers of West Virginia one more time. To do what's right for the future of West Virginia. What we're about to do has no effect whatsoever on where we're going and what we've become.

There are a lot of issues that we need to address. We addressed one of them today

in Government Organization: The lack of broadband in our state. And there was a lot of discussion on that. There's fear of what it cost. There's fear in my mind what it will cost if we override this Governor's veto today. We must sustain the veto. He has done the right thing, we need to do the right thing. I implore you to do what is right for West Virginia workers.

Thank you.

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**Establishing WV Workplace Freedom Act**

*(Adoption of Senator Carmichael's Motion to Reconsider Veto of Enr. Senate Bill 1)*

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REMARKS OF  
**HONORABLE  
JEFFREY V. KESSLER**

*Friday, February 12, 2016*

SENATOR KESSLER: Thank you, Mr. President.

I, too, rise in opposition to the motion to override the Governor's veto.

The Governor clearly and succinctly set out in his veto message why this Senate Bill 1, this right to work legislation, is wrong for West Virginia. He emphasizes, and I agree with him, that not one business—and we heard it from his own Secretary of Commerce, Keith Burdette, that in his role as Governor and as Commerce Secretary when they're going out, as part of their duties, trying to attract and bring and retain jobs here in West Virginia not one, not one company has ever said "West Virginia, we're not interested because you're not a right to work state."

This is not based on any empirical evidence; this is based on a political attack upon unions, upon workers, upon families, upon our communities. What do we know



for states that have passed right to work law? They're not prospering. They're not bringing jobs. Look at Minnesota. One of the most booming states in the union. Compare that with, with, with, with Wisconsin, with Kansas, those that have adopted these right wing, out-of-state driven, Koch brother policies are not flourishing. They're not prospering. They're failing.

Ironically, unfortunately, for some folks in Indiana yesterday. . . . Indiana as you know passed right to work. One of the more recent ones that have passed right to work in 2012. Wonder how Indiana's doing? Wonder if companies are going there hand over fist? Wonder if they're booming? You know, they lost \$60 million in tourism and, and convention business when they passed a RFRA law which is another argument for another day on another bill that was reported over here today. But I'm reminded, yesterday, as I was just looking through the news, that in the great State of Indiana it was reported yesterday Carrier Heating and Air Conditioning Company—a long-standing company in Indiana—yesterday announced that they're closing two facilities, two plants in a right to work state costing 2,100 jobs that are moving to Mexico because it's cheaper.

Passage of this bill, this continuation of this war on workers, this war on families, will not make West Virginia successful. It will drive down wages, it will reduce workplace safety and it will reduce the welfare and well-being of our communities and state. It doesn't work. It hasn't worked. The empirical evidence just isn't there. So based on that, Mr. President, based upon the blood, sweat and tears of those who have built this state by working in unions that have built our factories, that have left in many instances not because of any other reasons and sometimes it was cheaper elsewhere. Market economics. Driving down wages is not the solution to make our state prosper. It hasn't worked in states that have done it. The most recent states that

have approved it, it surely hasn't worked: Kansas, Indiana, others I've alluded to, Wisconsin. The evidence doesn't support the passage of this bill to begin with nor the override.

So I ask you to stand with the people, stand with the workers, stand with those in your community who have built our communities that have asked you not to do this and stand with them and vote no on this override.

Thank you, Mr. President.

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#### **Establishing WV Workplace Freedom Act**

*(Adoption of Senator Carmichael's Motion to Reconsider Veto of Enr. Senate Bill 1)*

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**REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO**

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*Friday, February 12, 2016*

SENATOR ROMANO: Mr. President, I was waiting to see if anybody else was going to stand up.

I, I just want to briefly say this. You know, it's been about two weeks since we debated this last time and I stood here and said that we should be concerned about important issues like roads and education and infrastructure and drug addiction and not right to work. And here we are back here again going to override the Governor's veto without one shred of evidence that right to work is going to do anything to the people of West Virginia. We're going to pass this on speculation and fantasy. And as I sat here today and listened to the speeches of my colleagues it made me wonder if anybody listens to the prayers that we get every morning here. They don't

pray for the rich and the giant corporations. So many of us wear religion on our sleeve but do we really pay any attention that all of our religions, particularly our Christian religion, teaches us to look out for the, the humble, the meek, the poor, the ones that can't look out for themselves, the workers that are just trying to work every day and make a living for their families, do a little bit better for their children?

This bill does nothing but hurt workers. It's not going to bring a job. It's not going to bring a paycheck. It's just an effort to destroy what workers have in West Virginia. And I'd ask one of you, one of you to listen to the facts and vote no on this override.

Thank you.

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**Establishing WV Workplace Freedom Act**

*(Adoption of Senator Carmichael's Motion to Reconsider Veto of Enr. Senate Bill 1)*

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REMARKS OF  
HONORABLE  
WILLIAM R. LAIRD IV

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*Friday, February 12, 2016*

SENATOR LAIRD: Thank you, Mr. President.

Sometime in life, but not always, we're given a second chance opportunity to do the right thing. Such is the case here today in our consideration of this veto message. Clearly this issue has fractured the body of our Senate and we sit here today as a house divided. If this issue was of sufficient weight and value to hold any potential whatsoever to bolster the economic conditions of our state and increase prosperity for our people, then, and only then, could the consideration of this divisive issue be considered to have been worth it.

Today, as perhaps never before in the history of our state, we face many difficult and complex issues requiring our collective commitment and resolve to the common interest of our people. Consensus building rather than divisiveness will be required for us if we are to be successful in transforming the economic climate of our state. This cannot be done by conjuring up inconsequential wedge issues which trample on the core values and deeply held beliefs of working men and women across the State of West Virginia.

Mr. President, I would submit to you that this is a perfect formula for winning a battle but losing a war. In the end, we will need the common commitment of business, both large and small, labor, both organized and otherwise, to work together in building a future we can all be proud of. The hour has arrived for us to begin to work together on issues which truly matter. The clock is ticking.

I encourage a vote to sustain the Governor's veto.

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**Establishing WV Workplace Freedom Act**

*(Passage of Enr. Senate Bill 1)*

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REMARKS OF  
HONORABLE  
MITCH CARMICHAEL

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*Friday, February 12, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

Just a few brief remarks on this momentous occasion and to thank you for your leadership on this issue. And I just wanted to stand and, maybe, call for the members and for the public the reasons we are doing this. And

we've been attacked as some right-wing conspiracy group that's only out to damage the worker, and nothing could be further from the truth, Mr. President.

There is the, the condition that we find our state in in West Virginia is the worst for the worker in America. We've lost more jobs in this state without a right to work law than any other state in the nation. We've lost more population in this State of West Virginia without a right to work law than any other state in the nation. Mr. President, we want to help the workers. We want to have jobs. And the best thing for a worker is a job. And when we lose jobs and we have the lowest per capita income in America and we want to distend the status quo. We don't want to do anything different. We want to walk hand in hand through a 34-0 vote and not do anything substantively different. That is not the approach that will turn this state around and revolutionize our economy such that we create jobs, hope, growth and opportunity for all citizens.

This is not a war on workers. We admire and respect the contributions of every precious worker in West Virginia. Every precious citizen. We want prosperity, jobs, opportunity, growth and what we are doing is not working.

And for those reasons, very simply, Mr. President, and the, the economic study that we have commissioned and received validates the fact that growth is higher in states that have passed right to work. Income growth is higher in states that have passed right to work. These are validated studies that we've received. It's time that we should feel good about casting a vote for jobs, growth and opportunity.

And for those reasons, Mr. President, I urge all of us to vote yes on this important measure.

Thank you.

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

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*Friday, February 12, 2016*

SENATOR TRUMP: Thank you, Mr. President.

We have a birthday to celebrate today. Today is Mr. Lincoln's birthday. And it would be wrong not to remember and observe it today if, if just for a moment. If just for a moment, I hope the members will indulge me.

Everyone in this chamber and in this state reveres Mr. Lincoln and if not for the reason that we consider him to be the father of the Republican Party because he's the author of West Virginia's statehood. We revere him for that. And I think it's appropriate, if we will for just a minute . . .

We lead, we lead such charmed lives. We have difficult questions to grapple with. We have difficult decisions to make. The word divisive has been used on the floor of this chamber on a couple of occasions this session because we are dealing with difficult decisions. But we lead charmed lives, do we not? If we think about and consider what awaited Mr. Lincoln when he took his first oath of office in March of 1861 and the war that followed—his first and second inaugural addresses are just fabulous expressions, in fact, along with the Gettysburg address, I think, probably the three finest speeches ever written in the English language. We're dealing with difficult problems in West Virginia to be sure but others before us have dealt with problems much more severe and consequences more severe. When the Civil War commenced there were about 31 million people in this country. And over the course of that war there were casualties of 1.5 million people. Think about that. This nation at war completely with itself,

a million and a half casualties over the course of four years. My little county of Morgan has 18 some-odd thousand people in it. There were 23,000 casualties on one day. One day. On the Antietam Battlefield. Every one of them an American. Fifty-one thousand casualties over the course of three days at Gettysburg.

Half way through this legislative session, maybe, maybe it's good to take a moment just to think about Mr. Lincoln and what lay upon his lap to realize we have so much more that binds us together and joins us than divides us. And our problems, while great—and I have every confidence that this body will rise to meet the challenge—by comparison, by comparison, while not the same magnitude as problems which others before us have confronted . . . .

I'd like to read just a bit of the close of Mr. Lincoln's first inaugural address from March of 1861. Everybody will know the President then was inaugurated in March not January as we do it now. Southern states had already seceded and this nation was dividing for war. And he said, at the close of it, and I recommend, I know probably everybody in here has read it but it's a great exposition of why the legal case that it was impossible to divide the union. Legally, constitutionally, otherwise. But his, his closing message to his countrymen, he says "In your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I [shall] have the most solemn [oath] to 'preserve, protect, and defend it.'" He said "I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle-field, and patriot grave, to every battle heart and hearth-stone, all over this

broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature."

So for me I want to keep those words in mind as we move forward for the 30 next days. And we'll be touched, hopefully all of us, by the better angels of our nature.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
MIKE HALL**

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*Friday, February 12, 2016*

SENATOR HALL: Just a few brief remarks. I know people want to get to lunch and get out of town but . . . .

Yesterday, at end of the Finance meeting, the author of the headline today, Phil Kabler, came to me and said that the Governor had asked him to come down for an interview. And I anticipated what the interview might say. And, as I got up this morning, I think I'm not a prophet but I wasn't far from wrong. The Governor has said that it's a lack of work on the budget irks, irks him. Well, I'll have to say that first of all there have been several Governor's bills already be brought to you and you voted on them. But as I read the article his main frustration is about the fact that we're just not moving that fast on revenue enhancements—that's the way we describe tax increases. The public's not fooled by that.

And you know . . . and I, I got to thinking about . . . well I'd just like to make a couple of remarks and that is, that, how do we get here? I mean, how do, how do we get in such a condition where our general revenue budget is under such strain? And it's obvious that, to the public, that what has happened is we've had the collapse of

the coal industry and the collapse of natural gas prices which have caused revenues to be so low so that the things that our general revenue budget has expected to do are under stress. And, you know, as I was sitting there thinking about the fact that . . . we talk about our bond ratings and our ratings and so forth. But . . . just a couple things I wanted to say.

First of all there's not been a lack of work on the budget. I think my staff would tell you that long before, and the former Finance chairman knows this, long before we walked into this building, I anticipated what might happen. I was anxious to hear what the Governor's solutions were. But we've been working on it for a long time. We have . . . . We've looked every day. We look at revenue. We look at these things and . . . . I'd just like to, you know, challenge the fact that there's not been work on the budget. You know, there has been. We've, we've worked for hours on it. I've, you know, I didn't think I would ever do that. This is my twenty-second year. I've actually been waking up in the middle of the night wondering about where this money's going to come from and who's going to agree to it. And also worried about the taxpayers who we may ask to fund it. And they don't quite understand it. They want us to cut back. And I would say, I mean I have to say that over the years there's been about, in certain parts of our general budget, revenue budget, but significant parts of it, over a 20 percent cut in their baseline budgets for the past four or five years and the Governor's budget this year proposes even more.

So, you know, I just wanted to say that I realize he's probably frustrated and worried about the fact that we're not going to get our work. . . but we're going to work on it . . . . Now, you know, this is a problem that's been in, in the works for a while. We're only here 60 days and I can tell you from the Finance chairman's point of view that there's a lot of interest, Mr. President, and a lot of enactment but it's about this time in the session where

the budget gets the focus. So next week I can tell those guys downstairs that there will be some bills there that will deal with some of these. Just exactly how they'll come out, I don't know. I've got some ideas but . . . .

I just wanted to say to the public that we're working. This body's working on this issue. And, and next, and in a few days ahead, hopefully, we'll get some sort of resolution. But there's been a lot of effort put in and, and we're willing to work with him. He says he's willing to work with us. So we're in conversation. It's not like we've been twiddling our thumbs for 30 days. In our committee we've actually been, you know, taken a strong look at, at the problems and . . . I know the former Finance chairman, my good friend who's sitting over there, Senator from Marion, you know, he, he's been very supportive. He understands. But anyway, Mr. President, we're going to get this done, you know, we're not, not, we are . . . I don't like the headline "lack of work". We're working on the budget. You know, and then we'll get to some of these solutions, hopefully, in a few days going forward.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.

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*Friday, February 12, 2016*

SENATOR PREZIOSO: Thank you, Mr. President.

Very briefly, I, I just want to let you know that I'm sleeping a lot better at night these days.

You know, the concern about the budget is not just the year that we're in. We've got to do a lot of supplementals and we've got to fill the gap for this year. But what concerns me is we look down the pike. I know that being

the former Finance chair and the Finance chair now . . . we're concerned about what's going to happen next year. You know, a lot of folks may not be here next year. There's going to be a new Governor—maybe one of the people that are sitting right in this chamber. And the first thing they're going to have to address is the shortfall.

You know, we foresaw a lot of the things that were going to happen. We had actuarials and we had long-term, you know, projections. We knew the coal industry was going to be in relatively deep trouble, but we didn't estimate that gas would be so low right now.

So my concern, and I'm sure the concern of the former, present Finance chair, is not only this year, it's next year, the following year, and down the road. So you've got to be very careful because what you do now it, it just exponentially carries on into the next couple of years.

So, you know, we're proceeding with caution. We passed several supplementals this year. We've just about got this year's budget gap closed, and I know we're working on next year, but it's going to take a lot of effort to put this thing together. And maybe patience is the best avenue at this stage.

Thank you.

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**Designating February 15, 2016, as  
Corrections Day**

*(Adoption of Senate Resolution 35)*

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REMARKS OF  
HONORABLE  
WILLIAM R. LAIRD IV

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*Monday, February 15, 2016*

SENATOR LAIRD: Thank you, Mr. President.

Today is Corrections Day at the state Capitol and we welcome to Charleston many of our correctional professionals and administrators from our institutions around the state. On this day it is important for us to recognize and understand that it is our correctional professionals who stand as a thin blue line of protection separating the safety and security of our communities from those who mean us harm. It can indeed be said that correctional officers are the forgotten persons in our criminal justice system. Concealed from public view behind the walls and razor wire at our state correctional facilities, correctional officers get up each day, put on their uniforms and go to work to do a job which most of us are ill-equipped to do.

I am sad to report that our starting annual salary for our correctional officers in the State of West Virginia is \$22,584. This entry-level salary stands as the lowest for correctional officers in the 50 states across our country. At this dismal level of pay, entry-level correctional officers qualify for participation in a number of public assistance programs including Medicaid and SNAP benefits. Resulting from low salaries, the annual turnover rate for correctional officers in our state facilities is approximately 37 percent. For a detailed analysis of this serious problem, I call your attention to an excellent report prepared by our legislative Post-Audit Division which details the current salary, turnover and vacancy problems within the Division of Corrections.

Mr. President, in honor of our correctional professionals and the difficult job that they do each and every day on our behalf, I encourage the adoption of this resolution.

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**Designating February 15, 2016, as  
Corrections Day**

*(Adoption of Senate Resolution 35)*

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**REMARKS OF  
HONORABLE  
ART KIRKENDOLL**

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*Monday, February 15, 2016*

SENATOR KIRKENDOLL: Mr. President, I rise in support of Senate Resolution 35. I'm going to be brief but right to the point.

Having been a county commissioner in, in Logan for 30 years and when we came up with the idea about the corrections . . . . Had it, had this not become a reality, I can tell you now, a lot of these counties wouldn't even be able to survive. Back in the day, when your, when your deputy sheriffs took care of your incarcerations at your local jail, you didn't realize until you looked at the bottom line on your medical costs, having to have auxiliary help, cooks and, and your deputies in that jail taking care of them people. And when the state got into this system . . . . I look back at the costs, back in . . . 15 years ago . . . and our costs in my county of Logan probably now is cheaper now in the year 2016 than it was 15 years ago.

So I can't tell you how glad I am that we finally came to put a program together that actually works for the benefit of the counties. Saves them money. Takes the liability factors away from the county commission and sheriff and everything. And with that, these people do deserve, when we can look at the budget and do what needs to be done, pay them a fair amount of wage and be supportive.

Thank you, Mr. President.

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**Designating February 15, 2016, as  
Corrections Day**

*(Adoption of Senate Resolution 35)*

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**REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL**

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*Monday, February 15, 2016*

SENATOR WOELFEL: Thank you, Mr. President.

Let me just say, I rise in support of the resolution for two reasons.

Number one, the correctional officers and, and, and the Regional Jail Authority and the DOC are grossly underpaid. They have the worst working conditions of any public employees within our state. And in the last few years, I've had, I've had the opportunity to interact with the DOC in various legal actions but that has afforded me the opportunity to get to know the professionals at the very top such as, I believe, Associate, or Assistant Warden of Lakin, John Sallaz, would be an example of that professionalism that I've, that I've seen firsthand.

So, we all seem to have our axes to grind here in our various constituencies. Let's see if we can find a way this session to look out for our public employees who serve us.

Thank you.

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**Designating February 15, 2016, as  
Corrections Day**

*(Adoption of Senate Resolution 35)*

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REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER

*Monday, February 15, 2016*

SENATOR KESSLER: Thank you, Mr. President. I, I, too, rise in support of the resolution.

You know, one of the fundamental duties that we have as legislators, obviously is the most important, is to provide for the public safety. And that's not only law enforcement where we protect our community but when we find folks that are wrongdoers that we then have them incarcerated to serve time in our jails and correctional facilities. You know, the numbers that my good friend, the Senator from Fayette, talked about as to the pay that is paid to the folks who do one of, if not the most, important duty in our state is providing for the public safety. Could not go uncommented on.

You know, a few years ago we passed a bill to give, I think, a pay raise over a three-year period of like \$5,000. And that was helpful at the time; as I look back on that, Mr. President, that's been eons ago now. I know they have folks that are forced into working overtime. It isn't like if someone calls off sick that they can just say, "Well, we'll just go without." They have to stay onsite and stay in, on the, the site to provide for the safety to keep the folks including those that are the most violent, dangerous criminals in our society locked up. So when someone gets sick and calls off, they still work. They work over. They have mandatory overtime, forced overtime and they work under the most difficult circumstances at pay that is not sufficient and they are not often thanked enough, Mr. President.

So, on behalf of all of us in this body, I want to thank them, each and every one of their professions. They are professionals.

They carry out their duties in a professional manner, and it's . . . . They provide a service to all of us in something that is most important: Providing for the public safety. So for that, you are recognized today by all of us and thank you from the bottom of our hearts for all you do and I join with my friend, the Senator from Cabell, in seeing what we can do with the Finance chairman . . . and I know times are tough, they are extremely tough, but these are the folks that take care of us the best. And for that, you're to be commended. And thank you. And we'll see if we can't come up with some way to make sure that you have insurance, it's paid for fully, and also that we can start working on a legitimate pay package for you.

Thank you, Mr. President.

**Designating February 15, 2016, as  
Veterans Visibility Day at Legislature**

*(Adoption of Senate Resolution 36)*

REMARKS OF  
HONORABLE  
KENT LEONHARDT

*Monday, February 15, 2016*

SENATOR LEONHARDT: Thank you, Mr. President.

I know in the back and in the galleries we have some other veterans. Will all the veterans please stand up? I'm sure we have quite a few around here. Thank you.

Senators . . . Senators, staff, guests and my fellow West Virginians, all the documents for the founding of our nation were written in now famous halls through a lot of debate such as we do here. But, in reality, our nation was forged on the



battlefields, in the air, well, on the sea and land originally. Our nation was saved from total division and destruction on the battlefield. The world, including our nation, was saved from tyranny on the battlefield more than once. During these conflicts we added air warfare to the land and sea battles. Since our founding, there have been many wars, conflicts, battles, military actions that have prevented some hotspots from becoming larger conflicts later. They have kept open our lanes of trade in peace time. The strength of our military has prevented war and kept us safe and preserved our freedoms.

Senators, the men and women you see standing here today represent only a few of the millions that have answered the call to our nation. Veterans, you have carried on a legacy like no other in the world. You have made this state and nation proud. Every veteran and their families no matter what, where, when, how they served own a piece of that legacy and the freedoms we all enjoy today.

I urge adoption of the resolution.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

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*Monday, February 15, 2016*

SENATOR BLAIR: Thank you, Mr. President.

My remarks today is going to pertain to House Bill 4145. That's the concealed carry bill. Actually, constitutional carry. Let's get the wording right. And before I get going on speaking to it I want everybody to know that I am a member of the NRA and I'm a member of the WVC DL. Proud member.

And let's get something straight from the very beginning: I believe that 4145 does nothing more than allow every citizen in the State of West Virginia, if they choose to, to exercise their Second Amendment constitutional rights.

The bill that we have this year has some improvements over the one that we passed out by both chambers last year and that was vetoed by the Governor. And we'll get back to the Governor here in just a moment, but I'd like to point out on what these improvements were. And I know it's not a debate of the bill so I'm going to make it quick. United States citizens, legal resident thereof, is an improvement over last year. Actual live firing of the ammunition, that's an improvement. The instructor's name shall be included in on the certificate which, for one reason or another, seemed to be a problem out there with the current concealed carry. Duplicate licenses . . . I think everybody that was here when, three years ago. . . . Remember when it was my first year in this chamber and I had a photocopy of all the different types of concealed carry permits that are throughout the state? And, when that session was over three years ago, I had, well, we had a commitment that those concealed carry permits were going to become uniform. I'm here to tell you today they still are not. So, in 4145 that is in this piece of legislation, which is an improvement, an enhancement, for both the people that have concealed carries and for law enforcement. There's also a tax credit in there for anybody that goes out and gets training. Up to a \$100 tax credit if you go out and get training because that was one of the big concerns for it was the lack of training in this even though I can't think of any other constitutional right where you need to go get training.

Any person that's under, between the ages of 18 to 21 will now be able to get a provisional permit with training. And that's sort of like grandfathering of what we've done for electrical, what we did for

plumbing, and things like that. If you're in the business, it's a grandfathering technique that was sort of used in the reverse though and that means that, that you . . . if you want to be able to carry, you'd have to go out and get training. And that would start that training process for that. Because I think we all agree that training is a good thing.

Going back now to some of the things because, man, there's a lot of misinformation out here on this bill. A lot. And it starts with the billboards out here along the street with the handsome Senate President's face on there and their name . . . I, I, I listened to some of the testimony this morning—and those billboards by the way are paid for by Michael Bloomberg—and there's a poll out here, what is it, 84 percent of West Virginians don't support this. Man, I find that hard to believe. But that poll was actually done by Everytown for Gun Safety, Chairman Michael Bloomberg. By the way, today, come to find out Michael Bloomberg has 12 bodyguards. Armed bodyguards taking care of him and following him wherever he goes. The Governor who vetoed this bill last year—I don't know what the count is—but he has state troopers that follow him around. And all the rest of us in this state, unless you're of substantial means or celebrity, does not have that luxury and it's upon us and our personal responsibility to be able to protect oneself, one's family and one's property.

This bill allows you to do that without paying a fee to do it. And I can think of numerous examples of where, for instance, a young woman that is going through domestic issues, or a young man, it can go either way; or you live in a bad neighborhood and you don't have a lot of money, but the fact of the matter is is that your, it provides the capability of being able to protect yourself. Actually, it's a God-given right to be able to protect yourself. I often said that I don't think we need the Second Amendment because it should be just that to start with. But on the low income side that is

something that's very, very, very important in my opinion. And the more people—it's my understanding that there's over 300,000 concealed carries in the State of West Virginia. So anybody that thinks that they're worried about everybody being armed, well, when you got 1.8 million people and there's 300,000 concealed carry permits right now, somebody's carrying where ever you're at. Whatever the restaurant is and, frankly, I feel safer when the good guys got the gun and not the bad guys. Well, I, I said that wrong because the bad guys is still going to have them whether there's a permitting system or not. But I can assure you the bad guy if he comes into this state and he knows that we all exercise our Second Amendment right those of us that choose to there's going to be less issues with bad guys. And I think it can be proven now, Mr. President, and that is going and looking at the states that currently have this legislation. You have to forgive me for pausing for a second because I want to get it right: Alaska, Arizona, Arkansas, Kansas, Maine, Wyoming and, last but not least, Vermont, since 1791 when they became a state. I was with Youth in Government the other night and the kids was asking me all about this bill. And they were very interested in it. And I, and I, I brought up Vermont. I go, "What's the first thing when you think of, when you think of Vermont?" My thought was maple syrup but one young boy hollered out Bernie Sanders. I couldn't believe it; that was the statement of the day. But it sort of brings back to the point on this legislation that Vermont has had it for years this is, it's not crime run wild or amuck, nobody's going to see the difference on this except for in the long run. One's going to be able to protect themselves and I'll close with this, Mr. President. It's time, not just in this state but in this country, that we start treating terrorists or citizens, stop treating citizens like terrorists, and terrorists like citizens. I don't know where we got off the track on that but I can go, we only have to go back 50 years and things was pretty daggone good in this country.

Mr. President, you witness in the gallery the people that are here, there are many, many, many, many more in this great state that believe in our Second Amendment rights and this is just one more step to freedom and preserving the integrity of the Constitution of the United States and our right to be able to protect ourselves.

Thank you, Mr. President.

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**Creating Unborn Child Protection from  
Dismemberment Abortion Act**

*(Adoption of Senators Plymale and  
Stollings amendment to  
Com. Sub. for Senate Bill 10)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Wednesday, February 17, 2016*

SENATOR STOLLINGS: Thank you, Mr. President.

This bill bans a procedure that the bill calls a “dismemberment abortion”. But the term is not recognized by the medical community and it is unclear what procedure or procedures the bill actually seeks to ban. The bill requires the relevant board of either medicine or osteopathy to discipline a physician or other licensed medical provider who performs one of these so-called dismemberment abortions by declaring that they had acted outside the scope of practice. Due to the complexities of the obstetrics and gynecology and the ambiguous definition of “dismemberment abortion” that does not comport to any medical procedure, my amendment would require a determination from the American College of Obstetrics and Gynecology, who are experts in this field of medicine, to issue a confirmation

that the conduct of the medical provider that violates this section is actually outside the scope of practice or contrary to the standard of care before the state boards can discipline any provider. The relevant boards do not necessarily have any members who are specialists in OB/GYN.

This amendment would make sure that the people with the most expertise in this area of medicine are determining whether health care providers are acting outside the scope of practice rather than having it, a determination dictated by this Legislature to a board that may not have any expertise in the area.

I urge adoption of the amendment.

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**Creating Unborn Child Protection from  
Dismemberment Abortion Act**

*(Adoption of Senators Plymale and  
Stollings amendment to  
Com. Sub. for Senate Bill 10)*

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**REMARKS OF  
HONORABLE  
RYAN J. FERNS**

*Wednesday, February 17, 2016*

SENATOR FERNS: Thank you, Mr. President.

With the utmost respect for my colleague from Boone, I’m going to oppose the gentlemen’s amendment for the simple reason that January 22 of this year the American Congress of Obstetricians and Gynecologists sent out a letter which everyone in the, in the Senate should have received. I’m going to read one portion of the letter here. It says “Senate Bill 10 seeks to ban the predominant approach to termination of pregnancy after 13 weeks’ gestation, commonly referred to as dilation

and evacuation. Compared to alternative procedures, D&E has been shown to result in fewer complications. Because it is safer for women, ACOG has stated that D&E is evidence-based and medically preferred over alternatives.” And with that statement, it would be my belief that relying on ACOG’s to be the, the group of discipline for this legislation would leave the legislation null and void as it’s currently written. And, and furthermore, to comment on, on the gentleman from Boone’s statement about dismemberment abortion, we have it defined here, in Senate Bill 10, and clearly the American Congress of Obstetricians and Gynecologists understand what the procedure is because they state explicitly in this letter that they are opposed to the bill.

So I urge opposition to the amendment.

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**Creating Unborn Child Protection from  
Dismemberment Abortion Act**

*(Adoption of Senators Plymale and  
Stollings amendment to  
Com. Sub. for Senate Bill 10)*

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REMARKS OF  
**HONORABLE  
ROBERT KARNES**

*Wednesday, February 17, 2016*

SENATOR KARNES: Thank you, Mr. President.

You know, a little more under the point of the Senator from Ohio mentioned there . . . I’m, I’m on the Health committee and I heard the discussion back and forth. And part of the question that was raised by the senator . . . in his introduction to this amendment was this concept that somehow this is not an understood procedure. That’s the first

I’ve, I’ve heard of, of that particular notion. Everybody on both sides of the issue seem to fairly clearly understand precisely what it was we were talking about. And I don’t think there was any confusion in the committee as to what we were talking about.

And I would also point out that this doesn’t actually ban the procedure. What it does is it bans the procedure being performed on a live baby. So, what we’re literally talking about is ripping an unborn child, piece by piece, out of the womb. And what this says is you, you can’t do it while they’re still alive. You have to at least euthanize them first.

And so, I would speak against the gentleman’s amendment. I don’t think it’s in, in any way necessary. And I think as the Senator from Ohio had pointed out by putting ACOG in charge of the determination we, essentially, gut this entire bill because ACOG has made it very clear that they are very strongly in favor of this procedure.

I urge rejection of the amendment.

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**Creating Unborn Child Protection from  
Dismemberment Abortion Act**

*(Adoption of Senators Plymale and  
Stollings amendment to  
Com. Sub. for Senate Bill 10)*

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

*Wednesday, February 17, 2016*

SENATOR STOLLINGS: Thank you, Mr. President.

All, again, what this amendment does is simply allow the Board of Medicine to seek

expert opinion with regard to this issue. It doesn't have anything to do with actually, whether, what Senate Bill 10 does. It just says that you can, as a Board of Medicine or Board of Osteopathy, seek expert opinion with regard to . . . when you're banning a procedure that is considered the procedure of choice, the safest procedure available, during the second trimester.

And again, I ask support of the amendment.

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**Creating Unborn Child Protection from  
Dismemberment Abortion Act**

*(Passage of Eng. Com. Sub. for  
Senate Bill 10)*

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**REMARKS OF  
HONORABLE  
RYAN J. FERNS**

*Wednesday, February 17, 2016*

SENATOR FERNS: Thank you, Mr. President.

This bill creates the Unborn Child Protection from Dismemberment Abortion Act. This bill will preclude the performance of a dismemberment abortion, which is defined in the bill, on an unliving, on a living, unborn child. Any physician who performs such a procedure is subject to disciplinary action by their licensing board. It would also provide that any person not licensed to practice medicine who performs such a procedure is deemed to have engaged in the unauthorized practice of medicine. There are exceptions for medical emergency and performance of the procedure following fetal demise.

I urge passage.

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**Creating Unborn Child Protection from  
Dismemberment Abortion Act**

*(Passage of Eng. Com. Sub. for  
Senate Bill 10)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Wednesday, February 17, 2016*

SENATOR STOLLINGS: Thank you, Mr. President.

I had trouble sleeping last night; and it wasn't because of the demise of our beloved Mountaineers getting beat nor the fun that we had last evening. It was because of this bill. The easy thing I could do today is just shut up, vote green and maintain my 100 percent pro-life voting record here in the 10 years I've been in this Senate. However, and again, I'm, I'm not standing up here to try to change anybody's mind. As far as I know, in 10 years, a floor speech has never changed anybody's mind up here. I guess in a way I'm explaining why I can't vote for this bill. And it's because of 31 years of being a physician that I realize that the doctor-patient relationship is the most important part of health care.

I'm in . . . I also understand that there are standards of care, that there are procedures of choice, that there are the safest procedures and we are just about ready to ban the safest procedure in the second trimester. Second trimester abortions are extremely rare. Usually only happens when the fetus is dead, had already died, or if the fetus is severely malformed. We talked in Health Care, in the Health Care committee about what would you have to do to make or to, to basically make the demise of the fetus prior to doing this procedure. It has to be some type of intrauterine invasive procedure

to render the fetus dead prior to doing the dilatation and evacuation. Some OB/GYN doctors have said that that procedure can be very difficult in certain patients, certain body habitus and, therefore, can also render the, the procedure itself could render the mother at risk. So I just can't . . .

And I have different oaths. I have the Hippocratic Oath that, first of all, do your patient no harm. And I think that what we're about to do is to do the mother, potentially, harm.

Again, we're, we're, we're talking about procedures that are rarely done. And . . . but at the same time there are scenarios where this procedure would need to be done. There are also situations, and again the Junior Senator from the Seventeenth talked about, sometimes there has to be fairly quick decisions made. And that is what if, if the mother's life is in danger. Well, if the mother's life is clearly in danger this procedure, the D&E procedure, could be done and it would be no problem. But what if there is gray areas? And, folks, there are gray areas in medicine. What if it might not be in danger, you know, there's some, there's the placenta's dead or, or there's, there's the, you know, there's some situations where the mother might not be septic, that is a serious blood infection, yet but if you waited a little while they could get in trouble quickly. So again, this clouds, having this bill clouds the OB/GYN doctor's ability to make a good, clear decision. He may wait for fear of losing his medical license, his or her medical license, and, and not do the procedure in a timely fashion in which case then the mother's life is in danger. And sometimes when lives are in danger, it's an emergency situation. And so for the very small numbers of abortions that are performed, and I can see scenarios that could really be impacted by this bill, I'm going to vote no. I know that, you know, our minds have been made up. Our minds were made up on Senate Bill 10 before we ever read the bill because it's

backed by pro-life. Just like there's other bills that our minds are made up because it's backed by either AARP or, or the NRA or whatever. But with my knowledge, my specific knowledge, I can't vote for this bill because it interferes strongly with the doctor-patient relationship and does away with the safest procedure in the second trimester.

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**Creating Unborn Child Protection from  
Dismemberment Abortion Act**

*(Passage of Eng. Com. Sub. for  
Senate Bill 10)*

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**REMARKS OF  
HONORABLE  
COREY PALUMBO**

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*Wednesday, February 17, 2016*

SENATOR PALUMBO: Thank you, Mr. President.

I just want to briefly rise in opposition to this bill, too, and for a lot of the same reasons my colleague from Boone just mentioned. But also, just want to let the members know I, I spoke with an OB/GYN this morning and what I was told is that terminating the, the life of the fetus before this procedure is done is, is not even possible in some situations. I mean some, with some women it's, it's not just difficult, it's impossible to do. So what position does that leave the physician in when we've taken away not only the safest option but, but the only option? I think we're putting physicians in a, in a very, very difficult place with this bill. I think it's, I think it's bad practice and I think it should be rejected.

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**REMARKS OF  
HONORABLE  
COREY PALUMBO**

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*Wednesday, February 17, 2016*

SENATOR PALUMBO: Thank you, Mr. President.

I just want to point out to the members and, and to you, I'm sure most of you are aware, that last week the House passed Senate Bill 4012, otherwise known as the Religious Freedom Restoration Act. And I wanted to point out to you, in the Charleston paper yesterday there were a couple of articles. One said that medical groups oppose RFRA for, why they believe it will deteriorate the health of the citizens of West Virginia. Also, another article indicating that many businesses in Charleston are rising up to oppose this bill and are going to be having stickers that say all kinds are welcome here. I would encourage, Mr. President, you and the other members, to support those businesses who are standing up for all West Virginians.

Also, I'd like to point out to you that, you know, the bill we passed earlier this session, the right to work bill, which, which I think you believe and the majority party believes will help open the door to opportunities in this state. Although I'm not convinced that will happen—I certainly hope it will—I, I would tell you that if we pass this bill, it's going to slam that door shut. You need to look no further than what happened in Indiana last year. They passed this bill. One of their tourism people said that the, the backlash in Indiana has been unprecedented following that. They've lost conventions, they've lost . . . . You know, businesses have been very upset about it. They lost 12 conventions that they said the, the people directly identified passage of that bill as the reason why they're not coming there.

You probably know that Charleston has, is investing about \$100 million to restore, renovate the Civic Center here and I would suggest to you that if we pass this bill, that money will be largely wasted because we'll experience the same thing here.

So I just want to encourage you, Mr. President, as you're interested in opening up opportunities for West Virginia, to tread very carefully as you consider what we're going to do with that bill.

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**REMARKS OF  
HONORABLE  
MIKE HALL**

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*Wednesday, February 17, 2016*

SENATOR HALL: I know it's getting late but, just briefly Mr. President, I have in my hand the budget bill for this year. And on page 27 of the budget bill, it's PEIA. It says Public Employees Insurance Matching, \$43,487,151. What that is is that is the amount of money in our general revenue budget that's there to fund the PEIA question that people have been asking. And some have said "Well, how does that get to the \$120 million problem?" Well, an actual fact also buried in the special revenue accounts of this very bill are 24 more million dollars of basically employer, employee, employer premium that's committed by this budget bill so that when you combine the 23 million they saved with CVS Caremark, redoing a contract for their drug administration with better rebates, and the 24 million that's the result of the state's contribution because the state put in its 24 million and 43 million. The participants also have to now pay with the 80/20 law. That gets you to the \$120 million.

And I just want to say that this was a \$4.3 billion budget. On page 81 of it you can read that. Four point three billion dollars of spending authority.

And the question has been, “Well, if you don’t pass certain revenue measures isn’t the PEIA going to be eliminated?” Well, there’s nothing in the budget bill that says that. I spoke this morning to the revenue department. They said “No, if you fund the budget, it’s funded.” The director of, of PEIA—I had a meeting with him last week—and he said he considers it funded because it’s in the budget bill. Now, should that item come out of the budget, then he would have to call an emergency meeting and do something about the benefit structure. But all that . . . so then, all the conversation and the speeches and things that I’ve heard . . . Let’s be very clear that the budget has in it \$43,487,151 for PEIA, plus 24 million of . . . spread across the special revenue accounts of employer contribution.

Now, I recognize there is a challenge to funding this \$4.3 billion budget. But it doesn’t mean, as I would say to somebody, if you had trouble in your household, would you cancel your health insurance first? No. So, it would be my intention as the Finance chairman that we preserve that line in the budget. And we’ve been talking to the agencies, if we end up with a situation where we have to cut things, that’s not one we have to cut. There’s a lot of things in here now; they would be painful, but if that’s the one we would do first, I wouldn’t think so.

So, I just want to make it clear to the public and to the members that the Governor has “fixed” PEIA in the sense that he has put in the budget document. And if we fund the budget or if we have to cut things out of the budget, I don’t think I’m going to go to page 27 first. I think we’ll go somewhere else and find other things. I mean they might not be things, you’ll get phone calls . . . I mean last year when . . . I’ll never forget this. My first year as Finance chairman, we decided to cut in half a line to Economic Development offices. We just took it from one and a half million to

750,000. I remember that several of you got phone calls and letters. And when I stood up on the floor to talk about the budget that was pointed out to me and . . . I want to tell you that what we had done there was we saw they had reappropriated money. Economic Development had \$700,000, \$800,000. We didn’t call them. We should have. I learned my lesson. Said, “Can you spend that reappropriated money this year and fund your 1.5 million with your older money?” No, they just told you that we’re going to cut everybody in half. Now, as we get into this budget cycle, that’s going to . . . you’re going to get a million phone calls as we begin to get into it if we don’t have the revenue. But I would say that that 4.3 million, to about 220,000, no 750,000 people, I think, that are PEIA participants . . . I don’t think we’re going to go there first. That’s my point. We’re not going to go there first if we don’t get revenue measures. Now, I think we probably will at the end of the day get some.

Oh, I’ll also say something else. I wanted to say this or not. But, you know, I have a son and I know people out there in the world of business that are not . . . their income’s a little bit too high to get an Obamacare subsidy and they’re not in PEIA and you ask them what their premiums are for health insurance. And, and it’s, it’s tough out there in the marketplace with a commercial purchaser. And we got to keep them in mind too as we think about the things that we do. But I would just simply say that that line item is right there for anybody whose comfort level is low. Just look in the budget, page 27, \$43,487,151. It’s right there.

Alright, Mr. President, thank you. I just wanted to make that explanation. That’s where I’m coming from on this.

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REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.

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*Wednesday, February 17, 2016*

SENATOR PREZIOSO: Mr. President, you know, I've been in that situation before and I can, I can sympathize with the Chair of Finance.

But it seems like every year we go through the process of doing the budget: The Governor introduces, you know, his revenue estimates, and he gives us a road map, and we, we try to adhere to it, at least when we were in the leadership, the Democrats, you know, tried to support the Democratic governor. And some of the things we agreed with and some of the things we didn't, and we'd always come back and say "Well, you know, if we don't pass this, then you're going to have to take money from this particular entity."

Well, you know, I'm looking here at the Governor's proposal to fund PEIA and . . . we talk about the \$43 million. That's from the tobacco tax. We still have to pass the tobacco tax. But that's only part of the solution. The state contribution, those are contributions from the employees, from the retirees, you know, we're going to up their premium cost. And then all of a sudden we found \$30 million in new prescription drug contract. I guess they renegotiated the prescription drugs . . . for one year, I assume. I mean are we going to get the same amount next year? And also, we have another \$14 million in premium increases. So when you take a look at this, if we support the Governor's proposal, you're going to put a band-aid on PEIA. We're going to get by this year and next year we're going to come back and we're going to be in the same situation. You know, if we have the intestinal fortitude to fix it, let's go ahead and fix it, not only for this year but into the future.

So this afternoon in Finance, I'm going to introduce an amendment to try to take care of the burdensome PEIA cost for those retirees that . . . you know, we sort of promised

because we couldn't give them a pay raise that they'd have some health care benefits. Well, most of those people out there retired right now—they're the folks that taught us in school, they're the folks that were our custodians and our secretaries, you know, they're the people that are out there clearing the roads when it's cold—you know, I think we owe them something more than what the Governor proposed. I think what the Governor proposed is basically a cheap shot. You know, it's a band-aid effect. If we're serious about fixing this thing, we've got a long way to go. And to fix it, by his means, we've still got a long way to go.

So, Mr. President, I hope we keep our promise to those retirees and those teachers and those public employees out there and I think we're going to get an opportunity to address that issue.

Thank you.

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**Providing for construction of statewide  
fiber optic broadband  
infrastructure network**

*(Passage of Eng. Com. Sub. for Com. Sub.  
for Senate Bill 315)*

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**REMARKS OF  
HONORABLE  
CHRIS WALTERS**

*Thursday, February 18, 2016*

SENATOR WALTERS: Thank you, Mr. President.

Senate Bill 315 is the broadband bill. It's a . . . . The purpose is to promote construction of broadband infrastructure throughout West Virginia, to increase access of broadband service for underserved and unserved households and businesses.

What happens in the bill is it requires that funds are created in the Water Development Authority and that they're kept separate from water and sewer funds. The bill requires the Water Development Authority to create and establish a special revolving fund of moneys made available by appropriation, grant, contribution or loan to be known as the West Virginia Infrastructure Fund for Broadband Middle Mile Development. The funds are to be administered by the authority and to be dedicated to broadband middle mile infrastructure projects. The Broadband Enhancement Council will be responsible for overseeing and approving disbursements of funds received through grants. It also specifies oversight of grant money is by the Broadband Enhancement Council and priority of funding.

The bill provides for broadband middle mile infrastructure to be owned by the state. Existing broadband infrastructure with minimum of 144 strands of fiber could be purchased as part of the Middle Mile Infrastructure Project. The project is to be open source and to provide free broadband access to government buildings. The cost for access of middle mile will be the cost of construction, maintaining and administrating the middle mile network as determined by the Water Development Authority. The authority would be required to establish zones that would be bid out separately to project sponsors and a sponsor may bid to construct part or all the zone. Access rights could be granted for up to 20 percent of the fibers to any one zone for any provider that would like to access those lines.

The authority would be required to provide reports to the Governor, the Legislative Manager, the Speaker of the House and the President of the Senate during each regular session of the Legislature on the status of the broadband project. The authority would not be permitted to issues bonds until the authority has identified a

repayment source for the bonds such as income from operations.

Also, municipalities and providers must provide a contract and a business plan to the Water Development Authority to prove viability prior to any bonds being sought. That way that the performance bonds that are sought can have a guaranteed access, guaranteed providers that are going to be using those lines, or municipalities that are going to be using those lines, so that we won't be building lines that no one else is using. The authority would be permitted to issue bonds until . . . the authority . . . they will not be permitted to issue bonds until they have a source of repayment.

The Department of Education will be required, in this bill, to apply for grants related to closing the homework gap. The Department of Health and Human Resources will be required to apply for grants to expand telemedicine. And the Division of Homeland Security will be required to apply for grants to create a secured wire telecommunication system for emergency response.

That explains the piece of legislation, Mr. President, the broadband bill. I'll tell you this, this bill is, is one that can really promote the State of West Virginia and, and move our state forward with broadband access.

I'll go ahead and yield to any questions. I reserve the right to close.

Thank you, Mr. President.

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**Providing for construction of statewide fiber optic broadband infrastructure network**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 315)*

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REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL  
AND  
HONORABLE  
CHRIS WALTERS

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*Thursday, February 18, 2016*

SENATOR WOELFEL: Thank you, Mr. President.

I rise up with very serious questions about this bill. And . . . you look at the sponsors of Senate Bill 315. I mean, it's like the Dream Team in the Senate. So, with all due respect to all the sponsors or cosponsors, here we go.

The . . . think of, think of the, the commercials that we see on television where Comcast cable is competing in the private sector with DIRECTV. And think of Comcast cable being our plan here to go into potentially 50 years of debt with bonds. We're going to bet on putting things in the ground and delivering broadband, which we all, of course, want and, and need for economic development and just personal enjoyment. But we're going to, we're going to go into debt with the, through the Water Development Authority, or the water board, and these . . . You know, we're . . . It's a little bit like workers' compensation. We're going to be in this business with the, with the public debt that's involved here. So, when the private sector competes, that's great. Whether you're going to get your services through the dish or you're going to get it through the cable delivered to your house through the ground or on telephone poles. . .

There's a, there's a concept or there's a product called wireless delivery of broadband. And a wireless delivery of broadband is fixed wire, fixed wireless, local loop services and it's being used on a provisional way over in Virginia, down

in Alabama, Georgia, for rural delivery of broadband. And, basically, it, it works the same way a dish works, is the loop services deliver it from a tower to your house.

So my concern is the water board issues these bonds and we are, as a state, are now in the broadband business, delivery business. We got this debt and our technology is obsolete. And there aren't . . . customers can get the service cheaper through wireless delivery of broadband. And, yet, our taxpayers are committed for 50 years.

So, I have a couple of questions for the senator in a second, but I'll just say the water board is going to deliver, or, is going to issue 50 years' worth, up to 50 years' worth of bonds. I've got to make sure that our taxpayers are not going to be water boarded. Bad pun, but, I mean we're going to go in debt. So, will the gentleman yield?

MR. PRESIDENT: Will the Senior Senator from the Eighth yield? Senator yields.

SENATOR WOELFEL: The . . . I know this is all well-intentioned and we definitely . . . we're always so desperate in this state to keep up, you know, with the modern world. It's sad to say but it's true. What are the . . . tell me the source of payments here for these bonds?

SENATOR WALTERS: Sure, well that's a good question. Actually, we, we addressed this issue in Government Organization's committee. We talked about if we just build wires and not have any commitments to utilize them as wires, then we wouldn't have a source of revenue for them. So that's why in committee we required that providers or municipalities come to the Water Development Authority with a business plan, with commitments to getting access to the wires which is paying for the, for the wires to utilize them. So, we have a way to pay back our bonds. That way we're

not just building entire sections and not having any commitment whatsoever.

SENATOR WOELFEL: I, I didn't understand that.

SENATOR WALTERS: Okay.

SENATOR WOELFEL: Who's paying? Who's going to be paying? Who are the customers? Who's actually paying the money to make sure the bonds get paid—that we don't get stuck with an antiquated technology that we've got to pay for?

SENATOR WALTERS: Absolutely. Well, it would be private providers or it would be a municipality. It's, it's seen in, in both ways. For example, a private provider would go to the Water Development Authority and say "I will commit to getting on this section of line." And whenever they commit to getting on that section of line, wherever it may built to, then the Water Development Authority could then seek for a bond in order to—with that proven business plan—to try to get a bond to build that section of line. That way that they're able to then take it out to the private companies. We're just building an interstate and making sure that interstate is open for multiple providers to get on to.

SENATOR WOELFEL: Yeah, but what if everybody's driving drones? The interstate's not going to be relevant.

SENATOR WALTERS: Well, I'll, I'll tell you the fastest connection is the speed of light which is done through fiber. You talk about drones, you talk about satellites. I mean there's latency with that. Even whenever you talk about the wireless connectivity. Wireless connectivity has to be connected to a wired line even nowadays. So you, you talk about software and I know Ubiquiti is a hardware company that does these wireless solutions—I'm very familiar with them—but they still need to be connected. The wireless solutions still need to be connected to a wired line so that they

can connect the data from those wireless towers and it send it out into the national backbone.

SENATOR WOELFEL: Let me ask you this and then I'll, I'll conclude. I don't know about anybody else's municipality, but my municipality of Huntington is dead broke. You're going to count on us to be paying money for this . . . I mean . . . I, I just don't understand where. I understand that certain things won't be actually developed until . . . You know, there's a rational basis for a bond to be issued but, basically, is it going to be the people who want it to come to their house or that want it to come to their business? And are they committed to some kind of long-term contract or can they bail whenever something cheaper, more technologically advanced might come along?

SENATOR WALTERS: You know, I'll, I'll speak to the municipality point first. You know, Chattanooga, Tennessee, did something like this to do a municipality type project to get fiber to every home. They saw a \$200 million increase to their city's GDP. They stepped out on a limb as a municipality, brought over plan and created a system to be provided to those households. I mean, this is an option for municipalities. Municipalities don't have to do this. It's an option for, for providers to go out and get these bonds with the Water Development Authority in this state. Again, they don't have to do it. The business plan has to prove viability and their performance bonds. If the company, if the, if New York or whoever we go for bonding does not see that this system can pay for itself, we won't get the bonds. So we did it in as much of an intelligent way as possible to protect the liabilities of the state and then also to give options in a better way for funding for fiber expansion in West Virginia.

SENATOR WOELFEL: Thank you, Senator.

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**Providing for construction of statewide  
fiber optic broadband  
infrastructure network**

*(Passage of Eng. Com. Sub. for Com. Sub.  
for Senate Bill 315)*

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REMARKS OF  
**HONORABLE  
ROBERT KARNES**

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*Thursday, February 18, 2016*

SENATOR KARNES: Thank you, Mr. President.

I'd, I'd like to start by commending the Senator from Putnam County on this bill. This is my industry and so I know a little bit about it. And, I think overall I, I like the bill and I, and I wish I could support the bill. I think it's about 90 percent of the way there and, and the issue that I have with the bill is that it, it leaves the ownership of this network with the state and that, that creates a serious concern for me in that the Senator from Cabell actually raised, peripherally, some of those concerns but . . .

What I'd like to point out is, is that, you know, this, this is a transportation network. When we think of data moving around that's literally what it is. And . . . of the issues that we face this year, one of the number one issues that we face currently, today, in West Virginia is the fact that we have a transportation network that's falling apart already. We call that our highway system. That's what happens whenever the state owns a network like that. Now, it's, it's, it's easy to make the argument that we do need to fix our highway system and, and a highway system is inherently a government function. You can't really have a private highway system. But in the case of a broadband network that's not true. In, in most states across the country there are broadband networks that are entirely

privately owned. The government does not have to step in and fill this role. And so . . . What, what I would point out is that I come from the most rural district in the state—what I think is arguably the most underserved district in the state when it relates to this. And I, and I commend the, the senator's efforts here because I do think that government can play a role in encouraging the build out of such a network. But, in the end, I don't think the government should own the network.

The Senator from Cabell brought very many things into the discussion, and I'll, I'll reiterate some of them, but just the idea that once this network is built that somehow it's going to magically function properly forever and . . . Again, this is my industry. It doesn't work that way. There's a turnover of equipment that has to occur on a regular basis in such a network. And if you don't do that, the network starts to degrade and fall apart. And I just don't believe the state is going to be capable, both financially as well as technically, to maintain such a network. We, we let people do what they do best and we have companies in West Virginia that are in this industry that could do a great job. We could encourage them and this bill has a lot of that in it. But at, at, at the end of the day I, I don't want to see the state own this network. I want to see a way for the state to dispose of this network and so . . .

If this bill's reported out of here today, I'm, I'm hoping—and I've had some discussion with, with folks on the other end of the, the hallway here—that we can look for a way to bring that about so that this bill then is something that I could support. But this, this one issue for me is, is inviting a, a, a decrepit old network to be what we call our state network and I, I don't think it's a good idea for the State of West Virginia. So I, reluctantly, can't support this bill.

Thank you, Mr. President.

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fiber optic broadband  
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*(Passage of Eng. Com. Sub. for Com. Sub.  
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REMARKS OF  
**HONORABLE  
MITCH CARMICHAEL**

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*Thursday, February 18, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

Ladies and gentlemen of the Senate, I rise, reluctantly, to oppose the bill as well. And I want to begin by giving kudos to my good friend and colleague from Putnam for his efforts in advancing the interest in broadband technology within our state. It is vitally important that West Virginia be wired to the world from an internet connectivity standpoint. It's incredibly important for residents, for businesses and for economic development.

What I would suggest to you though is that the best way to deliver broadband, any type technology, frankly, is through the private sector. And when we encounter a problem, which West Virginia acknowledged has, at some of the lower ends of the spectrum in terms of broadband availability not that much lower though than the rest of the nation. I have the "Broadband Availability in America" report and West Virginia has been expanding our broadband reach exponentially over the past several years. Incredible progress in terms of internet availability and speed delivery. It's been, really, frankly, from a technological revolution, very impressive, very impressive. And I just want to list some of the companies that have invested in West Virginia and some of the investments they've made.

AT&T, over the past two years has invested over \$300 million. And, you know, anybody cuts a ribbon in their district for a million dollar-investment or a \$2 million-investment, you know, we're sending off signals and flares and it's a great day in West Virginia. AT&T, with 1,200 employees in West Virginia, has invested \$300 million over the past couple of years to expand broadband availability. The cable industry, Charter, nTelos or, excuse me, Suddenlink, and Shentel and some of the others, since the year 2000, has invested two and a half billion dollars. Over \$300 million a year in private sector investment to expand broadband availability and speeds in West Virginia. Very proud to work for Frontier Communications, that's also invested lots and lots and lots, millions of dollars, and employs over 2,000 West Virginians and has invested over \$300 million to expand broadband availability in West Virginia.

Mr. President, there are solutions to problems that we confront that don't involve the government. We don't always have to turn to the government to solve technological issues. In fact, I'm very fond of quoting . . . many of you, all of us, use PCs, technology. Moore's Law is a law, it's sort of an axiom, that since 1970 computer systems' speeds and technologies increases, doubles every two years for the same price. And you can think back in your own mind, you know, the PC that you bought two years ago is twice as fast, or the PC that you bought now is twice as fast as the one you had two years ago and it's the same price. So that's Moore's Law. It's a, it's, for many of us are familiar with it in the technology industry. Had government been involved in that, do you think there would be a Moore's Law? Government would say I'm in, I want . . . would there . . . PC technology and intel speeds are not fast enough. They're, they're too slow so the government's going to get involved and, and invest in this technology and, and fix it. Doesn't, wouldn't work. Technology, innovation, capitalism, the

things that make America flourish are best done in the private sector.

This bill, with all its good intentions, calling note to an issue in West Virginia in, in a reverse sort of way can damage the investment in West Virginia by these private sector companies that sit in their board rooms and make capital decision based on the availability and the market potential in a state. They, they allocate their capital based on that. The capital allocations are chilled when they know that the government is going to be competing with them. It's just a fact of life. You put your capital where you get the most bang for the dollar. I would just suggest that we reject this very well-meaning proposal by a, a gentleman, my great friend who has worked tirelessly on this issue and has made advancement on it through other means by calling attention to it; but this, frankly, from my perspective and the industry's perspective is not the right way to expand broadband availability in West Virginia.

For those reasons, I would respectfully ask that you reject the gentleman's bill.

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**Providing for construction of statewide  
fiber optic broadband  
infrastructure network**

*(Passage of Eng. Com. Sub. for Com. Sub.  
for Senate Bill 315)*

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**REMARKS OF  
HONORABLE  
GREGORY L. BOSO**

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*Thursday, February 18, 2016*

SENATOR BOSO: Thank you, Mr. President.

I, I rise in support of the bill.

I, I recognize that we look at this as a significant investment within the State of West Virginia. I look at it as an investment in, in rural West Virginia. I can remember back in the 60s and 70s—I hate to date myself that way but at any rate—when they were talking about the Appalachian Corridor System throughout the State of West Virginia. Somebody had a vision to build it. They, the, the comment was, sort of, if you build it, they will come. There was a lot of highway built within the State of West Virginia, various locations in rural West Virginia where people wondered why they built those roadways in the locations that they did. What's fascinating is that once they were built, business and industry popped up around that Corridor System and West Virginia has benefited from that contribution that government made within those rural areas.

I don't, I, I don't discredit the fact that, you know, there have been tremendous strides made over the last several years throughout West Virginia in places where technology has benefitted and, and companies have thrived. But in rural West Virginia, much of which I serve—when you, when you consider that I, I serve 20 percent of the State of West Virginia—many of those areas remain unserved or underserved. I'm sure that there's areas in southern West Virginia that are very much the same way. When you look in Logan County, Mingo County, we can go and look in Monroe County, those are underserved areas within the State of West Virginia. There's not going to be a lot of impetus to, to invest money in those locations. Why? Because there's not, there's not a good return on that investment.

We've got to begin investing in locations in order to drive business and industry into rural locations where we can capitalize on the, on the, the wonderful natural resource complement that we have within the state.

And, therefore, Mr. President, I would urge passage of the bill.

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**Providing for construction of statewide  
fiber optic broadband  
infrastructure network**

*(Passage of Eng. Com. Sub. for Com. Sub.  
for Senate Bill 315)*

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REMARKS OF  
**HONORABLE  
CHRIS WALTERS**

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*Thursday, February 18, 2016*

SENATOR WALTERS: Thank you, Mr. President.

Before I get into, you know, what I've been working on here, I do want to address a few things. First, you know, let's talk about the report, about the new investments in the State of West Virginia, about how far West Virginia has come as far as broadband connectivity. Well, I ask you, ask your residents, ask your citizens, how much of that they've felt. I, I know a delegate that lives one mile away from the interstate in Clay County that doesn't even get a megabyte speed of internet. I know that there are over 7,000 customers in the State of West Virginia that still hear the dial tone because they have dial-up internet service in the State of West Virginia.

Mr. President, they talked about how government isn't in the broadband business in our state. Well, I can tell you that there's a 2,000-mile middle mile network built by the State of North Carolina. A government-owned, open source network in the State of North Carolina that was built. I don't see companies running away from that state, Mr. President. I see that state flourishing. I see that every single one of their educational universities decided, and worked with the state government, to connect the rings to do what they can to provide internet services, online services for people that want to progress themselves in education.

Let's get back to this report, though, because the report did show us moving forward a lot.

Well, one of the things highlighted in the report that companies and everyone against this bill fails to mention is West Virginia's rated forty-eighth in the United States. Forty-eighth. That's what that report says. We've moved up! We've moved up! Well, we've moved up to forty-eighth. That's where we are.

One in four jobs in the twenty-first century economy are created in technology. One in four jobs. If you're a company looking to build technology, build a technology firm and you see West Virginia's forty-eighth, are we first on your list? Are we going to get that investment? We're not going to.

You want to diversify an economy? You want to get West Virginia a diverse economy? This is the way to do it in the twenty-first century. If we're going to continue just to rely on the extraction industries—which I love—we're going to watch when commodity prices fall; then our state budget is going to fall. That we're going to be in this fiscal dire straits that we sit in today.

Mr. President, I have to say that I want to diversify West Virginia's economy. I want to see a robust economy. I don't want to keep our eggs in one basket anymore. You know, talking today, I'm not just talking about the interest of the people of West Virginia that come in and visit us here. I'm standing up for the one's that can't communicate with us because they cannot connect to the internet to talk to us. I'm talking for the people of West Virginia who can't work on a global economy, who cannot compete when they've been blocked from it because of our internet connectivity here in West Virginia. You know, we expect our citizens to use resources to set up businesses to begin careers, to teach themselves new skills,



but this infrastructure doesn't provide the means and the internet access for them to do that.

Apple, Apple sends out a report about people that create apps and all the money that goes from all those app purchases. West Virginia is, by far, fiftieth in the United States for app developers. Those are people that are creating businesses out of their garages, out of their homes. We're last, by far, for Apple's study on that, Mr. President, and it's because of our infrastructure. We talk about offering an equal voice to every constituent in this state but our infrastructure, our broadband infrastructure, reflects none of that equality because, you leave the urban areas in West Virginia our rural sections, our rural residents have no equal voice because they can't even get online to send us an email here at the Capitol. We get our emails. We can't always sit in our offices but at least we can get our emails and they can't even send us one.

We try to talk about our students, about helping our students. You know, in 2010 Berkeley County started using Edline. A resource where when schools are not in session they can still communicate with their teachers. And per the Recht Decision, Mr. President, we have to offer an equal playing field for all 55 counties when it comes to education. I'm sorry, if you set up Edline in Pocahontas County, if you set up Edline in Logan County, Boone County, the, the residents can't use it. Your students can't use it. So . . . we're violating the Recht Decision in the fact that we can't offer an equal playing field for education.

You want to talk about the homework gap, something I love talking about. The homework gap is when a student goes home to access the internet to be able to do their homework to improve their lives. Mr. President, we have the largest homework gap in the nation. Our students go home and they can't get the resources

they need to complete a term paper. They can't do it. They can't take online classes to retrain themselves. Our coal miners, they need to access online skills to be able to be educated. They don't have the internet connectivity to do that.

Mr. President, I know this bill doesn't change all that. It doesn't. We don't have the money to go on ahead and just build 2,500 miles and hope that they will come. But, Mr. President, this bill takes an approach, a very determined approach and a deliberate approach to try to do this responsibly, to try to build that interstate backbone that we don't have in West Virginia.

Yesterday on this Senate floor we passed the "last mile" bill. The bill that helped with last mile—those off ramps into the community. But, Mr. President, without an interstate system we're only building the off ramps for one company. And that's it.

He talked about Moore's Law and my, my gentleman from the, from Jackson, I'll, I'll tell you this: If Moore's Law was the case, then why is Frontier only investing in building copper in West Virginia for the majority of their build-outs and not today's fiber technology? That's what we're seeing built, is copper. Saying that if we build this fiber which most things at the speeds of light can handle more infrastructure, more service. If that's what we are building here and we're saying that's going to be outdated, then why are we saying great, this CAF funding that West Virginia's getting for expanding internet, we're building copper with that and hoping . . . . And only requiring 10 megs when the national definition is 25.

This is going to move us up. This is going to help our state. This is going to help diversify our economy. I'm tired of looking at my brothers and sisters who don't live in West Virginia. They can't find jobs here in West Virginia. Seeing all the peers of my age group flock out of this state

to North Carolina where that government system is built, Mr. President. Government has a job and, and I'll tell you their job does rely in infrastructure. Other states don't have to this because their population, their population density is much different than ours. We have a population density that doesn't get that huge return on investment and that is government's job to assist, to make sure that all West Virginians have an equal opportunity. An equal opportunity for success or failure. And I'll tell you, Mr. President, without this type of infrastructure, we aren't even giving the people of West Virginia the opportunity to succeed.

I ask for your all's support in this piece of legislation.

Thank you, Mr. President.

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**Making certain sport and educational  
fantasy games lawful**

*(Passage of Eng. Com. Sub. for  
Senate Bill 529)*

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REMARKS OF  
**HONORABLE  
JOHN R. UNGER II**  
AND  
**HONORABLE  
CHARLES S. TRUMP IV**

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*Thursday, February 18, 2016*

SENATOR UNGER: Thank you, Mr. President. Would the Senator from Morgan yield?

MR. PRESIDENT: Senator from Morgan yield? Senator yields.

SENATOR TRUMP: Certainly.

SENATOR UNGER: Senator, [inaudible] had this been banned in other states as gaming?

SENATOR TRUMP: Has it . . . .

SENATOR UNGER: This particular . . . does the fantasy sports gaming. . . has that been banned in other states as gaming?

SENATOR TRUMP: I think I have heard that some states, and it's, I think, I think it's New York. But other states have or are considering doing that.

SENATOR UNGER: And, I mean, my understanding from, from things I've read is New York, Texas, Illinois, Hawaii, Vermont, Mississippi and even Nevada, which if there's any state of the Union that would know about gaming and gambling, Nevada would probably know that very well with Las Vegas. I understand that they trade branded this as gambling.

SENATOR TRUMP: Let me, if I may, clarify my answer having been given some additional information by my counsel. Apparently, Nevada, Nevada made it legal but brought control of it under its Gaming Commission and the other states apparently have, at least some of those that you've mentioned, have built cases under current law without necessarily changing their law.

SENATOR UNGER: But they recognize it as gambling? Is that correct?

SENATOR TRUMP: Well, I would assume so.

SENATOR UNGER: And is that, is that what we're recognizing it as gambling as well?

SENATOR TRUMP: This bill would say that it is not.

SENATOR UNGER: So this bill is declaring that it's not gambling when all

these other states have recognized it as gambling. Right?

SENATOR TRUMP: Well, this bill, as I understand it, would be consistent with what the federal government has decided but the gentleman's correct. The, the, this bill says, fundamentally, that it is not.

SENATOR UNGER: And, and what is your opinion regarding . . . is it gambling or not?

SENATOR TRUMP: I'm embarrassed to admit that I have never participated in a fantasy sports league. So, of personal knowledge, I have none. So, if the gentleman, if the gentleman's question is under our current law would it qualify such that somebody could be prosecuted for participating in a, in a fantasy sports game, I don't know the answer to it. What we learned in the Judiciary committee is that there are potentially a couple hundred thousand West Virginians, many of them young I guess, who are playing these games regularly and so, I think it was the judgment of the committee that they should not all be subject to criminal prosecution for playing fantasy football or fantasy baseball, I guess.

SENATOR UNGER: If the law is, if the law is unclear and it's, and it's not illegal, then how could you get prosecuted for something that's not declared illegal?

SENATOR TRUMP: I'm not saying that the law is, you know. . . I don't know whether anybody has tried to prosecute a 20-year-old kid in West Virginia for playing fantasy football. This bill simply would say that no one can do that.

SENATOR UNGER: But when, when there's no law on the book that states that it's illegal, you can't prosecute someone where there's no law that says you can't do it. Is that correct?

SENATOR TRUMP: We, well, we have, we have laws on the books that prohibit gambling and so, you know, if somebody decided that this, you know, a prosecuting attorney decided that, hey, kids that are playing fantasy football are engaging in illegal gambling and commenced a criminal charge, you know, I guess it would up to a jury and then, ultimately, an appellate court. This bill would preempt any of that.

SENATOR UNGER: Right. So this bill, this bill would preempt . . . right now the laws, there's no law on fantasy gambling or gaming right now. So what this law would do would legalize that so no one could be prosecuted for it. But because there's no law on the books now no one can be prosecuted for something that's not a law. So, really, all we're trying to do is send a message to the rest of the world is that West Virginia is actually legalizing fantasy gambling in the state. I mean, I think that's what this bill attempts to do. Is that correct?

SENATOR TRUMP: The bill would say, simply . . . it would define it and, as I said it, it makes it clear that it's not illegal in West Virginia.

SENATOR UNGER: Right.

SENATOR TRUMP: Now if the, you know, I'm, I'm not sure, you know, the premise to the gentleman's question is if, if there is, if there's no prohibition against it now, then the bill would be unnecessary. So there must be, within the committee that reported the bill, some concern that 20- and 21-year-old kids might be subject to criminal prosecution under existing law for participating in fantasy sports gaming.

SENATOR UNGER: But is that in your opinion? I mean, how can someone be prosecuted under a law that doesn't exist right now? How, how can that happen?

SENATOR TRUMP: The gentleman, the gentleman . . . I don't agree with the

premise of the gentleman's question. The, the current state of the law in West Virginia prohibits gambling except as authorized by law.

SENATOR UNGER: Ok. So, what this is doing is legalizing that activity so that, because it is gambling, so it's legalizing that activity. That's exactly what we're doing. I mean I want the people of West Virginia know exactly what we're doing here.

SENATOR TRUMP: Well, here's what, here's what I think we're doing. We're . . . clearly, the gentleman's correct that this bill would make it clear that these fantasy sports games and leagues are legal. I, I do not agree with the gentleman's premise that it is clear in the law now that they are necessarily illegal; but I do agree with the gentleman that this bill removes the question. This bill certainly answers that question.

SENATOR UNGER: And, in your opinion, is this gambling? In your personal opinion.

SENATOR TRUMP: In my personal opinion I would say, based on what I know about it, no. But . . .

SENATOR UNGER: And why, why would you say that?

SENATOR TRUMP: Because I, I think, and again, you, you could probably find people with greater expertise on how this works than I have but I think it depends on analysis and knowledge of statistics of individual players and performances and that sort of thing.

SENATOR UNGER: So you're . . . I heard the argument that gambling is the game of chance but this is the game of skill and so because of that, that's not gambling. Is that the premise that . . . ?

SENATOR TRUMP: I, I heard that argument as well.

SENATOR UNGER: Okay. So, with statistics and analysis of players, okay, and that's what this game does, right? And you're . . .

SENATOR TRUMP: As far as I know, Senator.

SENATOR UNGER: Okay. So, because you said that you didn't think it was gambling because of that . . . You look at statistics. You look at analysis of the different players. What is the difference between looking at statistics and analysis of various sports players or horse racing? When you look at horses, a number of races that they won, the jockeys . . . I mean, you know, when you go to horse racing, you get a spreadsheet and you get all these statistical analysis of the past races on horses and horse racing, of course, is an athletic sport. Right? It may not be people running around the, the track but there are horses and that, that . . . Would you say horse racing is gambling?

SENATOR TRUMP: I think our law defines horse racing as gambling and limits it, you know, to licensed race tracks.

SENATOR UNGER: So, other than, other than we're now looking at people and we're betting on the performance of people versus a horse, what would be the difference in regards to that nature one's gambling and one's not? What would be the difference in that?

SENATOR TRUMP: Again, having precious little expertise, personal expertise on either, the difference that I can see as it has been explained to me is, you know, with a, with a horse racing or with betting on the outcome of a football game or a basketball game, it's a win or lose proposition that has, you know, I'm, I'm sure there is some element of statistics in

it but an element of chance in, in this it's more, as I understand it, a compilation of performances of multiple people that aren't on a same team over a period of time or maybe over multiple games. So, maybe it would be like, I don't know what the analogy would be for horse racing unless it would be a competition to see over the course of a period of weeks or some long period of time which horse outperformed others . . . I don't know.

SENATOR UNGER: Well, you know, a horse, and of course coming from the Eastern Panhandle we have Charles Town Races and Slots so we're familiar with horse racing and, and you know, a horse can be performing at a peak level and you bet on that horse and that horse could have a bad day. I would assume that if, if, if a football player or any type of athlete, we as human beings, we may perform a certain way but one day we may have indigestion or something like that and not perform to that chance, or to that level, so betting on us may be a win or not. So I don't still see the difference between . . . Let me ask you this question. Can, can, can young people and children play these fantasy sports? You mentioned, you mentioned some young people playing, playing this game or playing this fantasy game. Is that, is, is that, is, is that happening? Do you know that's, that's, that's the case for these groups on the internet?

SENATOR TRUMP: I know, yeah, I do know people who are, who participate in fantasy sports leagues: Baseball and football.

SENATOR UNGER: And can, can these folks put money down and, and wager on, on this?

SENATOR TRUMP: Again, Senator, I'm not an expert on how that all works but I believe that to be the case. In other words, I, I think people who want to form a fantasy sports league, you know, agree all to put in

money and at the end of the season divide up based on, you know, who's, who's players drafted, you know, outperformed, in an aggregate level. And I guess . . . and maybe this won't be a distinction that, that satisfies my distinguished colleague from Jefferson, or Berkeley County, but the bill makes it clear that it's not . . . that the fantasy sport is distinguished from other sorts of gambling or other sorts of outcome-based competitions because it's not based on any—I'm reading from the bill on line nine of the committee substitute—on any single performance of an individual athlete or player in a single event.

SENATOR UNGER: Well, and I, I know what the bill says but that doesn't make it true. What we're declaring here with our legislation is we're trying to make, state that that's our position as a state. We can, we can say that it's not gaming but that's what we're discussing here, is it? My, I guess my concern, I, I went to the website of one of the biggest online gaming, fantasy gaming sites of DraftKings—and I believe they have hired high-priced lobbyists here to help with this process—and so going on their website it talks about the daily fantasy sports for cash. You can go on the internet and do this—now that we passed the internet bill we might be able to get connectivity and actually do that. So it says on there, it says “free entry to a fantasy football contest, win real cash, play now, over 1.5 billion paid out, how to play”. It shows you how to sign up, choose your sports entry, draft the lineup and win. And it goes on. It talks about how much people won: \$5,000. And then I go to the site of Charles Town Races and Slots and I look under their horse racing, it's almost the same language. I, I really don't see the distinction between the two. My question would be is there any protection in this bill that protects children from going into the gambling? Cause, you know, in our horse racing and in our slots and our casinos there's an age limit. You won't, there's a

certain age limit that, that children are not allowed to go in and, and actual gamble. So are we legalizing gambling that children can actually then partake in and encourage them to do so?

SENATOR TRUMP: Well . . . .

SENATOR UNGER: Is there a prohibition on children doing this?

SENATOR TRUMP: The, the bill does not address ages of participants and, you know, to the extent that the Senior Senator from Berkeley is suggesting that the bill is legalizing gambling, that's not exactly what the bill says. The bill says simply that fantasy sports games are authorized . . . .

SENATOR UNGER: Authorized.

SENATOR TRUMP: . . . and people, people may participate in them.

SENATOR UNGER: Right. And if, if, if it is determined that it is gambling in all these other states and so if we're authorizing an activity that is determined gambling, then in essence we are authorizing gambling of this form without any protections to our children or youth.

SENATOR TRUMP: The bill, as I said, does not mention the age of any participant specifically.

SENATOR UNGER: Thank you. Thank you, Mr. President.

SENATOR TRUMP: Thank you.

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SENATOR UNGER: Thank you, Mr. President.

You can call this the Diogenes' lecture in the sense that let's be honest with the people of West Virginia. Okay. Let's be honest here. Okay.

So, they say it's not a game of chance, it's a game of skill. I've heard it's like cornhole. Where you kind of throw a bag in the hole, and it's a game of skill. You get it right, you get it there, and that's not exactly what this is folks. This is looking at statistics, I'm sure there's mathematics and there's a lot of thinking about this, and that's fine. There's also a lot of that goes into horse racing as well. And what was distinguished here is . . . I still, no one's been able to tell me the difference between an athletic event of a horse race and an athletic event of a fantasy football game that is played. But even if it is, let's call it what it is, even if it's gaming.

My concern, Mr. President, isn't the fact that the state's not getting its cut. That's not my concern. That's for us to decide, or whatever. I just want us to be honest with the people of West Virginia and call it for it what it is. And that is it's gaming. Okay. Let's be honest with the people of what this is. And then if we want to get our cut in this state, or whatever, that's another debate. That's not my concern. But here's what my concern is for this gaming. We have gaming in West Virginia and I have it in my area. Matter of fact, Charles Town Races and Slots brings in more money for the state than all the tracks together and the second largest as far as revenue source for the State of West Virginia is actually gaming. Severance taxes first, coal and natural gas, and then gaming. So we depend on gaming. We depend on the video, the video lottery. We depend on that money for our budget. I'm not arguing this. But here's, Mr. President, my concern. This is like the candy-flavored cigarettes where it goes after children and youth in the sense that it comes under the disguise of being educational, it comes under the disguise of being analytical, but let's put a \$2 bet down, a \$3 bet, I heard \$5 bet, and all of a sudden that's ok for young people to put the bets down. And we all know that cigarettes are addictive and we also know that gaming

and gambling is addictive. Right? I mean research shows that. Here are these young people, we are now saying it's okay in the State of West Virginia—if we vote on this—for young people to partake in to gambling in this fantasy football or fantasy sports.

Now, I'd be okay if it didn't allow to put wages or bets. But why do you think that these companies are coming in here with high-paid lobbyists to lobby us and have this discussion? You think they're doing it as a charity saying it's good, good for your children? It'll make them smarter and everything? No. They're making big bucks. It's about money folks. The bottom line is about money.

Now, I just want to draw your attention, Mr. President, that, of course, you know, and I don't know if this will sway people or not but they've asked me to bring this to your attention. The West Virginia Council of Churches, the various Christian churches across the state wrote a letter to you, Mr. President, that states this: Senate Bill 529, the fantasy sports gambling bill, would legalize yet another form of gambling in West Virginia. We are particularly troubled about the impact this bill could have on children and youth who may gain access to this form of gambling through the internet. In addition, we continue, we continue our concern for those adults who have, may have, been addicted to gambling which can lead to financial ruin for themselves and their families.

Again, an adult can choose if they want to play or not but I think it's our obligation, Mr. President, to protect your children and let them grow to an age if they want to choose to do this. But going in like, like candy-flavored cigarettes—that definitely the courts have shown that that was an attempt to target youth—that's what we're doing right here. And, Mr. President,

however we vote, I just want the people of West Virginia to know, and be honest about it, what our vote actually means.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE

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*Thursday, February 18, 2016*

SENATOR PLYMALE: Thank you, Mr. President.

I find it interesting today that we have on our desks, and from the Council of Churches, something related to Senate Bill 529. And, you know, I've never been a believer that we should be claiming what we are, what we aren't on, on the floor but I'm going to tell you, I'm a Christian. And, you know, the fact that they send us something on this, what they say is a gaming issue, and I took that to heart. But at the same time, we have a bill over here, House Bill 4012, that is probably one of the most draconian bills I have ever seen. Yet, we don't have anybody stepping up and saying what they're going to do. But I can. I'm going to go on record in telling you I am not for that bill. That . . . You know, I don't care what, you know, the churches say about . . . You know, I can go back to my church, I can go back to my pastor and tell him I don't believe in discrimination. I don't believe that we should be discriminating in any way. I don't want us to go back to the 50s and 60s and different things that I saw when I was growing up. When there were riots all the time and different things like this. So, us going, you know, backward is not going to move our economy forward.

And I would really like for people to issue what they think on this as well because we don't need to be fooling our

time and wasting our time here on issues such as that.

Thank you.

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REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER

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*Thursday, February 18, 2016*

SENATOR KESSLER: I did place on everybody's desk, you know, a national news story as a follow up to the Senator from Wayne's comments "Business Mounts Opposition to West Virginia Religious Exemption Bill". And I suggest to you, Mr. President, that further consideration of that bill gives us all a black eye.

You know as well as I do the big problem we have in this state with our economy, with our creation of jobs, with fixing our roads, with providing for our people is not going to be fulfilled or solved by taking up divisive issues that, such as this, that create barriers to opportunity in our state.

Biggest problem we have in this state, you know, is a function of population. We don't have enough people here. Enough young people; particularly, enough productive people. And if you go on most college campuses and ask them what they think of that House Bill 4012, they're going to tell you it's garbage and it ought to be thrown as such. They don't hold those kind of prejudices and hostilities and believe that we ought to be creating barriers in this state to keep people who are talented, energetic, willing to work, do a good job but, yet, maybe be different from wanting to come here. We need to reach out to all people of all colors, all creeds, all religions, all orientations and tell them if you all want to be a good West Virginian and go to work and do your job and pay your taxes, I

don't care who you go to home at night. It's none of my business as the State of West Virginia. It's none of my business.

If we are truly open for business, Mr. President, we will be open for business. We will open all of our businesses. We fought for 30 days in this chamber over right to work. Right to work! Yet, there's one group of people in this state, those of the LGBT community, that don't have a right to work. They can be fired tomorrow if their employer doesn't like it because they're gay or they don't like their sexual orientation. That's wrong! We all know it's wrong. People ought to be judged and based upon the value of the work and the effort they give to our communities and in the workplace. And should nobody in this state should get up and go to bed or go to work and get out of bed and go to work and worry about being fired 'cause their employer doesn't like who they love or who they go home to at night after they clock out. It's none of their business.

We want to move our state forward, Mr. President. If we truly want to make our state move forward, we will be this inclusive, we will be diverse and we will be welcoming. We will not set up barriers and walls to keep people from wanting to come and, more importantly, that drive our people away.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
RON STOLLINGS

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*Thursday, February 18, 2016*

SENATOR STOLLINGS: Mr. President, I just want to point out the, the medical or osteopathic students seated in the gallery there. They . . . there was about several



hundred matriculating through and they are, they've gotten rewards, awards for locating in rural West Virginia. After they graduate from high school, these students go to college and get a four-year degree but in that degree they have to have around a 3.5 grade point average before they can get into medical school or osteopathic school. And let me tell you, I use those terms interchangeably. The osteopathic school does the same thing that the medical school does except they do more hands-on and more manipulation. So they, they take it to the next level as far as I'm concerned. But they also have to, in the first two years, they have to study the basic sciences of anatomy, physiology, and then after that they have to study, you know, the pharmacology and, and all those very difficult classes. And these classes, colleagues, are not Biology 101 folks. These are 700, 800 level classes. Very difficult classes with twenty-some plus hours a semester.

After the two first years of medical school then they go into their clinical years where they are in hospitals with board-certified physicians teaching them surgery, internal medicine, family practice, pediatrics, psychiatry, and before, but before they go to that, they have to pass Part 1 of the National Boards. Then after they finish their second year of clinical training, or second two years, which is when they graduate then they have to pass Part 2 of the National Boards. And after that, they go do a residency. At least three years of residency where they are in a high-powered hospital setting usually seeing patients and again exposed to all the sick illnesses and diseases but, but with them are attending physicians, board-certified attending physicians. Once they get out of their first year they have to pass Part 3 of the National Boards. And then after, after their third year of residency if they do a primary care residency like family practice or internal medicine, they have to pass their specialty boards. They pay—if

you're an out-of-state student—around \$400,000 to get through osteopathic school. If you're in-state, I'm guessing, I think it's about 200,000.

There is a push in this Capitol to allow someone to graduate from high school, get a nursing degree, not in a medical model, then do an on-line course, which is what more and more they're doing for a year and then do six months of shadowing a physician. If their attempts make it through this time, they then will be able to practice medicine the same way I do. I know they call it practice nursing. I'm here to tell you either I've, either they're going to be practicing medicine or I've been practicing nursing for 31 years. Okay. They're going to be able to do the same thing. That will devalue the education and the efforts put forth by the students seated up there. I just don't see how we can let it happen. The difference is clear. They are not interchangeable. The training is so much more rigorous, robust. There was a nurse practitioner that went to med school. She wrote a book. It was called *What I Didn't Know About What I Didn't Know*.

Thank you.

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

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*Thursday, February 18, 2016*

SENATOR MILLER: Thank you, Mr. President.

I wanted to touch on the first part of the remarks from the Senator from Boone. I want to talk about the students that are sitting up there, also.

I just want to remind the body that these students pay more than any other student in

West Virginia to go to medical school. And they also receive less money from the state than any other school in West Virginia to go to medical school. They, they have more students; they receive lower money. It, it is a shame but some schools get and some schools don't.

This school does a tremendous job for rural education, rural medicine and rural difference in this state. And I mean a rural difference. They're, they're in rural communities making a difference. So, we need to look very seriously how they're funded and what they receive.

Thank you, Mr. President.

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**Designating February 19, 2016, as WVU  
and WVU Extension Service Day**

*(Adoption of Senate Resolution 42)*

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REMARKS OF  
**HONORABLE  
BOB WILLIAMS**

*Friday, February 19, 2016*

SENATOR WILLIAMS: Thank you, Mr. President.

We have some very special guests today as we celebrate West Virginia University and West Virginia University Extension Day at the Legislature. They're a bit of a colorful group. You'll notice on this day that we celebrate gold and blue, and green—the green representing WVU Extension's 4-H program, one of the strongest youth programs in the nation.

It's my honor again to again welcome to this chamber Dr. E. Gordon Gee, President of West Virginia University, truly a transformational leader with an endless

supply of energy. Dr. Gee is a champion for West Virginia University and a tireless advocate for West Virginia. He's also upped the fashion game in West Virginia a bit and I'm sure that the sale of bowties has skyrocketed since his arrival and I think that's obvious by looking at the number of members here in the chamber today.

Dr. Gee, we appreciate the many things that you and your colleagues do for West Virginia citizens. Your reach is far beyond Morgantown through education, economic development, research, job creation and service to the citizens and communities.

To the members of the Senate, I would urge you to look around the rotunda today. West Virginia University and West Virginia University Extension Service have filled this beautiful Capitol with people and information. But more on that. They've also brought an amazing energy, promise, hope and opportunity. Many of the 4-H youth you'll see today have traveled to this Capitol for the first time. They're learning about leadership from us and my hope is that we make a good impression on them and that we find ways to make smart investments in their futures. No matter what color you choose, I believe today we can all celebrate being Mountaineers.

I urge the adoption of the resolution.

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**Designating February 19, 2016, as WVU  
and WVU Extension Service Day**

*(Adoption of Senate Resolution 42)*

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REMARKS OF  
**HONORABLE  
DAVE SYPOLT**

*Friday, February 19, 2016*

SENATOR SYPOLT: Thank you, Mr. President.

I had some prepared remarks but since the Senator from Taylor did such an eloquent job I'll just say a few things from my heart. And I would like to just mention that while much of our state and many of the members in this deliberative body are looking for solutions to problems, West Virginia University and their Extension Service is getting the job done and they're a bright spot in our great State of West Virginia.

And I urge adoption of the . . . .

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REMARKS OF  
HONORABLE  
C. EDWARD GAUNCH

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*Friday, February 19, 2016*

SENATOR GAUNCH: Thank you, Mr. President.

I really hadn't planned on this speech but, but I think today's the day. It seems like daily we've been hearing dissertations about the perils and the terrible things that House Bill 4012 is going to do to our state. That this bill will allow bad things and even encourage them. And I hope anybody that knows me knows that I would never stand up to support anything where I think people are going to be mistreated.

And I'm sorry to report to you, Mr. President, that the opponents of this bill have won the battle, I think, of misinformation with our constituents, with the media and even with members of this body. I'm also aware that perception is reality unless one knows the truth. I'm learning in my session and a half here that hyperbole and falsehoods accompany both sides of issues

that are argued in this body and that the truth is usually somewhere in the middle.

Today, my goal is to outline what I see as the facts of this issue and some things that this bill will do and will not do. First of all, House Bill 4012 does not allow people to do anything in the name of religion. It simply reestablishes a balancing test for resolving cases when state action conflicts with religious practices. And here are those, here are those four tests:

One: Does a person have a sincerely held religious belief?

Two: Has it been substantially burdened by the government?

Does government have a compelling interest to, to substantially burden that belief?

And fourth: Has government exhausted all other means to achieve its goals without infringing on that person's belief?

Mr. President, truthfully, I doubt that many people in this body have read this bill. This bill is modeled after the federal RFRA law which was passed overwhelmingly by Congress in 1993 and signed by President Clinton. It's necessary because the U. S. Supreme Court ruled in 1997 that the federal RFRA law does not apply to state cases. Same law's in place in four of five surrounding states; in 19 of 21 states in our region; in 28 states totally, either by, by statute or by acts of their supreme courts. It's very similar to the 2015 Arkansas law. Modeled after the federal law.

It does not allow or incentivize discrimination in any way. It does not create any new cause of legal action. It's completely defensive in nature, Mr. President. It's a shield. It's not a sword, nor a club. It does not apply to private sector employee-employer relations. Only to situations where government has acted

in some way. RFRAs have never allowed domestic violence, child abuse, denial of services or denial of medical treatment. Not once in 50 years. It cannot be used to evade school immunization laws as some have said. The Supreme Court ruled on this matter in *Workman vs. Mingo County Board of Education* in 2011.

Mr. President, religious freedom is a universal human right. It's an important American constitutional right that's worthy of protection under West Virginia law. It protects every one equally. It does not pick winners and losers. It comes into play when there's a, a clash between two people's right. It doesn't say one right will trump another one. It deserves a fair hearing in court. Now honestly, I don't know who could be opposed to a fair hearing.

There's lots of half-truths, falsehoods floating around. One of them says that religious liberty legislation like this causes damage to our state economy. Twenty-one states have adopted RFRAs. According to statistics from the U. S. Department of Commerce, in the year following the passage of both laws, those states domestic products grew by an average of 4.1 percent. Several states had GDP growth in excess of 6 percent following enactment of those RFRAs.

Some say our tourism and entertainment industries will be particularly devastated by the passage of, of religious liberty legislation. Here's the fact: According to U. S. Department of Commerce data in every state that's adopted RFRAs, the GDP of the arts, entertainment, recreation, accommodation and food service industries grew the year following RFRAs enactment. And the biggest one we hear: The State of Indianapolis lost \$60 million last year after Indiana passed RFRA. Here are the facts: Just days after the Tourism Board in Indiana made this claim, it announced that the city posted new records for convention

sales and some will say it's because they had the final four. But they also announced that they have secured an estimated \$1 billion in future economic impact because of, of Indiana being a good place to go. Myrtle Beach, South Carolina, Disney in Florida, are both in RFRA areas.

And, Mr. President, I'm hesitant to point this out but as I look around this room and as I listened to folks who've spoken vehemently against this bill I noticed that there are 18 people in this chamber who've either voted for or sponsored this legislation. And I would ask you, "What's different this time? What's different?" Well, some will say there's a Supreme Court ruling about marriage. Truth is that law doesn't impact this one and this one doesn't impact that one. I don't know what the difference is but I would ask you folks let's stop putting our fingers up and, and feeling the political winds before we vote. Let's vote and do what we think is the right thing.

It occurred to me before I joined this esteemed body, I was watching on tv one night, on public television, I saw a member of this body who was speaking passionately about an issue. And he said we ought to leave our religion, or our faith I think he said, at the rear door when we enter this place. Mr. President. If that's a test for me, I can't do that. It's part of my fiber, my very being. It's part of my DNA. And I'm, I'm taught that we, we really ought to be doing two things. One, we ought to love God and love each other. I intend to do that. It also tells me that we are to be salt and light. And I pray that when I leave this place there will be a little bit of salt around here and that this place will be just a little more well-lit because I've been here.

Mr. President, thank you for the indulgence.

**Relating to carry or use of a handgun or  
deadly weapon**

*(Passage of Eng. Com. Sub. for  
House Bill 4145)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

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*Monday, February 22, 2016*

SENATOR TRUMP: Thank you, Mr. President.

We discussed this extensively here on the floor on Saturday when the body adopted the Judiciary committee's strike and insert amendment. House Bill 4145, now as it's been amended by this committee, or by this body, endeavors to give life to a portion of the rights granted to the citizens of West Virginia, well, and, and guaranteed to the citizens of West Virginia by the Second Amendment to the United States Constitution and the West Virginia Constitution.

This bill, essentially, allows for people who are 21 years of age or older who are not prohibited by law from possessing a firearm to carry the same concealed. Under current law they can and absolutely have the right to carry it openly now in West Virginia. This permits concealed carry without a license or permit for people under, over the age of 21 who are not prohibited by law.

The bill preserves the existing permit process for a concealed carry permit and many people who have them now will want to keep them because it's through the permit process, actually, the law refers to it as license process, it's through that process by which people have reciprocal rights to carry concealed in other states.

The bill creates a new provisional license for people between the ages of 18—they

have to be at least 18 years old—and under the age of 21. And that license has reduced cost but it has the same requirements of training that are in the regular license for people who carry concealed.

The bill adopts some uniformity, some requirements of uniformity for the licenses to be issued under the bill. Uniform size of a card and describes how that's to be done.

The bill requires, clarifies an issue that the law enforcement brought to us as we were preparing this. It requires that any training course, which underlies one of the licenses issued in the, or in a concealed carry license, require actual live firing of the ammunition by an applicant and it requires that for such a license that the applicant for a license has to submit the instructor's name, signature and the NRA or state instructor identification number, if applicable.

Section four-a of, of the bill is the section that deals with and addresses . . . creates the provisional license. And that reads very much the same as the regular concealed carry license.

We pulled into the bill section seven of article seven. And it, within that, defines some new offenses, new felony offenses for anyone who's a prohibited person who carries a concealed weapon, a concealed firearm on his person. Defining felony offenses for that.

I know that, at least with a few of our members, this, this bill is controversial and I think, I have to say, at this point that I think it should not be. Gentleman from Kanawha made the observation in our committee consideration of this legislation last week that, if you think about it, what we have now in West Virginia is the situation where this is legal—this is not. Legal. Illegal. It's a policy question and I support it. The expansion of this right to bear arms is guaranteed to all of us in our Constitution.

It would be inappropriate not to mention and discuss what we've seen so many times around the country and around the world, most recently over the weekend. All of us I'm sure watched in horror as to what happened in Kalamazoo, Michigan. Six people shot and killed. It's a . . . I did some research after seeing that and it was . . . I have to bring to the attention of the members, the Police Chief of Detroit, Michigan, made some remarks in December of, of last year in which he indicated, and these are quoted from *The Detroit News*, that he thought more armed citizens would help drive down the crime rate. So Michigan, as it turns out, is one of those states, and perhaps the last state in the United States, to have one of those local permit boards with members that restricted the rights of people to have arms or to carry firearms and . . . It's hard to know. We don't know all the facts of that case, it's hard to know whether or not an armed citizen might have been able to prevent some of that loss of life that occurred in Michigan over the weekend. But it would be my hope on the passage of this bill that the arming of law-abiding West Virginia citizens without red tape, without enormous expense that deters people from seeking licenses, will make us safer. That's the object of this bill and it must be observed. I believe that the places in this world where the gun restrictions are the strongest are the places where it is the most dangerous. Baltimore, Maryland, has incredible gun restrictions; Chicago, Illinois, very severe type gun restrictions; Paris, France . . . We all watched in horror last year and have to wonder how many of those people, victims of those senseless slaughters, whether it's in a school in Newtown, or in Paris, France, or in San Bernardino, could have been prevented if there were a person there, a good guy, who is armed and could respond.

I think this is good policy. I trust the law abiding citizens in the State of West Virginia to be responsible with this right.

I'd be happy to try to answer questions, Mr. President. Otherwise, I urge passage of the bill.

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**Relating to carry or use of a handgun or deadly weapon**

*(Passage of Eng. Com. Sub. for House Bill 4145)*

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REMARKS OF  
**HONORABLE  
HERB SNYDER**  
AND  
**HONORABLE  
CHARLES S. TRUMP IV**

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*Monday, February 22, 2016*

SENATOR SNYDER: Thank you, Mr. President.

Would the Judiciary chair yield?

MR. PRESIDENT: Senator yield? Senator yields.

SENATOR TRUMP: Yes.

SENATOR SNYDER: Thank you.

Question is, I, I believe, we all probably believe, this bill will pass today, and we may get a chance to vote on it again, but you had mentioned handling weapons in a responsible manner and, and that's what I want to talk about today to make sure that the citizens of West Virginia know that we are handing them, through the passage of this law, a grave responsibility. Mr. Chairman, have we, in this bill, are we changing any of the brandishing laws?

SENATOR TRUMP: The bill does, the bill does not change the code section that makes brandishing a criminal offense.

SENATOR SNYDER: Can you, I don't mean to catch you off, off guard, can you sort of define at a high-level view what brandishing is?

SENATOR TRUMP: It's a, it's a misdemeanor offense prescribed by chapter 61 of the code. It's article, it's article seven. I, I don't know the exact section number.

SENATOR SNYDER: Close enough.

SENATOR TRUMP: But it's a misdemeanor offense to brandish a deadly weapon.

SENATOR SNYDER: Brandishing means . . . wave it around, what, what would . . . ?

SENATOR TRUMP: Yeah.

SENATOR SNYDER: For practical . . .

SENATOR TRUMP: Yeah, and I, I don't think the, the section of the code which prohibits and defines it as an offense, brandishing, provides a definition of what brandishing is, it's just its normal customary meaning.

SENATOR SNYDER: Sort of in the eyes of the beholder and of course then, virtually, a court would, would define that. We haven't changed any of the laws here in, on involuntary manslaughter?

SENATOR TRUMP: No. Homicide, manslaughter, none of those criminal offenses are addressed within this bill.

SENATOR SNYDER: Okay.

SENATOR TRUMP: There are some changes to criminal offenses in this bill.

SENATOR SNYDER: Now, I understand.

SENATOR TRUMP: And there are three new, new criminal offenses established

by this bill. I should've mentioned those a little more specifically and I appreciate the gentleman's question.

There is a new offense for use or presentation of a firearm during the commission of a felony. And so that is defined as a new separate distinct offense from the felony committed to use or present a firearm in the commission of a felony. And then in section seven there are two new offenses which relate to carrying concealed firearms by persons who are prohibited by law from having firearms.

SENATOR SNYDER: Okay. Thank you, Mr. Chairman. If I might, Mr. President . . . ?

Again, the reason I rise today to talk about that, we did not change, other than some added penalties for crimes that involve a weapon—and I, I think that was . . . I support that part of the bill—but we have not changed our basic laws on brandishing. We haven't changed our laws on involuntary manslaughter. These are serious, serious issues.

And the Judiciary chair talked about responsibility. And I know that deep in my heart I realize that all the black shirts you've seen from Citizens Defense League, these are responsible people . . . I would almost guess, without exception, have a concealed weapons permit and they know that responsibility when they got their license and so forth.

But what I want to say today is that we are handing, by passage of this bill, a grave responsibility to those that might stick that handgun in their pocket, or their pants pocket, or beside them on a car seat, because you, you may very well end up in a situation that you're going to be in an awful lot of trouble. If you're brandishing, or somehow a confrontation, someone gets shot . . . the responsibility that comes with the action of this Legislature is now handed

in every one of the citizens of West Virginia. And I remind everyone how grave that responsibility is for the safety of children, for the safety of themselves, and so forth.

So, I have no doubt at all and I don't rise to speak against the bill but to take this moment in time to highlight the responsibility that those that make the personal decision to carry a gun will, are taking on a grave responsibility.

Thank you, Mr. President.

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**Relating to carry or use of a handgun or deadly weapon**

*(Passage of Eng. Com. Sub. for House Bill 4145)*

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**REMARKS OF  
HONORABLE  
COREY PALUMBO**

*Monday, February 22, 2016*

SENATOR PALUMBO: Thank you, Mr. President.

I'd like to briefly rise in opposition to this bill. And the first thing I'd like to mention is, sort of what the Senator from Harrison alluded to on Saturday, in that this is not an issue about whether you're for or against the Second Amendment. The current concealed carry process has been endorsed and, and approved by the U. S. Supreme Court since the 1800s. So the current process we have in place is, is clearly not violative of the Second Amendment.

Secondly, I'd like to say that last year when this bill came up the, the, the proponents of it said well the, the Sheriff's Association just opposes to this because they want a bunch of money. They like

their money. Well, this year, they, they agreed to just get rid of the fee entirely. And I thought that was a, a great, a great act of compromise. But that was, that was rejected. And, and what that means is, I mean the sheriffs are still going to get their money if we pass this bill because people will still get the permits. But they still, almost uniformly, oppose this bill because of the public safety concerns. I think that, even about a month ago, there was an article in the paper in Charleston about folks from Detroit who were in Charleston. The police were able to take them off the street because they, they were carrying concealed weapons without permits at least, at least for a short period of time and prevent criminal activity.

So, I'm going to stand here today and I'm going to stick with our law enforcement who, who really do not like this bill. I'm going to stick with the majority of my constituents who do not like this bill. I'm going to stick with public safety, to support public safety. Now I know that the people who support this bill are, are good, law abiding, respectful citizens but the people who are going to benefit from this bill are not going to be those kind of people. They're going to be the people who want to come into West Virginia and, and do harm and do bad things. So today, I'm going to stand up, I'm going to stay with our law-enforcement officials and I'm going to vote against this bill.

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**Relating to carry or use of a handgun or deadly weapon**

*(Passage of Eng. Com. Sub. for House Bill 4145)*

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**REMARKS OF  
HONORABLE  
KENT LEONHARDT**



*Monday, February 22, 2016*

SENATOR LEONHARDT: Thank you, Mr. President.

Today we have a chance to improve the safety of West Virginia citizens, and we have all taken an oath to do so. In my, before farming and Senate, life I spent 21 years in the United States Marine Corps. I was an Arabic linguist, a Middle East analyst and I worked on international terror problems and incidents. I know the mind of terrorism. Ladies and gentlemen, ISIS is here in the United States, imported through open borders and home-grown radicalism. Armed citizenry and constitutional carry will help deter terrorism in West Virginia. We have historical data to support my last statement.

After the Battle of Concord, William Pitt in the House of Lords urged negotiation with the colonists because of three million Whigs with arms in their hands. Pitt's words fell on deaf ears. The American Revolution started . . . and we know the result.

The Nazis avoided neutral Switzerland because of armed citizenry. World War II Navy Commander Minard, years after World War II, recounted his discussions with Japanese World War II veterans and their comments that Japan feared the armed citizens of California . . . maybe helping stave off an invasion of the mainland.

Senators, the modern terrorist threat is real. The lessons of history apply here today in West Virginia. Last November, after the terrorist, terrorist attacks, Washington, D. C., Chief of Police Cathy Lanier publicly announced citizens will have to take down active gunmen or kill them as the best option for saving lives before the police get there. That's the D. C. Chief of Police.

Constitutional carry is a reasonable common sense tool for self-defense. It's common sense that constitutional carry will

help deter the soldiers of ISIS and terrorism from coming to and acting in West Virginia.

This should be a unanimous vote and I urge passage.

Thank you, Mr. President.

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**Relating to carry or use of a handgun or deadly weapon**

*(Passage of Eng. Com. Sub. for House Bill 4145)*

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**REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO**

*Monday, February 22, 2016*

SENATOR ROMANO: Mr. President, I apologize if I got up a bit slow there.

I do have to rise today because . . . you know, I'm, I'm a funny guy to stand up and I'll tell you why. I had my ownership of my first gun at age six. It was an over and under .410—.22. Shot my first squirrel, probably, that same year. I've owned guns my entire life. Ammunition. I probably have more guns and ammunition than I'd say 99 percent of you here. Been a member of the NRA since the eighties. I quit when they endorsed George W. Bush but then I rejoined after our current president won. It's just good political prerogative. And, you know, when I joined the Senate, I believed that legislatures should have common sense. And, you know, that's all I've asked for in this bill.

I'm a Second Amendment proponent. I believed in concealed carry. I still do. But you have to have common sense. You know, we're now going to be the sixth state if this bill passes—and I fully expect it to—to allow

permitted concealed carry. The majority of those do not allow individuals under the age of 21 to conceal carry. The majority of those do not allow people to consume alcohol and conceal carry. The majority of those states do not allow conceal carry in places that sell alcohol. Several of them, I believe two out of the five, require you to hold your hands up and identify yourself as a concealed carry carrier if you're confronted or speak to law enforcement. If you come into my home, before you enter, one of the states requires you to inform me that you have a concealed carry. And that's the difference between open carry and concealed carry. If you have open carry, I have my right to not allow you in my home. I have a right to walk away from you. I have a right to avoid contact with you because that's my right. That's everybody's right. But with concealed carry that right's not there.

Now what do those other states have that we don't have? I'd say it's common sense. I'd say it's common sense when we passed five bills here in the last two sessions giving the Commission on Special Investigations to carry firearms, the Attorney General's investigators to carry firearms, the prosecutors, and assistant prosecutors, and investigators in every county, the parole officers, we even gave the resort area rangers the right to carry concealed. And you know what, in every one of those bills that passed by a majority in this house—most recently, or pending or, Senate Bill 272 and 102—but in every one of those bills we required those individuals to take the same handgun training that the State Police do. Not an NRA handgun course but the State Police handgun training. We all voted for them. You know what that's called? Common sense. Common sense because you can't pull a bullet back from the barrel of a gun whether it's going towards a bad guy or a good guy, one of your children. More people are killed by their own handguns than anybody kills anybody else with a handgun. To my good friend up in Mon County, military bases do not allow

soldiers who are trained in firearms to carry concealed.

Now, I'm for this bill. It's a good cause; but there's no common sense in this. That's all I've asked for in this bill. It's clearly clear that even Justice Scalia said we could have common sense when it comes to concealed carry. There's no training. No training! For those of you that don't handle handguns or any type of firearms, training's the key. Training is the key to safety to not shooting innocent people when you're handling a firearm.

My greatest fear, I have two great fears, one is that everybody will run out to get their own handgun, put it in their car, never shoot it, never understand how it works, get in a pressure-filled situation where they think they're justified in pulling out their handgun and shoot their wife, shoot their child, shoot their passenger, shoot an innocent bystander. How many times, I've never in my life in 55 years been confronted with an episode where I thought I should pull my concealed weapon. Never. But that's what we're banking on here because we want everybody to be prepared.

My second greatest fear is giving 18- to 20-year-olds the right to carry concealed weapons. If you're active law enforcement or military, I can understand that. That's legitimate. But I do not want an 18-year-old to come and pick up my daughter on her first date and the first thing he shows her is his concealed weapon. Because if he does, somebody's going to suffer tragedy; and I hope it's not my family.

Now, no background check. Carry them where you drink. Carry them where you have alcohol. There's no common sense in that. We could have crafted a common sense permitted concealed carry bill. People are afraid of voters. I say let the voters decide what's right or wrong. Some of you are afraid of your own members. I say let those members go their own way.

We needed common sense in this bill. It's lacking here. And, unfortunately, I cannot support it when common sense is lacking from our legislation. And I urge the members to use their heads. Use common sense. Let's come back and craft a good bill next year and pass it. Vote against this one, please.

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**Relating to carry or use of a handgun or deadly weapon**

*(Passage of Eng. Com. Sub. for House Bill 4145)*

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

*Monday, February 22, 2016*

SENATOR BEACH: Thank you, Mr. President.

Folks, today, I, I reluctantly rise to speak to this, this bill, this piece of legislation. And I had prepared remarks earlier and I, I left them in the office intentionally. I felt like it sounded like a bunch of excuses within my, within my argument and . . . so I'm just going to shoot from the hip here—and no pun intended.

But I, too, am the NRA. I am a firearm collector. There's probably no one in this room more pro Second Amendment than I am. I profess it on my license plate each and every day. It's 19-11-A-1. And for you folks who understand what that means, that's the very first firearm that was used, pistol firearm that was used, in World War I. It also corresponds with the date, one hundred years later, that I entered this body. So it was kind of an anniversary that I was giving an homage to, if you want to call it that.

But folks, far too often, this session and last session, I've seen legislation where we're, we're trying to fix something that, in my mind, is not broke and I think that's what we're doing here.

Again, I'm just, I'm just flying by night here. But, you know, my eloquent remarks from the Harrison County delegate, or senator, and Jefferson, and Kanawha County are far better than what I'm offering you now I know. But, you know, I have my concerns, I have my concerns in . . .

One scenario that I keep playing out of my mind as a father—is I have twin sons as many of you know and they're eight years old and they're very curious, extremely curious. And I'll share a story that happened just two years ago. In my closet, at that time, I had an old firearm, didn't work, and I found my son playing with it later on that day. And it literally scared me. It could have been anything else but that was the only thing I had in that closet. So, within days later, I actually created an eight by eight room in my basement that, that has my reloading equipment and all the firearms I collect. And mine are rare firearms. They're not just the AR - 15s that's so popular right now. They're rare firearms. And I take great pride in them. And if you were to come to my house, I would take you downstairs and show them off. But my sons are very curious as are all children. And my fear is, is that you're opening this up so that mom, where ever she may be in the world, or a young person leaves a gun carelessly someplace that a child could get to it. Mom takes the kids to school and that handgun's in her purse. Nothing wrong with that but its, but she doesn't have training perhaps. And that, that's a fear of mine. And if she leaves it when she comes home, I know time and time again my own personal sons are constantly digging in my wife's purse to get the cell phone so they can play games on the cell phone. And what if she had a handgun there and she

didn't have the training and they removed it and, obviously, started playing with it?

Or another scenario. Maybe two years older than that, maybe 11 or 12 years old, and they take, they find the handgun in their mom's purse or in their dad's glove compartment and say "You know what? I'm going to take this to school and show it off to the kids at school."

Well, folks, there's a lot of scenarios that this bill doesn't address because we're taking out the training. We're taking out the safety. And that's all I'm asking for. If this was a true Second Amendment, I'd be right there with these guys because they're responsible gun owners. I'm a responsible gun owner. The gentleman from Harrison County is a responsible gun owner. Because we've all had training. And I make kudos to every one of you who've gone through the training courses. And I would recommend you refresh those every three or four years. But we're setting into play a situation where we could have blood on our own hands later on and I can't be party to that. And I, I hope those members on the other side of the aisle and folks who are listening back home can understand my reasoning.

Thank you, Mr. President.

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**Relating to carry or use of a handgun or  
deadly weapon**

*(Passage of Eng. Com. Sub. for  
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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

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*Monday, February 22, 2016*

SENATOR BLAIR: Thank you, Mr. President.

I wasn't planning on standing up and speaking for a second . . . . Senator from Putnam, go ahead and pull that clip off and hand it to me here for in just a moment. That's okay, I'm going to borrow your phone for a second.

I've listened to a lot here this morning and I want everybody to witness something here, especially the pages, in all the conversation that's been taking place on the . . . .

Right now in West Virginia for a long, long, long, long time you could carry a gun. What's called open carry. Imagine this cell phone being an open carry. What we're passing here today is a piece of legislation that allows you to do this. You're a law-abiding citizen in the State of West Virginia, you can do this. You've always been able to do that. The very people that cannot carry a weapon that are felons, have restraining orders and all the other associated things that go along with it, they can't do what I'm doing right here with a weapon. Nor can they do this. This law doesn't change any of that.

The police chief up in Detroit, we've heard a lot of chatter and noise about Detroit, I witnessed over this weekend where he's actually called on the citizens to be carrying guns. There's one thing for certain. And that is, is where there are gun-free zones there are more gun violence. In the cities that choose to make it so that you can't have guns, and the more laws that they've got, the more gun violence there is, Mr. President.

So I listened to all this chattering in here, especially about common sense, and the fact of the matter is common sense dictates, then when you see it taking place throughout this country, the gun violence, and you can relate it to where

there are all these gun laws that prevent the citizens from doing what? Exercising their Second Amendment right. And in the Second Amendment it says “shall not be infringed”. And I don’t claim to be the smartest guy in the world but I do know what that means. I absolutely know what that means.

Now, let’s get to another point on this issue: Law enforcement. I support law enforcement; I think we all do. They bring, they’re important to our society. They’re important to enforcing the laws but one of the things that they don’t do well, and it’s because it’s impossible because of the common sense of it, is that they cannot follow us around and protect us. And that’s incumbent upon ourselves whether we choose to have it open carry, concealed carry with a permit and, if we pass this legislation, the opportunity for those to do it without the permit. Exercising their constitutional right. In other words, what I’m getting at is, I’ll take this any day because law enforcement, when you get into a situation like that, unbeknownst to yourself, they show up in time to put down the chalk marks and the body bag. And that’s, frankly, just a little bit too late for me and the average citizen in West Virginia. I want to at least have a fighting chance to protect myself and my family and even my friends if something would go wrong somewhere. And never would I pull that weapon out unless I was threatened in some way.

Make no mistake about it, the NRA supports this legislation; West Virginia Citizens Defense League supports this legislation; and both of them support law enforcement. Above all else they support the Constitution.

I think I’ve made all the points I need, Mr. President. Thank you very much.

**Relating to carry or use of a handgun or  
deadly weapon**

*(Passage of Eng. Com. Sub. for  
House Bill 4145)*

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**REMARKS OF  
HONORABLE  
ROBERT KARNES**

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*Monday, February 22, 2016*

SENATOR KARNES: Thank you, Mr. President.

I just want, I, I did not intend to, to get up and speak today either but I heard a couple of things that just kind of required me to do so.

One was that a common sense approach in this legislation would have been that every law-abiding citizen in the State of West Virginia would have been required to stick their hands in the air every time they got around a law-enforcement officer and declare that they were armed. As though being treated like a criminal and acting like a criminal was somehow a common sense approach to this issue. But that doesn’t make any sense to me.

I’ve heard numerous times, Mr. President, that when the bullet leaves the gun, it can’t be recalled back. And I think if there’s anything that the people of this state and the people of the United States have learned over the last several years is that when the vote leaves your hand, that also can’t be called back. But we would never require training for somebody to go and vote. A vote clearly has immense consequences, can do immense amount of damage and we would encourage everybody to vote responsibly, you know, to vote knowledgeably, but we know that that’s not something that we could reasonably require. And I don’t think that

we can reasonably require this particularly when we can look at other states that have no training requirement for their concealed carry permit systems that, that even have a permit with no training requirement and no increase in, in, no statistically important increase in the difference between accidental rates and, and states that do have a training requirement.

And finally, I just can't leave this idea that somehow we should look to our, our military that does not allow our trained soldiers who have had far more training than the average citizen and we don't allow them to carry on a military base. And all I can think back to is Fort Hood in Texas where they were not allowed to carry on that base, and I can think of Chattanooga where they were not allowed to carry, and we can see yet again what a gun-free zone does even to soldiers, even with extensive training in the use of firearms.

Common sense dictates that we pass this bill. The, the, the data across the country says that this bill will make not only the citizens of West Virginia safer it will make law enforcement in West Virginia safer.

I urge the, the passage of this bill. I urge the fellow members of this body to vote aye.

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**Relating to civil claims for private nuisance**

*(Adoption of Senator Kessler's amendments to Com. Sub. for Senate Bill 508)*

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**REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER**

*Monday, February 22, 2016*

SENATOR KESSLER: Thank you, Mr. President.

This bill grants immunity for nuisance claims in the event the permit granted by any governmental agency has been approved by the governmental entity. What this would, it would limit the permit shield that's created by the bill to actions that are authorized per the permit. Without this amendment, the bill would provide an open-ended immunity to permit holders of actions to be granted immunity for conduct or activity that wasn't even considered or contemplated by the issuing agency. So, it says if they considered it, if they thought about it, if they reviewed it and granted it to you, you have immunity. But, if it was not considered, it would not. And what this would do it would actually then grant . . . it would grant, you know, additional property rights to the private property owners that live out in our farms, our communities, our regions of the state that, that may have this kind of activity that's lawful but going on in their, in their backyard so to speak. To have at least the protection to know that it was at least being considered by the governmental entity or agency before, before blanket immunity was given to anybody.

You should know we all come down here we, we talk about private property rights and the people who live in our little white houses and our homes and our farms and our communities. This amendment will protect them. It will protect them and, otherwise, we are giving away potential rights of enjoyment of someone's property without even having the opportunity to even have their issue heard or considered. We would be turning our backs, in my view, on, on those home owners or surface owners and taxpayers who moved out into the country, bought a house, something set up next to them, the person has the right to do it but they ought to at least, if they are going to ask for that permit, at least tell the agency that what is going to be end result of that activity.

So I would urge the adoption of the amendment. I think it improves the bill. It protects the citizens that we represent and the taxpayers. Otherwise, I think we are giving blanket immunity to a bunch of folks that, that . . . for conduct that's not even been considered or contemplated.

Thank you, Mr. President.

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**Relating to civil claims for private nuisance**

*(Adoption of Senator Kessler's amendments to Com. Sub. for Senate Bill 508)*

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REMARKS OF  
**HONORABLE  
CHARLES S. TRUMP IV**

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*Monday, February 22, 2016*

SENATOR TRUMP: Thank you, Mr. President.

I rise, respectfully, in opposition to the gentleman's amendment for a couple of reasons. First of all, this bill is designed to curtail in some fashion the breadth of circumstances in which nuisance suits can be maintained in West Virginia. We don't have a statute that does that effectively now. It is, I will concede, a balancing question and . . . so, that said, if not, an amendment, if not identical to this, then very similar to it, was offered by one of our members in committee during the course of the committee's deliberations and rejected by the committee.

We had this bill referred, Mr. President, to a subcommittee which worked very hard to try to find and strike the right balance between the two competing interests. The, the ability to, to have businesses

develop the resources of this state with, as the gentleman said, the rights of property owners, adjoining property owners, and what the committee drafted, the subcommittee drafted and reported to our full committee and was, I, I think, a more appropriate balance. If the gentleman, gentleman's amendment is adopted, it is going to eviscerate a good bit of the shield provided, or intended to be provided, by the permit shield adopted by the Judiciary committee.

So, for those reasons, I urge rejection of the gentleman's amendment.

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**Relating to civil claims for private nuisance**

*(Adoption of Senator Kessler's amendments to Com. Sub. for Senate Bill 508)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Monday, February 22, 2016*

SENATOR ROMANO: Thank you, Mr. President.

I rise, briefly, in support of the gentleman's amendment. You know, the civil justice system is foreign to most of us. And those of you that aren't lawyers and get dragged into it don't like it. But you know what? We, we trust juries every day to decide guilt or innocence of people and how long they're going to spend in prison. Sometimes life. And in those instances, we seem to have faith in juries. But when it comes to civil justice, we want to seem, we want to try to make it black and white to cut out people who have legitimate claims in this state from ever seeing the inside of a courthouse.

Now, these nuisance suits—I've never brought one—but you know they're critical when something comes in that devalues your major investment in your life, your house. Many of these people's homes are worth mere pennies of what they were before something occurs that happens next to them. Sure, we're talking about oil and gas and, and that seems to be the hot topic but there's all kinds of nuisance suits. There's all kinds of things that can create a nuisance that devalues your major investment. And what we're about to do, in the interest of one industry or one particular episode of what's going on, is we're about to take away the rights of every property owner in West Virginia. Now, I've received hundreds of emails. I understand how it works. And the gentleman's amendment is what we need to make this a fair and reasonable change to the law. Because, if it's covered by the permit, then they, they do receive immunity from nuisance suits. But if it's not covered by the permit, if it's some tangential conduct related to the permit, how can we give them immunity? There's no guidance. There's no limits. There's absolutely no way to stop abuse of West Virginians by people with a lot more resources and a lot more persistence than any individual homeowner would ever have.

I urge, strongly, that we adopt this amendment of the gentleman from Marshall.

Thank you.

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**Relating to civil claims for private nuisance**

*(Adoption of Senator Kessler's amendments to Com. Sub. for Senate Bill 508)*

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REMARKS OF  
HONORABLE  
DOUGLAS E. FACEMIRE

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*Monday, February 22, 2016*

SENATOR FACEMIRE: Thank you, Mr. President.

I don't think that there's any doubt from this body that there's probably not anybody here that's more pro oil and gas than myself. But you know what? As an industry, we have a responsibility. I, I . . . for some of you people that don't think we need this, I'd like to bring a compressor out by your house and take the muffler off of it and let you listen to it for a few days. Or what I'd like to do is run our frack trucks and sand trucks and stuff in front of your house on a graveled road maybe 1,200 times. Dust your property down, rattle the windows and all. And you, there's nothing you can do about it.

I mean, look fellows, we have rules for reasons. Things have happened to create this. What we're doing here is allowing bad operators to do bad things. For the companies that are good companies, it's not a problem. But every industry regardless of what it is has good and bad operators. But think of who we're talking about. We're talking about 70- and 80-year-old farmers who are barely getting by. They're, they're going to have to sit there and have their property dusted down.

Has any, has any of you ever been out on a well road in the winter time when we're dragging mud out on the road? See, now we have an obligation to keep that plowed off. If this bill passes, we don't have to do anything. We can come by and we can park stuff in front of your house, leave it run all night. And this is what happens in the winter time. We don't like to shut these diesels down. But to have no, no oversight . . . how do we feel that that's protecting the citizens of this state?

You need to really think about what this bill does here. Because like I said, for the good companies it's not a problem. But



how does our citizens deal with the bad companies? That's who we're talking about here. The people who actually get out here and don't give a squat about what they do. And there's some of them out there, unfortunately. The way it is now these folks deserve some sort of right. These are people that are not benefitting by this in any way, shape nor form . . . people down the road from the wells.

I urge you to take a minute and think about what you're doing here.

Thank you.

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**Relating to civil claims for private nuisance**

*(Adoption of Senator Kessler's amendments to Com. Sub. for Senate Bill 508)*

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**REMARKS OF  
HONORABLE  
MITCH CARMICHAEL**

*Monday, February 22, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

Ladies and gentlemen of the Senate, I rise, respectfully, in opposition to the gentleman's amendment. And with great deference to my friends who have spoken eloquently against or for this amendment . . .

This, this was worked in committee very extensively. In fact, in its introduced version, I would frankly agree with the Senator from Braxton there. It went too far. We were protecting too many. But as it came through the subcommittee that was chaired by the gentleman from Ohio, those concerns, I think, have been mostly addressed with the current version of the bill.

And what we're simply seeking to do, Mr. President, is to provide a shield for those who are operating within the confines of the permit. And it is virtually impossible—and I think most of us would agree—to develop every single nuance, every single activity that would be specified in the confines of a permit. We're just, what we are trying to do with this is to accommodate good operators with the, the provisions of a . . . so that they won't be constantly harassed and drawn into court over issues that are incident to their permit and that are a part of doing business, just a part of the normal course of business in the confines of the permit.

And so for those reasons, I respectfully ask that we as a body reject the gentleman's amendment and stick with the product of the, of the committee as it came through the subcommittee and the full committee. And I ask that we respectfully reject the gentleman's amendment.

Thank you.

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**Relating to civil claims for private nuisance**

*(Adoption of Senator Kessler's amendments to Com. Sub. for Senate Bill 508)*

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**REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER**

*Monday, February 22, 2016*

SENATOR KESSLER: Thank you, Mr. President.

You know, our law for hundreds of years in this state have been that you can't take my property. Government can for a government purpose can take your

property to build roads, to build schools, to build water lines. We grant them imminent domain to individual, to government for the public good. We do not, we do not give imminent domain, the power to take your property, your surface of your land, to companies or corporations just because they're engaged in activity that affects it. We don't give them the ability to come in and take your land. Do we Senator from Braxton? Senator from Ohio? We don't give them the ability to come in and just take your land. But without this amendment we will give them the power to destroy it. To render it valueless.

People have worked their whole lives to go out and build a nice farm, a nice house out in the country. Couple hundred thousand dollars for their life's dreams. They live in the country because they want it to be peaceful and quiet and solitude. Away from the hustle bustle of, of noise. But someone can come in now and put in, as mentioned, a compressor station that runs higher than sonic booms 24/7. And we're going to say it's okay. Not because the permitting agency, DEP, even looked at the issue of noise, not that it even looked at the issue of dust, not that it even looked at the issue of congestion but because they issued them a permit that said your well spacing was good, your depths were fine, you're far enough away from a coal seam, we're going to have to give you your permit. That decision, in many instances, makes that house owned by Mr. and Mrs. Jones and Smith valueless. Who would buy a house where they're going to have noise running 24/7 every day? And it will take away the opportunity to the value of the home of somebody that lives here.

Our people, our citizens—you've seen them come here walk the halls. These are good people we represent in our communities. They've come to us and begged and pleaded for us "They've ruined my home, my home."

I'm all for the oil and gas industry guys. I've done all kinds of stuff to engage and encourage it and given them tax breaks under Senate Bill 465 and other bills we've done here to encourage the responsible ownership activity drilling and use of that resource in our state. And to make sure we make some money on it, too. But to make sure it's done responsibly. With as little as interference with the people that are affected. And there's no question this affects it. I do this work. My firm does this work all the time. We negotiate all the time with these companies. And they, we put in leases what type of activity is prohibited to be done, prohibited to be done within so many feet of someone's home. Why? Because it does have an effect on their home, on their property value.

Without this amendment, we are giving open-ended immunity for activities that aren't even considered by the issuing agency that will detrimental, have a detrimental effect on the people—the people that live in our state, our communities, our homes, our countrysides, our farms, and we'll say you can't do anything about it. Well, I agree it is a balancing test. It absolutely is a balancing test. But what is in balance? Whether we are willing to stand for the people that live in our communities or we're going to sell it out to somebody named Exxon, or Chevron, or Mobile, or Antero, or anybody else that may be out there. You'll have no bargaining power. They'll do what they want. They'll get their permit, run their rigs, do whatever they want, make their noise, have your house so filled with dust and not even worry about any dust control measures because they won't have to.

We are abrogating our obligation to take care of the people we represent and to make sure that business practices that are performed are done in a responsible manner with as little intrusion and effect, detrimentally, on the people that we represent. The people that we, have elected us. The people that depend on us.

I urge everybody in here, and the people that are watching on television, to look at that board when we are done and you see who cares about you and who cares about them.

I ask for the yeas and nays, Mr. President.

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REMARKS OF  
HONORABLE  
RONALD F. MILLER

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*Monday, February 22, 2016*

SENATOR MILLER: Thank you, Mr. President.

I don't want to take a lot of time, I know we're tired. We've taken a first step in looking at PEIA and how to correct that today. I, I had an amendment I was interested in. I did not put in that because PEIA is so very, very important.

But let me tell you, I also have a bill that I presented early in the session. A bill that could talk to 141,000 households in West Virginia. A bill that would address the needs of 162,000 children in the State of West Virginia. A bill that actually doesn't look at corporations. A bill that doesn't look at TANF recipients. A bill that looks at working poor people. Men and women who go to work every day, low and moderate income working families, keeping a balancing act. They're trying to pay for a car, pay for a place to live, take care of child care and still go to work, sometimes at minimum wages.

I'm talking about the need for an earned income tax credit. I could have amended that in today but PEIA was important that we not do that. But I want to tell you that we have to some point start looking away from all these other groups, important to take care of those, but we have to look at a way to help rebalance West Virginia system

of state and local taxes, particularly, on working poor people.

You know, I, I'm probably the poorest member of the Senate. I don't have a lot of income and I didn't come down here with a lot of people supporting me financially. I came down here because I believe in addressing the needs for working people, particularly, poor people who have no one else to speak for them.

So I would encourage the Senate to consider looking at that little bill I have, if nothing else, how do we do an earned income tax credit this year in our body to make a difference for working poor people who struggle to make ends meet.

Thank you, Mr. President.

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**Urging Congress call convention to  
amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

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*Tuesday, February 23, 2016*

SENATOR TRUMP: Thank you, Mr. President.

Senate Concurrent Resolution 10 reported from the Senate Judiciary committee is a call for Congress to call a convention of states for the purposes of amending, proposing amendments to the Constitution of the United States as expressed in the resolution.

Article V of the United States Constitution provides the procedure by which the

Constitution may be amended. And it says “The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution . . .”—that’s occurred 27 times in the history of our nation, many more amendments than that have been proposed, but amendments have been ratified 27 times—“ . . . or . . . ” Article V says “ . . . or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of [the] Constitution, when ratified by the legislatures of three fourths of the several states . . . .”

So, under the Article V process, what has to happen is two thirds of the states have to make the request for Congress to call a convention. That number is 34. Thirty-four is the number that gets you to the two-thirds threshold. And then once a convention occurs, any amendments to the constitution proposed by such a convention would have to go through the ratification process which is three fourths of the states. So three quarters of the states, or that number is 38, would have to ratify an amendment.

Members will recall we sent such a resolution, last year, from the House to the Senate dealing with a balanced federal budget and, I don’t know if the House acted upon it at all, but they did not pass it. So I don’t know whether it got scheduled up for debate or discussion in committee or on the floor of the House but they did not pass the concurrent resolution we sent them last year.

This one is a little broader than that and it calls for a convention, calls for Congress to call for a convention to propose amendments relating to fiscal restraints on the federal government. So, in that regard, it’s similar to the one that was passed by the Senate last year to limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress.

So this resolution would call for a convention for that purpose. I’m told that there are, so far, five other states which have passed such resolution. So, if we were to do it, we would be, West Virginia would be, I believe, the sixth of the 34 required. Tennessee is apparently the last state that did that and did it just earlier this month.

So, Mr. President, I’d be happy to answer questions, otherwise, I urge adoption of the resolution.

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**Urging Congress call convention to amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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**REMARKS OF  
HONORABLE  
ART KIRKENDOLL**

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*Tuesday, February 23, 2016*

SENATOR KIRKENDOLL: Mr. President, I, I respectfully rise in opposition to SCR 10.

We had a tremendous debate in Judiciary the other day and I just wanted to reaffirm to the, this body some of the comments that I made because they’re from the heart. It’s the way I feel.

I made the comment that America is the best and is the model for the world. The world. Everybody in the entire world in some facet wants to be in America. They want to be here so bad that we’re talking about building walls to keep them out. So, evidently, they’re wanting to be here. So how bad are we?

We have economic times of struggles, there’s no doubt, but the Constitution was

given—and I said the other day too—you know, challenge our Constitution of the United States and trying to tell Congress that you need to do it this way or that way is almost like trying to dissect the Holy Bible. It is created by the best.

Now, do I agree that we got problems? Absolutely. But the people sitting up here and over here had the ability to send people to Congress to make the rules and regulations and they are defined by election every two years. We've had administrative changes—Democrat, Republican, Democrat, Republican—we still have problems. But look at the rest of the world. Everybody sitting in the balcony up here is in the top five percent of the most richest people in the world. So how bad can we be? In other countries, you walk out and you send your kids down the road and you're not sure that they're going to come back home for dinner.

But the basic point of this SCR 10 that I have a problem with should the counties—and again I was, I was told by one of my colleagues and he was accurate that we would have to change the state constitution—but should the counties be allowed to come up and challenge us—right now they are. We got PEIA problems. They're challenging us on how to backfill the budget . . . We continue to be in a deficit as far as incoming and outgoing revenue for the last three or four years. But should all the presidents of the county commissions or municipalities be able to have a meeting and come up here and dictate to us how we do our business. If you do it on top, why wouldn't you do it on the bottom?

So, if we was going to put a resolution like we did a couple of years ago when we challenged the EPA asking them to put West Virginia into the Atlanta region not the Philadelphia region, I signed onto it. We're in the wrong region. There is things you can fix to make this country better, this area better. But to challenge the Constitution of

the United States and trying to rearrange the functionality of it without expressing one or two particular reasons and leaving it wide open I think is totally dangerous.

So with that, I urge rejection of SCR 10.

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**Urging Congress call convention to  
amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

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*Tuesday, February 23, 2016*

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, I rise simply because I want my name on record as opposing this piece of legislation. And, as I did in committee, I will share with you why I oppose this piece of legislation by directing your attention to page two, line 17 of this resolution, which says, "*Further Resolved*, . . . the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution . . . that impose fiscal restraints [proposes and limits] on the federal government, limit the power and jurisdiction of the federal government and limit the terms [limits] of office for its officials and . . . members of Congress and absolutely no other business will be authorized . . ."

Well, that's not true because the language where it says "[limiting] the power and jurisdiction of the federal government" is wide open. And, as I said in committee, I'm not an English major but I did go to school

and I did go to college. And I do know that that language written as it is leaves things wide open for interpretation of those members who are selected to participate in this Article V convention.

Now, as students we learned that, in our political science classes, that the Constitution is sometimes referred as a living and breathing document. Well, that may be true to some degree but I believe it's more an elastic type of document where it adjusts itself periodically with the changes within our country as time goes, goes on through the, the course of our history.

So, again folks, I would strongly urge you to, to think about what you're doing here today. Yes, right now it's only five but it could very well pick up steam and be 10 by two years from now. The bill also doesn't limit how long we leave this out there. So we could all also be long gone and dead and not happy with what's going on and they call a constitutional convention and begin changing things from there on. We don't want to be our own enemy. And that's what this piece of legislation potentially does.

And I would strongly urge you to oppose this resolution.

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**Urging Congress call convention to amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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REMARKS OF  
**HONORABLE  
JEFFREY V. KESSLER**

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*Tuesday, February 23, 2016*

SENATOR KESSLER: Thank you, Mr. President.

I also rise in opposition to the resolution for a couple of reasons. One is, as indicated by the Senator from Morgan, this one is even broader and more open-ended than the one that we considered and debated last year on this floor.

You know, there are two ways to amend our Constitution. The first method is the one that our country has always used, where Congress proposes amendments to the states for ratification. That method has been tried and true numerous times. All the amendments to the Constitution were adopted in that fashion. This method has never been tried and for good reason, because we don't know where it will go because there are no constraints. And as we watch what happens in this body and as we watch happens, particularly, over in Washington, D. C., I'm just not convinced that there's any Thomas Jefferson or Alexander Hamilton or Benjamin Franklin over in D. C. that I would trust to open up our Constitution and perhaps rip it in two under the power, under the way this is written so broadly as indicated by the Senator from Monongalia. They can call the convention, propose amendments, put physical restraints on government, limit the power of jurisdiction of the government and say they can't do anything and effectively neuter it.

There's reasons that's never been done before in the two hundred plus years our country's been in existence and that's because it is a dangerous precedent. And I don't profess to be a constitutional scholar but scholars from both ends of the aisle have been against it.

I put on your desks yesterday, you know . . . we just recently laid to rest Justice Scalia on Saturday who was considered a very conservative, conservative, strict, constructionist of the constitution. And I highlighted on page two of the, of the article addressing why Article V conventions are wrong ideas for the wrong times. And it

said, quoted, when they were talking about whether or not a constitutional convention was a good idea, I highlighted “Hence, Justice Antonin Scalia’s brusque dismissal ‘I certainly would not want a constitutional convention.’” Whoa! Who knows what would come of it.

Similarly, Justice Burger has come out as well against such a convention as early as June 22, 1988, where he wrote a letter to Phyllis Schlafly. Again, indicated, I have no . . . “I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The convention could make its own rules and set its own agenda. Congress [may] try to limit the convention to one amendment or . . . one issue, but there is no way to assure that the convention would obey. After a convention is convened, it will be too late to stop the convention if we don’t like [the] agenda.” Again, “. . . we should . . .” he indicated, in these “. . . we should [by] celebrating [the constitution and] its long life, not [by] challenging its very existence. Whatever may need repair [in] our Constitution can be dealt with by specific amendments.”

That’s the route to take. You want a balance budget amendment, propose one Congress and put it to the vote of the people. Don’t just say bring us all together, let us do whatever we want, tear it up if necessary and who knows it could destroy the rule of law that has served us well for over 200 hundred years.

For that reason, Mr. President, I urge the rejection of the amendment, of the resolution, excuse me.

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**Urging Congress call convention to amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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**REMARKS OF  
HONORABLE  
RYAN J. FERNS**

*Tuesday, February 23, 2016*

SENATOR FERNS: Thank you, Mr. Chairman, or Mr. President, sorry.

I really hadn’t planned on speaking today because I feel like we’ve debated this last session and in Judiciary this session quite extensively. But a few comments were made this morning by some of my colleagues here that made me have additional thoughts. And my, my good friend and colleague, Senator from Logan, mentioned counties being able to challenge decisions made by the state and, and why shouldn’t they be able to do that. And I think that, that answer is, is rather simple: There’s nothing in the Constitution that, that permits for counties to do so. And he further elaborated on comparing it to challenging the Bible but I think to do so would be ignoring the founding fathers’ decision to insert language in the Constitution that allowed for this very circumstance.

My good friend, the Senator from Marshall, referenced Justice Scalia and my colleague, Junior Senator from the Second, put on my desk this morning here something from Justice Scalia that I’m going to read for you. This is taking a quote, a portion of this, this statement here and Justice Scalia said “So, it really comes down to whether we think the Constitutional Convention is necessary. I think it is necessary for some purposes, and I am willing to accept what seems to be a minimal risk of intemperate action. The founders inserted this alternative method of obtaining constitutional amendments because they knew the Congress would be unwilling to give attention to many issues the people are concerned with, particularly those involving restrictions on the federal government’s own power.”

And I think that's the key point here today. The founding fathers, in their wisdom and brilliance, inserted this language so that the states would have an alternative method for proposing amendments because they knew that if Congress would be unwilling or unable to limit their own power, particularly when it comes to federal spending which we've seen, time after time, congressional representatives on both sides of the aisle run for office saying we need to reign in federal spending. But have you seen any of that occur to date? I haven't. And I think this is just sort of the situation that language was inserted for. And as we've been debating this bill this morning—I have a, a debt clock here on my, on my computer—just while we've been debating this resolution, the federal budget has risen by \$25 million just in the last few minutes. To me that's a pretty serious situation. It continues to climb even as I'm speaking.

And it was mentioned this morning that there's no way to assure that this convention can be limited. But I think to say that would be to ignore the very high bar that the founding fathers put in place to make sure that, that, that these debates do not get out of hand and that, that high bar is a three fourths of the states to ratify such an amendment.

And for those reasons, I support this resolution.

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**Urging Congress call convention to amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Tuesday, February 23, 2016*

SENATOR ROMANO: Thank you, Mr. President.

You know, there's, there's five attorneys in this chamber and, you know, we, we grow up and we're immersed in the constitution and everything it's done for this country. This is another bill that doesn't, or another resolution, but more time from this body, that does nothing for the State of West Virginia. But here we are debating another, another one of these measures.

Let's talk about something we can agree on. We live in the greatest country on earth. Now there's politicians and people run for office that try to get elected based on fear and prejudice and being angry. They just want to be in office. And at times, things do look bleak. Today we have the deficit which the Senator from Ohio so eloquently talked about. It's a problem. We have ISIS. We have the debate on global warming. But think about the past in this country. Think about what's happened to this country. Revolution against the monarch. Slavery. The Civil War. Imagine living in those times. Women's right to vote. Ending child labor. Giving workers the right to collective bargain. The Vietnam War. Civil rights. Social Security. Do you think some of the people in some of the states were upset? Do you think people objected and thought the country was coming to an end? Do you think they wanted to reign in the federal government during those times? Absolutely. Our country always moves like a pendulum. Swings in one side's favor then the other. Hopefully, it's swung in West Virginia to the side it's on for a short period of time but time will have to tell. But you know what? The Constitution has seen us through it all. It's a road map. Do you know that we're the longest single standing national government in world history? Think about that. In world history. Because you're about to act in a frivolous manner on a matter of utmost importance. My Senator



from Logan called the Constitution the governmental Bible of our country and you wouldn't want to amend the Bible.

Our founding fathers made the article, Article V Constitutional Convention a difficult thing to achieve. Do you know why? Because they wanted it to be used in only the most extreme circumstances. When we were faced with tyranny, with a dictatorship, with a complete concentration of power in a very small group that was going to tell the rest of us what to do that's not what's happening in this country. It's the atomic bomb in the Constitution. Why? Because it opens up everything in the Constitution.

Forget about the call in this resolution by convening an Article V constitution practically every constitutional scholar, including the Heritage Foundation, the Cato Institute and many of our founding fathers recognized it would open up the entire Constitution if the convention so chose. That means everything: The First Amendment, our Second Amendment right to bear arms, the right to the states. That is a nuclear bomb to our Constitution. It could change the very foundation on which this country was founded and has done so well. The very mandate, and I understand it's a long road to get a constitutional amendment passed, the founding fathers did it on purpose. The very mandate will polarize this country making people choose sides on these issues. Our country must rely on the voters to keep those in office that are doing what they choose and to throw those out that they are not. I think a balanced budget amendment coming from Congress is a great move. Congress ought to do it. It's controlled by the, the opposing party to me. Let's see it proposed. Let's see it get through. Those that don't vote for it, get them out of office because if we pass this, this conventional resolution today, it will be years getting through the lawsuits and the decisions on how to run it. We won't know who will be in charge of the country

or what mood they'll be in and it could be a right dear to us that will be changed. Do not vote for a plan, do not vote for a plan to change what has made this the greatest country on earth.

I urge you to vote against this resolution.

Thank you.

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**Urging Congress call convention to amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER  
AND  
HONORABLE  
CHARLES S. TRUMP IV**

*Tuesday, February 23, 2016*

SENATOR MILLER: I'd ask if the gentleman from Morgan would yield, please?

MR. PRESIDENT: Will the Senator from Morgan yield? Looks like it. Senator yields.

SENATOR MILLER: Senator, I, you know, said that there were five states who have done this. One of them is Tennessee. Who are the other four?

SENATOR TRUMP: The first to adopt this resolution was Georgia and that was 2014; followed by Alaska, 2014; followed by Florida, 2014; followed by Alabama, last year, 2015; and followed now by Tennessee on February 4 of this year.

SENATOR MILLER: Were all of those resolutions like this resolution? Do you know?

SENATOR TRUMP: I believe so.

SENATOR MILLER: They were open-ended? All of them were open-ended on the time frame?

SENATOR TRUMP: On time frame?

SENATOR MILLER: Yes. This is an open-ended time frame.

SENATOR TRUMP: It has an open-ended time frame in it, yes sir. And I believe the others do as well.

SENATOR MILLER: And they are as open on, on the call not just single purpose but a call for . . .

SENATOR TRUMP: Well, I, you know, the, the purposes, let me say this, the, the limitation of purposes is the same in all the resolutions.

SENATOR MILLER: Okay. Thanks.

SENATOR TRUMP: The purpose is for which the convention of states would be called.

SENATOR MILLER: Okay. Thank you.

Mr. President, I have stood many times on this floor. My speeches aren't very eloquent. I speak from what I know. I'm, I'm a simple farmer, part-time pastor, run a small business in Greenbrier County. I am a history major from the great institution in the Eastern Panhandle, Shepherd University. And history, and the love of our history, is important to me. As important to me as that history, is the love of this republic.

We've done a lot of things in this, in this body and I've disagreed with a lot of those things, I felt they were harmful to

the people of West Virginia and I've stood and you've had my opinion, and you've, you've, you've gotten through it. You've probably read your emails a few times during that and probably thought what was lunch and all those kind of things. I've shared my opinion, what I felt strongly about. But what I share with you today is what I think is a danger. Our resolution, our, our, our laws or bills that we passed sometimes hurt the people of this state and I've felt they've hurt the people in this state very badly. But that's my opinion. That's my feelings. But this resolution will hurt our republic if it passes and if it is ratified. It's an open-ended resolution. I, I am shocked that we're willing to do an open-ended resolution. Who, who knows how long it would take to finish getting the states to do this?

Let me tell you, I saw an interesting poll today on tv as I was getting ready to come in. Fifty-eight percent, I think that's correct, maybe 54 percent, of the Snapchat snapshot generation—which I'm not part of, I don't even know what that is exactly, it has something to do with technology—54 percent, 58 percent, believe we would be better off as a socialist nation. Now let me tell you what's wrong with that. Those are the future. This, this resolution goes to that period of time. They may be the people that are going to that convention to make that decision for us as a people. And, quite frankly, I don't think we are better off as a socialist nation. I think we are better off the way we are right now with a Constitution that we dearly love, we have great reverence for and great appreciation for what it does.

The Senator from Logan spoke wonderfully about the Constitution being like a Bible. I have a couple of apps on my phone—I do know how to download apps, some things I can do, I can get an app down on my phone—I have an app of the Bible because that's important to me and I have an app of the Constitution because that's important to me. And both of those are

very, very dear to me. They, they, they're the center of who I am. They're the core of what I'm about. And we are taking the chance because there are groups that have funded this, there are groups that believe this is important. And I, I appreciate groups that think something's important. But we are taking a chance on the future, of future generations in five years, 10 years from now to change a constitution that to us is something that's probably the dearest thing we have outside of our faith, outside of our family.

The Senator from Ohio made a wonderful point that when the framers of the Constitution framed this, in their brilliance, they put Article V in. And the key was brilliant. Let me tell you, when that generation formed this Constitution, they were brilliant men. They were people who thought maybe we were all going to be brilliant for generations and I'm telling you we're not as brilliant as they were then. You look at the statesmen we've heard from, the readings and writings we have read. Those were people who, who seemed to understand that it wasn't about their interest but it was about the good of what could be. They, they formed a, a, a union. They formed a republic that, while it was not perfect, it was the most perfect the world has ever known. And will ever know.

If we attempt in this resolution, if we chance in this resolution one bit to destroy what could be and what if, we have done a discredit to ourselves, we've done a discredit to our great nation. But, more important that, we've done a discredit to those who were before us, those who fought in wars, those who gave their life in service and we're doing a discredit to those who come after us, our children, our grandchildren and our great-grandchildren.

I believe there's only moments in history where there is such brilliance. If you follow the debates of both parties this time in politics, there isn't a lot of

brilliance out there folks. There isn't a lot of enlightenment out there on either side. We can do better. We must do better. I urge you today not to adopt this resolution. I urge you to vote against this resolution. I'm proud to stand and say that I will vote against it and I hope that you do the same on this day. We cannot, we must not take this dangerous route as a, as a people.

Thank you.

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**Urging Congress call convention to amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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**REMARKS OF  
HONORABLE  
KENT LEONHARDT**

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*Tuesday, February 23, 2016*

SENATOR LEONHARDT: Thank you, Mr. President.

I'm a little confused. We have people praising the founding fathers in the document that they've written; yet, they're telling us not to use a portion of the document that they've written.

Over the last 20 years, our national debt has doubled twice. Twice. Under administrations of both parties. So what is the hope that they're going to reign that spending in?

The gentleman from Greenbrier mentions 54 percent wanting to go socialist. Well, the document says 75 percent have to ratify it. I'm not worried about that 54 percent.

The Senator from Greenbrier stood up and said it's an insult to those that have

fought wars. Sir, I've fought wars. I'm not offended by this resolution and I'm not offended by this document.

Mr. President, I urge adoption of this resolution.

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**Urging Congress call convention to  
amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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**REMARKS OF  
HONORABLE  
ROBERT KARNES**

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*Tuesday, February 23, 2016*

SENATOR KARNES: Thank you, Mr. President.

You know, I've heard several times that, you know, the Constitution ought to be revered like the Bible and, and I'll have to admit that while I have a great deal of respect for the guys who drafted, framed the Constitution, I don't quite put it in that class myself. And I would ask the Senator from Logan if, maybe, perhaps later, he can show me where in the Bible there—I can't really quote chapter and verse myself—but we would find such a provision in the Bible that God gave to us as a way to modify the Bible in a legitimate fashion? But He gave us a Bible that He said was His word and we should stick with that. And the founding fathers gave us a Constitution that said that if you ever find that this document is not doing what it needs to do, there are two ways to change this document. And one way has been used 27 times to change the document. So the document itself is not the document that was drafted in 1787. The document is the document that was drafted in 1787 and amended 27 times since that date.

And I would point out that the Senator from Marshall County, I believe, said that the alternative method of, of modifying the Constitution and proposing amendments to the Constitution has never been used and I, I don't believe that's actually true. The reason why it's not true is because it assumes the only way that second alternative can work is to actually have the convention and what it neglects to notice is the fact that roughly half of the amendments that we have in the Constitution—counting things like the Seventeenth Amendment, counting things like all of the Bill of Rights—are a direct response to states applying for changes to the Constitution and Congress, before the number was properly reached to call the convention, recognizing the desire of the states and putting forth the amendments that the states were asking for. And so whether we actually have a convention out of this or not does not mean this can't be effective. We may get to 30 states and then Congress may well put out some amendments that satisfy the concerns that are addressed in this particular resolution. In fact, I would be surprised if they don't do that. But if they don't do that, then we have to go to convention. It's the only way we're going to straighten out this federal government.

I would also point out that 27 changes to the Constitution is probably not really an accurate assessment of what we've had to our Constitution. We've had a lot of decisions especially in the last four or five decades that no person can really find the legitimate basis within the Constitution as to how that particular decision was arrived at. And the reason why we've had those changes is because we currently have a court where four of the members read the Constitution and try to view everything in society through the lens of what the document says and we have four members who rarely read the Constitution and always put forth their personal preferences as to what they would like for the Constitution to have said for which it

does not say. And today, we are faced with a perfectly divided, evenly divided court: Four members who are for the Constitution and four members who are for something that most of us would never understand, I think, because of the death of a Supreme Court Justice. And I would like to point something out to you, in the last three decades that that justice sat on the Supreme Court there have been, literally, dozens of decisions that were decided on a five-four basis. Five-four where he was in the majority. If this president appoints another Ginsburg to this court, if this president appoints another justice like that, every single one of those five-four decisions that this court has arrived at will be flipped on its head. That means the Constitution will be changed, literally, dozens of times as it has already been by judicial fiat. We're talking about big issues. We're talking about issues related to religious freedom. We're talking about issues related to free speech. We're talking about issues related to property rights. All of these things are on the table not based on whether or not 20, or excuse me, 34 states call a convention, not based on whether or not 38 states agree to the convention but based on whether or not one man can pick somebody who knows how to read. And it's unfortunate that we're in that situation where one man can flip the Constitution back and forth, or one woman can flip the Constitution back and forth. Today it means this, tomorrow it means that. But that's where we are because we have allowed this government to stray so far from that document.

Somebody mentioned that a lot of politics today is based on fear and I think that what we're hearing on the other side of the aisle today is exactly that. It's a lot of noise that's been raised in, in virtually every line of attack that could be raised. That we should somehow fear exercising something that is contained within our Constitution that our founding fathers knew the day would come. They knew the day

would come. The debate around Article V was centered on the very question raised by the Senator from Ohio. They knew this day would come.

Justice Scalia in the document that was on, on our desks today pointed out that Congress would not do what was necessary. Senator from Harrison County pointed out in the Judiciary committee "Hey, you guys control Congress. Why don't you just go and get those guys to put out a balanced budget resolution?" Exactly. They won't do it. And when the Democrats controlled Congress they won't do it either.

And term limits. Seventy-five percent of the population in the United States for decades in poll after poll have indicated a preference for term limits and, yet, Congress will not take up the issue. They won't touch the EPA. They won't touch Obama's overreach when it comes to the immigration system that we have. And the Constitution very clearly says immigration is within the purview of Congress. It says nothing about being within the purview of the president and, yet, this president is allowing millions of people to stream across our southern borders. We, we had a debate the other day related to gun bills where we had senators who thought we should insist that every U. S. citizen, every law-abiding citizen ought to have a background check. But we let these guys stream across the southern border and we found terrorists in that stream: No background check, no border check, no serious attempt at doing one of the most fundamental things that this government is supposed to do, which is guard our borders.

Our situation is, is, is dire. We have a \$20 trillion, almost, deficit. We have over a \$100 trillion in unfunded liabilities. If it were simply a question of what's in the budget and what's in the deficit and the debt, maybe the balanced budget amendment would be the proper way to go and I do support that resolution. I hope it

makes its way through this body as well. In the last 20 years the federal government and the Federal Register averaged over 70,000 pages of new rules and regulations and laws in the Federal Register. Over a million and a half pages in just the last 20 years. If you think about that, a ream of paper is 500 sheets of paper. A box of paper is 10 reams. That's 5,000 sheets in a box. It would take roughly 300 boxes of paper. It would fill that entire area where you are, Mr. President, all the way down through the Clerk's pit here. And, and that just represents the last 20 years of what this federal government has imposed on the citizens of the United States. And we're going to pretend like that is a limited government that is part of the vision that was originally put into the Constitution of the United States of America. A million and a half sheets of paper that you're responsible for knowing every word, you're responsible, there's no ignorance of the law, you can't claim that. You're responsible for obeying every single word of that million and a half pages.

This is, this should not be about fear. This should be about recognizing that what's going on out in our country is bordering on chaos. Do you have any idea what national bankruptcy would literally look like in a nation of 330 million people? What's going to happen when that stream of immigrants coming across our southern border decides that they do want to engage in a large scale terrorist attack? What's that going to look like? We have a government that has totally abdicated its responsibilities while delving into areas where it has no business.

This presents an opportunity for the State of West Virginia to be part of the solution in much the same way that the original 13 states came together. They had some issues that needed to be addressed. They came together; they addressed those issues responsibly. As Scalia noted in, in this piece of paper that is here, the idea that, that a convention is going to come out with a repeal of the Second Amendment

first is outside the scope of this call, this limits the power and jurisdiction of the federal government, not the citizens. But would such an amendment ever be ratified? Of course it wouldn't. You couldn't get an amendment through . . . even such a convention let alone out to the floor or out to the states to be ratified. You couldn't repeal Social Security this way. This body wouldn't support that. No other state would support that. Anything that comes out of such a convention is going to have to be middle of the road, directly targeted at problems that everybody agrees that the federal government suffers under, that's regulatory excess, that's a budget that's out of control, that's laws that are clearly not contained within the direction of the Constitution, or the purview of the Constitution, the enumerated powers.

I would say to the members that have raised so many fears over there that we need to set aside those fears and we need to do the right thing for the people of West Virginia and for the people of the United States. We're the only ones who can do this. Congress is not going to do it.

I urge adoption of this resolution.

Thank you, Mr. President.

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**Urging Congress call convention to amend Constitution of United States**

*(Adoption of Senate  
Concurrent Resolution 10)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

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*Tuesday, February 23, 2016*

SENATOR TRUMP: Thank you, Mr. President.

I am as enamored and in love with our Constitution as anyone. It is, I concede, the greatest charter for a government that's ever been devised in the history of the world. But it is not, nor has it ever been, perfect. It was required that the citizens of this country amend the Constitution to abolish the institution of human slavery, the Thirteenth Amendment.

As we discussed, recently, on the floor of this Senate, the entire Bill of Rights which we also love and revere came about as amendments proposed to the United States Constitution. The Second Amendment, which we were discussing this week and last week, was not part of the original document. Nor was the First, restraining Congress' ability or authority to act in ways that infringed upon the rights of the people to petition the government for addressing grievances to operate a free press. As we'll discuss later this week, to exercise religion freely.

It was not perfect when, during that hot summer of 1787 in Philadelphia . . . but the, the wisdom—let me, if I may, just talk for a minute about who was there. Someone mentioned Thomas Jefferson; he was not there. The representatives from Virginia, Mr. President, were, Mr. Blair, gentleman by the name of James Madison whom we regard as the father of the Constitution, and a gentleman we've all heard of by the name of George Washington, who presided over the proceedings that hot summer of 1787. The delegate from New York was Alexander Hamilton. From Pennsylvania were Robert Morris, Governor Morris, Benjamin Franklin—I'm not going to read everyone who was at the Constitutional Convention in 1787. But they knew enough to know that nothing is perfect. Nothing of this earth, anyway, is perfect. And they left within the document mechanisms for future generations to make corrections when necessary. And as has been mentioned by others the, we adopted a total of 27 amendments to that Constitution.

Amendments that were proposed by the Congress including the last one which was adopted in 1992 but proposed in 1789. The Twenty-seventh Amendment to the United States Constitution was one of the original amendments proposed by the first Congress in New York in 1789 and not ratified by the requisite number of states until 1992. So these things do, on occasion, take a long time.

But like the gentleman from Upshur, I would suggest that we, we need not fear ourselves, our states . . . This other mechanism to compel Congress to call together a convention for the purpose of proposing amendments exists in the document, in the Constitution, as the final recourse when Congress will not act to propose necessary amendments. And, as the gentleman from Upshur pointed out, it may never go to a convention of the states. On other occasions in our history when the states have done what we should now do, stood up and said, "Congress, you have to act" and called for such a convention, ultimately, the Congress has capitulated. Popular election of senators was such an occurrence—popular election of U. S. senators.

I am sufficiently confident that the ratification process which would require the assent of 38 states provides an adequate check on anything odd such convention might do or recommend if it were convened. Mr. President, the, the threat to our liberty at the moment, the greater threat to our liberty, is not a call for the, or by the, people to act to revise our structure of government—the greater threat to our liberty is inaction, inaction, as was mentioned, a national debt fast approaching \$20 trillion, of Code of Federal Regulations that would fill this room, probably.

The members of the Constitutional Convention in 1787 surely never imagined our modern regulatory state. But a limitation on the power of the federal government that

I would love to see, and I'm willing to put my name upon, and my vote behind, this resolution for the purpose of pushing toward, is something that we do here in West Virginia. A limitation that I think is reasonable on the power of the federal government would be simply that no regulation of the federal government be effective upon the people unless and until the Congress approved it.

Think about that. In our, in our rule-making process we empower executive branch agencies to make, propose rules and regulations but we don't give them carte blanche to impose them on the people. We require them to be reviewed and approved by the elected officials, the House, the Senate and the Governor in the form of legislation. Because of the absence of that authority oversight in Washington we see things that are incredulous if you think about it. Members of Congress standing up and decrying the breadth of regulations imposed upon the people. The Congress gave them the power. I would like to see a limitation on that but no executive branch agency of the federal government has authority to bind the people to rules or regulations unless and until they're approved by Congress. If that were the case, we wouldn't have things that we have right now in this country. Regulatory agencies of the federal government imposing rules and regulations that have been expressly rejected by the Congress.

I do not fear, I do not fear the exercise of the authority expressly given to the people to control the federal government.

Mr. President, I could go on longer but I'll spare everyone that. I urge adoption of the resolution.

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**Requiring official business and records of the state and its political subdivisions be conducted in English**

*(Passage of Eng. Com. Sub. for House Bill 3019)*

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**REMARKS OF  
HONORABLE  
DOUGLAS E. FACEMIRE**

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*Thursday, February 25, 2016*

SENATOR FACEMIRE: Thank you, Mr. President.

With all due respect for my Junior Senator from Harrison County, this is the greatest country in the world. But think back when our ancestors came here. One of the things that they realized was you have to have a common language so that we can all communicate. My grandfather would not allow any of his children to speak German because he wanted them to be able to interact with the people who came here from other different countries. Look, you have the right to speak whatever language you want to in your house you have with your family. But there's a requirement. If we're not careful when our armed forces are out there and we have soldiers from Mexico, and Japan and China, if they all can't speak English, how, how are we going to communicate?

Look, it is not free to be a United States American citizen. That's a misconception. We have responsibilities to this country and part of them is to be a good citizen and be able to communicate. And when you do not . . . if, if we're going to be able to do all these different languages and all like that, what's the point of learning the English if you don't have to?

I'm not a racist person at all and this isn't about race. It's about our country. And it's important that we are able to communicate with each other.

A few years ago, me and my father was in a store in Los Angeles, California. And



they came over the intercom in Spanish. Didn't follow up with English. And my dad looked at me and said "I hope the building's not on fire." That's a true statement. And, and, and look, if you're going to live in this country, you have a responsibility to learn our language, and, and, and especially in our government. I mean, I can't speak anything else. I'm sorry, but I can't. I want to be able to communicate and I want you to be able to communicate with me.

But I want to close by saying there's an old saying that we've all heard: When in Rome, do as the Romans do. When you're in the United States, we speak English. And it's something else, the whole world uses the English language as a means of communication. And if they didn't do that, when they all get together, how are we going to talk?

I, I just think that it's important that we remember this is the United States of America and we're supposed to have common language so that, regardless of where you came from, you can communicate. And I, I know I'm just a country guy, and I know I don't have the education that a lot of these people have but I want to be able to say "Hello." And if you, and if you cuss me, I want, I want to be able to know you just cussed me.

For these reasons, I stand in support of the bill.

Thank you, Mr. President.

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**Requiring official business and records of the state and its political subdivisions be conducted in English**

*(Passage of Eng. Com. Sub. for House Bill 3019)*

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**REMARKS OF  
HONORABLE  
HERB SNYDER**

*Thursday, February 25, 2016*

SENATOR SNYDER: Thank you, Mr. President.

I want the public—I believe the legislators know—but I want the public to understand what we're doing. I think this is fairly easy to misunderstand. This is more of an official endorsement of the English language. It's an endorsement. It . . . we have in process today that, if you are very fluent in another language and learning the English language, you may want to take, have to take your driver's test in Spanish so you can come here, get a driver's license, drive legally. That will not change. My understanding is and assurances of Gov Org's chair that those, the same process that's in today, if you're in . . . this is not so much that people aren't trying to learn the language but they're broken and they would do a lot better in their native language when they first come here to get a driver's license. We have that with orchard workers that are migrant laborers, legally, legal migrant laborers that came to pick apples up in our area of the state. In order to get a driver's license . . . they would quickly pass that test if it was in Spanish. They might really struggle with, with English.

So, the other is, in a lot of the professional licensing and I was involved with a, an older lady from Vietnam. Her daughter owned and still does own a wonderful hair salon and nail tech in Harpers Ferry. Her mother was learning the English language. It was broken. She was not real good at it, at, but preferred to take the language in, the test, the nail tech written test, in Vietnamese. No harm in that. That's put out by a professional companies that do this testing. I'm sure it's done in a lot of different agencies that you can take the test

in other language because they're just, they might be learning and the best of intents, they might even be new American citizens, but they're more fluent to give technical tests in those other languages. That will still be the case after the passage of this bill just as it is today. And I want to assure everyone that this is more of an endorsement for the English language. We're not saying by any means, shape or form that the same thing that's happening today to print these manuals and allow some testing to allow these people to be disseminated as good, licensed, just like driver's license, citizens and participate in our state. I, I do think that there's no harm there. I wanted, Mr. President, to make sure that the public understands we're, we're not doing away with all the things that are currently in law today and manuals that are printed today.

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**Requiring official business and records of the state and its political subdivisions be conducted in English**

*(Passage of Eng. Com. Sub. for House Bill 3019)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

*Thursday, February 25, 2016*

SENATOR ROMANO: I stand duly chastised.

But, but I, I do want to make clear and on the record that this bill cannot be used to deny immigrants or people whose second language is English from being able to utilize the government for the basic forms, to be able to complete basic forms they need to assimilate into our culture. I think we should make every new immigrant learn the English language when they come to our country. I

think we ought to provide classes for them to do that. My concern is if this bill—and I think it's broad enough to be used—could be used to take away from immigrants the things that they need like a driving test to be able to be a productive part of our society.

But I do stand duly chastised. And with that on the record I will vote for the bill.

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**Designating February 26, 2016, as Marshall University Day**

*(Adoption of Senate Resolution 52)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Friday, February 26, 2016*

SENATOR PLYMALE: Thank you, Mr. President.

Sometimes we have to see things in different-colored glasses and I thought, today, this would be a good time to wear, wear these to try to typify how I feel about this university. I can't see real well . . . so, you all look a lot better here in the, in the Senate chamber. But you know, Marshall University's been very, very close to me and, and close to my family. My, my father went to school there. My mother graduated from there. My mother was actually the first graduate from Marshall University in special education. She went on to receive her doctorate and taught at Marshall for 23 years. You know, Dr. Clagg, geography professor, was a mentor of mine. He was one that I, at 12 years old, used to go up to on campus and visit him.

And I knew the importance of Marshall University to Huntington but, as I got older, you have seen the town and gown situation

for Marshall and the city of Huntington and the whole area. Marshall is important to the whole state but, particularly, to the Huntington area. As you look at the school of medicine that's come along, the school of pharmacy, physical therapy and, one that I'm very proud of that we passed legislation to allow in 2004, the school of engineering. The school of engineering will have as much of an impact, maybe not as much but pretty close, to what the school of medicine has had to, to Marshall University and our, and the Huntington area.

It's with great pride and privilege that I welcome Dr. Gilbert on his first visit here officially as the Marshall president. And we thank you for being here and we appreciate all that Marshall does for the State of West Virginia and to the areas that the Senator from Cabell and I represent.

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**Designating February 26, 2016, as  
Marshall University Day**

*(Adoption of Senate Resolution 52)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

*Friday, February 26, 2016*

SENATOR WOELFEL: Thank you, Mr. President.

I think this time last year I professed my long-standing admiration for Doc Holliday but, today, I want to introduce you to a person who will be a visionary for our entire state. He's a very bright guy. He possesses the quality of humility. He's a great listener. That'd be Dr. Jerome Gilbert. So Dr. Gilbert, welcome to the Senate and everyone with you.

**Designating February 26, 2016, as  
Marshall University Day**

*(Adoption of Senate Resolution 52)*

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REMARKS OF  
**HONORABLE  
MIKE HALL**

*Friday, February 26, 2016*

SENATOR HALL: Thank you, Mr. President.

It's hard for me to not say something on Marshall Day. I grew up in Huntington on Twenty-seventh Street and First Avenue which is about a 25-minute walk to the university. As I said here a couple of years ago, I wouldn't be here except for Marshall basketball program because my father was a basketball player and met my mother down there and they, he was recruited by Cam Henderson from the Pittsburgh area. So . . .

But last night I was down at the basketball game and I think there were 8,600 people there. When I grew up, basketball was the big deal. We'd go to the Memorial Field House. I can remember, those are some of my most memorable days to go over there and watch basketball, you know, see those somewhat hotly contested games. I'll never forget one against Toledo one year where it ended up in a brawl. You know, and so it's dear to my heart, the university, Marshall University. And, you know, last night I was down at the game and I was sitting next to a friend of mine and we were, we were not in the box, Mr. President, we were up in the cheap seats. We were up a little higher which was just fine for me and we looked up and saw that banner that said 1947 NAIB champions. And I looked at the person sitting next to me and I said my father played on that team in 1947. They won that national championship. And then

I looked at her, it was a friend of mine, I said, and I was born in 1948, so something . . . . I don't know but, I don't think I was a Super Bowl baby but, but, you know, and then I was there, you know, then the football team, let's admit it, when I was in the university they had, I will never forget the time that, while I was down there in the sixties, that Marshall's football program was kind of struggling, Doc. It was, it had lost 28 straight games. And so we had this, we were a 28-point underdog to Bowling Green, Don Nehlen's team—never forget this, this is very memorable—and so we stopped the streak, we don't want to be the worst team, the first team in NCAA history to lose 29. Those of you who do not know or remember it was a rainy day at Fairfield Stadium and instead of losing 28 to nothing, we won 28 to nothing. And, and, you know, there's sometimes you don't win Super Bowls and you don't win the conference or whatever but that was a great victory. It was highly celebrated that night so, you know, I'm here watching them shake their heads yes, they know I know the history of the university.

I'm tickled to death to be here, a Huntington person, and, and just thrilled to celebrate, you know, Marshall University, and to see that football and now basketball, is real exciting. I was watching on tv the other night—I think our team shoots 48 percent of its shots from the three-point range. If that isn't fun, I don't what is. So, anyway, it's great to watch.

Thank you very much for being here.

Thank you, Mr. President.

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**Designating February 26, 2016, as  
Marshall University Day**

*(Adoption of Senate Resolution 52)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

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*Friday, February 26, 2016*

SENATOR STOLLINGS: Thank you, Mr. President.

I, too, rise in support of this resolution. You all know that I'm a proud Marshall University School of Medicine graduate. The second graduating class; the first class that had a full year under their belt. The first class who graduated in '81 actually started in December and finished a very accelerated program but a good program nonetheless. And I, I look and see the growth of that institution from our little 50-person classrooms that were attached to the back to where it is now and I, and, and I also see the tremendous impact in health care delivery that's resulted from that. And we graduates are nation and worldwide and have had, I think, a very positive impact on the health care system. And I'm just very proud to have been a graduate of the now Joan C. Edwards Marshall University School of Medicine.

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**Designating February 26, 2016, as  
Marshall University Day**

*(Adoption of Senate Resolution 52)*

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**REMARKS OF  
HONORABLE  
MARK R. MAYNARD**

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*Friday, February 26, 2016*

SENATOR MAYNARD: Thank you, Mr. President.

I'm very proud to call Marshall University my alma mater. And no doubt, single-

handedly, is the reason for helping me to do my job here on the Senate. All those countless hours spent writing papers and doing group presentations, having to dress up in, in a suit and tie and do the presentations just, you know, really helped me prepare for this. And my hat's off to you and I very proudly love to be a part of this resolution.

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**Designating February 26, 2016, as  
Marshall University Day**

*(Adoption of Senate Resolution 52)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

*Friday, February 26, 2016*

SENATOR BOSO: Thank you, Mr. President.

I had the distinct privilege of beginning my collegiate career at Marshall University in 1975. Unfortunately, in order to make way for the medical facilities at Marshall University, the engineering program was sort of dwindling away . . . but it was a good place to start. It was a good place to come, call home. I'm really excited for the vision of Marshall University especially now that we have a state-of-the-art engineering facility that will continue to train people who impact people's lives every day throughout, not just West Virginia, but the world. Engineers that, you know, we, when we, when we consider what impact they have on our society . . . if we make a mistake, it is catastrophic. But to do it right is such a phenomenal art when you look at the masterpieces that we have around the United, not only around West Virginia, but around the United States. I'm excited that West Virginia has Marshall University here for the work they continue to do.

Thank you for being here today.

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**Honoring William "Red" Dawson for  
dedication and service to Marshall  
University and West Virginia**

*(Adoption of Senate Resolution 53)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Friday, February 26, 2016*

SENATOR PLYMALE: Thank you, Mr. President.

I was 15, almost 16, when the plane crash occurred and like most West Virginians and, in particular, Marshall University fans you recall the day and time similar to the 9/11 attacks on the United States. You remember where you were, you remember what you were doing, who you were with. And I was with my best friend, Lacey Hardwick, in Kenova. And, you know, I could tell that story but I will not get into that. That evening and the days following were etched in your memory.

Also, as person that attended all the games with my father and my brother, I knew all the players, the stats, and also my mother was a faculty member as I mentioned earlier and had several of the players in her class. She, and at that time, some of the faculty members made sure that they had a connection with the, the players that were lost in that crash and my mother was the faculty representative of funeral . . . Bob Patterson from Louisburg, North Carolina, and she was later asked by Nate Ruffin who was in the movie and a player to, to write a letter of reference when he was being interviewed for a position with Gannett News.

Now, let's talk specifically about the man we are honoring today. I'd like to share a couple of stories with you regarding Red. And the first one I'm going to do is sort of a humorous one, because you got to understand Red. He's a very serious guy but he's also one that has a very good light side. So my wife and I, Jennifer, were at the Marshall president's home when the *We Are Marshall* movie was getting ready to be filmed—I think it was April of 2006—and, we were standing next to Red and all of a sudden January Jones comes in that was playing his wife in the movie. Now, the, the part of that movie that was shot—was actually shot at my aunt and uncle's house in Kenova where they shot that—that isn't where they lived, but Red looked at Jennifer and I and said "Maybe she'd like to meet the real Red Dawson."

Now, there's another true story that, about Matthew Fox who played our Red Dawson in the movie that I'd like to share with you. At a function after the premiere of the Marshall, *We Are Marshall* movie in Huntington, Matthew Fox told a close friend of Red's how hard he had fought throughout the filming of the movie to keep Red's character as pure and as accurate a reflection on the real Red Dawson as possible. He said that too often to create more interest in a movie, directors will sometimes stretch the truth a great deal. From the outset, Matthew Fox vowed not to allow that to happen as a role as Red Dawson. He wanted Red's character traits, Red's spirit, Red's determination, Red's love of Marshall and even Red's grief to come through in the purest form. He thought it was critical and necessary part of the movie. This accurate representation of Red did not happen by accident. After reading the script, Matthew Fox decided he wanted to get to know the real Red Dawson. To do this, he invited Red to stay with him for several weeks while he was filming the tv episode *Lost* in Hawaii. Not so bad in Hawaii. The time Matthew and Red spent together produced a real friendship. We are

so glad that Matthew Fox made sure that the Red Dawson you saw in the movie was the real Red Dawson. And just as Matthew Fox prized his friendship with Red so do many people in our region. And he is one of our favorite sons.

Please welcome here today the real Red Dawson.

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**Honoring William "Red" Dawson for  
dedication and service to Marshall  
University and West Virginia**

*(Adoption of Senate Resolution 53)*

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**REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL**

*Friday, February 26, 2016*

SENATOR WOELFEL: Thank you, Mr. President.

I'm a newcomer. Of course, I showed up last year and some days I feel like I'm in the, a student in the, enrolled in the university of self-congratulations. We all tell each other how great we are in floor speeches and we comment daily about our great qualities. We have today, in my humble opinion, a true person of greatness. And he shows that, not with his words, but with his actions, leadership and really a lifetime of service to our community. So, I'm greatly honored to welcome today to the Senate my friend, Red Dawson.

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**Honoring William "Red" Dawson for  
dedication and service to Marshall  
University and West Virginia**

*(Adoption of Senate Resolution 53)*

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REMARKS OF  
HONORABLE  
MIKE HALL

*Friday, February 26, 2016*

SENATOR HALL: This is a more somber moment. I, I was a 1970 graduate of Marshall University so I knew a lot of these people. And when I . . . I, I refuse to go to the movie. I'd probably have to sit down for a year because they were good friends of mine that lost their life in that air, air, air crash. But sir, what you did, and the other folks, what you did after that were marvelous. I had . . . I knew Dr. Hagley who, you know, was an East End guy. You all remember him. And though my comments about the stop of the streak what I think in 1970, when was that, 1960 . . . I think it was 1967 or 8. But after that the team was rebuilding. And it was that rebuilding team, you know, that got, that went down. And of course all of us from Huntington know deep inside of us that, you know, there was some serious discussion about no more football program. But you kept it going and look where it is today. And, you know, I was there when we won the national championship AA and Doc's going to take us one of these days, it will be a miracle, maybe we'll win the national championship one of these days. But I'm glad, you know, we can have the opportunity to at least not forget what happened and to celebrate, you know, not only to honor those who passed on but to celebrate those like yourself, sir, that, that gave us a future down there. I, I, you know, my heart goes out to you and all that you did. I appreciate you being here today.

**Honoring William "Red" Dawson for  
dedication and service to Marshall  
University and West Virginia**

*(Adoption of Senate Resolution 53)*

REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

*Friday, February 26, 2016*

SENATOR ROMANO: Thank you, Mr. President.

As a WVU alumni, I'd like to stand and, and honor my friend, Red Dawson. You know, Coach Dawson, my brother, Dave, played for Marshall. At the time, my cousin, Frank Loria was a coach with Brad and died in the plane crash. And, you know, what I remember, I'm always saying about Red is he was a tough, mean, s-o-b. That he ran them to the ground and if he wasn't running with them there was something wrong because he treated the coaches just like he treated the players. He wanted 110 percent. But, you know, the measure of a man is after failure or after a tragedy and Red's not only been successful in his, in his own life but he's helped kids, he's written a book, he's done great things. We have the Frank Loria awards banquet up in Harrison County. Red's there every year. Drives up from Huntington, comes by himself a lot to, to congratulate those kids and that's how you measure a man. So, I welcome and join in the resolution for my friend, Red Dawson.

**Creating William R. Laird IV Second  
Chance Driver's License Act**

*(Passage of Eng. Com. Sub. for  
Senate Bill 634)*

REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

*Saturday, February 27, 2016*

SENATOR TRUMP: Thank you, Mr. President.

The Committee Substitute for Senate Bill 634 amends the code with a whole new article and it's embedded, would be embedded in chapter seventeen-b, article seven. This was introduced as a Governor's bill, introduced By Request of the Executive, and introduced as the West Virginia Second Chance Driver's License Act to address the problem wherein people have their license in suspended status because of their failure to pay court costs, other expenses . . . and we had legislation with this last year. The, the bill allows the Division of Motor Vehicles to set up a program that would, would stay the suspension or revocation of a license while a driver goes onto a payment plan with the DMV to pay up these old court costs that are causing his or her license to be suspended. The parameters of that are that calls for minimum payments of \$50 each month, a maximum timetable of one year. There's no amnesty in this, Mr. President. In other words, it doesn't relieve anybody of his obligation to pay the court costs or fines that he owes. The bill directs the, the Division of Justice and Community Services to handle any administrative costs for overseeing the program and it, it, basically, the idea is same as the Second Chance Employment Act, Mr. President. We're looking for ways to get people who can, able, to return to work in this state.

Now, the Committee on the Judiciary made one other important amendment and I'd ask the members to listen carefully. Because of the work over a long period of time of one man, one member of this Senate, on this issue the Committee on the Judiciary changed the bill, changed the name of the act, Mr. President. So that gives me great pleasure, today, to urge the body to adopt the William R. Laird IV West Virginia Second Chance Driver's License Act.

I'd be happy to answer questions.

### **Creating William R. Laird IV Second Chance Driver's License Act**

*(Passage of Eng. Com. Sub. for Senate Bill 634)*

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#### **REMARKS OF HONORABLE WILLIAM R. LAIRD IV**

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*Saturday, February 27, 2016*

SENATOR LAIRD: Thank you, Mr. President. After that, I, I think I need to say something.

Ladies and gentlemen of the Senate, I rise today in strong support of Senate Bill 634. This Governor's bill is intended to address the serious problem related to the suspension and revocation of driver's licenses due to unpaid court costs. In the most recent year in which such data was available, I find it remarkable that the State of West Virginia annually revokes and suspends over 89,000 driver's licenses within our state. Even more remarkable is that over 60,000 of these suspensions and revocation actions were due to the inability to pay the court costs associated with traffic citations and other court actions.

The provisions of this bill, as has been explained, will create a common sense program whereby persons will be able to regain their privilege to drive and operate a motor vehicle in our state who are responsible in installment payment process administered by the Division of Justice and Community Services.

As we well know, West Virginia continues to struggle with the lowest workforce participation rate in the nation. Given the rural nature of our state, a valid West Virginia driver's license is a necessary and essential prerequisite to workforce participation. For many years, I've heard



people say, “I can’t work because I can’t drive.” At the same time, I’ve heard people say, “I can’t drive because I can’t work.” The passage of this legislation will, in my judgement, have a very real and substantial impact on our workforce participation rates in the State of West Virginia.

Mr. President, this is a jobs’ bill. I encourage the passage of this important legislation.

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**Creating William R. Laird IV Second  
Chance Driver’s License Act**

*(Passage of Eng. Com. Sub. for  
Senate Bill 634)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

*Saturday, February 27, 2016*

SENATOR MILLER: Thank you, Mr. President.

I have to speak for this bill because I’ve heard that speech for six years from him, since I’ve been in the body. So, I, I think he firmly believes what he’s saying. And I agree with him. And I think it’s an honor to stand today to support this Governor’s bill, the William R. Laird IV Second Chance Driver’s Chance [sic].

Thank you.

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**Reaffirming sister-state relationship  
between West Virginia and Taiwan**

*(Adoption of Senate Resolution 56)*

**REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER**

Tuesday, March 1, 2016

SENATOR KESSLER: Thank you, Mr. President.

I rise in support of the resolution. For those that don’t know, we have had sister-state relations with Taiwan now for 36 years—which I believe is, probably, the longest standing for any of our State of West Virginia. And during those 26 [sic.] years we have had, we have grown very close with our friends from Taiwan. Many of us, I know myself, the Senator from Marion, the Senator from Taylor and the Senator, Junior Senator from the Seventeenth have had an opportunity to be their guest and to visit their wonderful country. And it was a really, a wonderful, eye opening experience and, and created some opportunities for mutual trade and opportunities between our, our state and our country. And that’s important, Mr. President, because in West Virginia during 2014 we exported more than \$48 million worth of goods to Taiwan. They’ve become the twenty-third largest export market in the world and it’s a key trading partner for our state. They have also become, over the last, during that period of time, a real beacon for democracy for Chinese communities throughout the world.

And I’m sorry to have to report, as many of us know, that back in February tenth of this year that there was a 6.4 magnitude earthquake which struck Taiwan leading to great devastation. So I want them to know, and their country to know, that we value your friendship, that the recent tragedy and of the earthquake, we keep you in our thoughts and prayers and look forward to a continuing, prosperous and wonderful relationship with the, the great people of Taiwan.

And I urge the adoption of the resolution,  
Mr. President.

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**West Virginia Religious Freedom  
Restoration Act**

*(Adoption of amendments offered by  
Senators Palumbo and Stollings  
to the Judiciary committee amendment to  
Eng. Com. Sub. for House Bill 4012)*

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REMARKS OF  
**HONORABLE  
MITCH CARMICHAEL**

*Tuesday, March 1, 2016*

SENATOR CARMICHAEL: Thank  
you, Mr. President.

This issue's not easy. And I rise in support  
of the gentlemen's amendment. I prayed for  
clarity, wisdom and discernment on this. I  
don't think I've ever mentioned our faith in  
a debate in this Senate chamber, or in the  
House chamber for that matter, even though  
as the gentleman from the eighth said the  
other day, frankly I heard our Clerk say one  
day, that it colors and influences everything  
we do. And it should. It does and it should.

I believe in the goodness of people.  
I want the poor to be rich and the weak  
to be strong. And when we build walls,  
we diminish that. To the aggrieved, is a  
shield against discrimination any different  
than a sword to perpetrate the act? I don't  
know. I've never been, to my knowledge,  
discriminated against.

You know, I come here every day and  
really, in my life, with a joy and people  
even mention it, you know? They say  
"Yeah, you always seem happy." And I am  
because what's inside of me is better than  
what's outside.

I just think this sends the wrong message,  
Mr. President. I think we need to value the  
human dignity and the, the goodness in  
people. I don't want this to be used, and  
I, I know those who promote this do so  
with the best intentions, everyone here is,  
I mean, I am just, you know, I never quote  
scriptures but one of my favorite scriptures  
is to value others is better than yourself.  
And, certainly, I do that here. And I, I just,  
I don't want us to go down this path. I just  
don't. I work hard for jobs and opportunity.

For those reasons, I would ask that we  
adopt this amendment, then we can vote  
for this bill, allow it not to be used for  
discriminatory purposes. To value the  
religious freedom and protection that we  
hold so dear and to recognize the human  
dignity and goodness of people that are  
different than us.

Thank you.

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**Relating to the West Virginia University  
Institute of Technology**

*(Passage of Eng. Com. Sub. for  
House Bill 4310)*

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REMARKS OF  
**HONORABLE  
WILLIAM R. LAIRD IV**

*Monday, March 7, 2016*

SENATOR LAIRD: Thank you, Mr.  
President.

Ladies and gentlemen of the Senate, I  
rise today to speak in strong opposition to  
the passage of House Bill 4310. I do not  
speak often on the floor of this Senate. I am  
respectful of our process and the time of  
others. However, today we are considering  
the closure of a college campus that has

been a part of a community in my county for over 120 years. This matter is important to me and many others. For this reason, my remarks here today may be somewhat longer than normal and I ask that you indulge me for a few extra minutes here today. Hopefully, my annual head cold will not interfere with my ability to speak.

This particular bill will remove the statutory language requiring that the headquarters for WVU-Tech be located in the City of Montgomery and will clear the way for the closure of the Montgomery campus through the relocation of WVU-Tech to the Beckley campus in the fall of 2017. I am told by many that this is a done deal—the cake is baked and Tech is toast. However, I will remind this body that this great institution of higher education was established by the West Virginia Legislature in 1895 and only this Legislature can provide for the closure of the Montgomery campus and authorize its relocation to Beckley through the passage of this legislation.

Mr. President, as I stand and speak on the floor of the Senate today, I carry with me a great burden and responsibility to effectively communicate to this body the interests and concerns of the many citizens of the Upper Kanawha Valley who will be adversely impacted by the closure of this great academic institution. To my colleagues in the State Senate, I need not remind you that we all have state-owned institutions and facilities of one type or another located in our districts throughout the state. As elected representatives of the people, we have a high-level duty and responsibility to protect the interests of our district and to advocate for the resources required to ensure the survival and ongoing viability of institutions and state-owned facilities located in our home communities. In this regard, I can assure you that Tech is every bit as important to the people in the Montgomery area as Concord is to Athens, as Glenville State is to Gilmer County, as

Bluefield State is to Mercer County, and so on and so on. It is for this reason that I would encourage the members of this great body to sit up, pay attention and listen carefully. Today is my day to stand up in defense of a school which has been a central part of a community for the last 120 years. It may well be your turn tomorrow to try to do the same.

In our consideration of House Bill 4310, I feel that it is important to understand the historical sequence of events which have led to WVU's interest to abandon the Montgomery campus and relocate Tech to Beckley. My remarks here today are very similar to those which I shared at an emergency meeting of the WVU Board of Governor's in Morgantown on September 1, 2015. My knowledge of these matters come not from what I have read or been told but, rather, from what I have experienced and lived in dealing directly with these matters in the past 20 years.

Prior to 1996, West Virginia Institute of Technology was an independent, stand-alone, baccalaureate institution with a diverse academic curriculum aligned to the higher education needs of students throughout Southern West Virginia. Of particular significance to Tech was the Leonard Nelson School of Engineering, considered by many as being one of the finest small engineering schools in the nation as measured by its consistently upper tier ranking among peer institutions of similar size. As evidenced by the professional success of its many alumni, you could get a world class education in the field of engineering at Tech in Montgomery.

In 1996, by action of the West Virginia Legislature, Tech surrendered its independent status and became a regional campus of West Virginia University. At that time, I was employed as the President and CEO of Montgomery General Hospital and was also a member of the House of Delegates from Fayette County. During

that time, I can recall several meetings that I had with then Tech President John Carrier concerning his negotiations with then WVU President David Hardesty relating to the potential positive benefits or negative consequences associated with this proposed affiliation. In the end, it is my belief that Dr. Carrier viewed the affiliation of Tech with WVU as a collaborative means to achieve certain economies available by means of shared resources with WVU that would be important to the long-term survival of Tech in Montgomery. As a true testament to the fact that WVU had a keen interest in asserting itself as the exclusive decisionmaker on all matters related to the operations and ongoing viability of Tech in Montgomery, in 2007 WVU promoted the passage of legislation whereby Tech became a fully integrated division of WVU.

For purposes of our debate here today, what is important to recognize and understand is that for the past 20 years WVU has sought and received what can only be considered as absolute control and authority over all matters related the operation of Tech in Montgomery. Clearly, for the past 20 years, the relationship between WVU and its division in Montgomery can only be described as a tightly woven fabric of dependency whereby the future of the Montgomery campus was totally dependent upon the wisdom of the decision-making authorities in Morgantown.

At this time period, in this time period during which WVU sought and received increased levels of control and responsibility for its Montgomery campus, certain things were allowed to occur which contributed to the erosion and decline of the strength of Tech.

Clearly, the aborted tempt, attempt by then President Charles Bayless to move the School of Engineering out of Montgomery in an effort to locate it to the Dow Center in South Charleston had the effect of destabilizing the student enrollment base

on the Montgomery campus and created a climate of distrust within the community. During this same time period, little was done to retain the Corrections Training Academy then located on the Montgomery campus prior to its relocation to the campus at Glenville State College.

In retrospect, while these and other less than prudent decisions impacting student enrollment can be viewed as having contributed to the decline of the Montgomery campus, all things pale in comparison to the cumulative effect and consequences resulting from the failure to properly invest in and maintain the buildings and basic infrastructure located on the Montgomery campus. The capital investment needs to address the serious building and infrastructure problems existing on the Montgomery campus have been well documented but are yet not totally consistent in their findings.

Briefly, in 2011 through the passage of Senate Bill 486, the West Virginia Legislature sought to encourage a process to carefully review and examine a number of factors intended to result in a plan for the revitalization of WVU-Tech in Montgomery. A revitalization team of experts conducted a detailed study of the Montgomery campus and published its report on October 7, 2011. This particular report was later presented to the Legislative Oversight Committee on Educational Accountability prior to the commencement of the 2012 legislative session. While this report examined a number of areas important to the revitalization of the Montgomery campus, the capital improvements and facilities' need portion of this report made it clear that the state needed to make a five-year commitment of capital outlay that would total \$30 million or more. The following observation included in this report was to me most convincing, and I quote "A significant investment in WVU-Tech is needed. If the governing bodies cannot commit to a five

to seven million dollar investment for each of the next five years, the revitalization legislation of 2011 will be seen as merely an exercise in futility.”

Following the 2012 legislative session, under the authority and direction of the Higher Education Policy Commission, another revitalization committee was organized to evaluate the needs on the Montgomery campus. In considering the deferred maintenance and capital outlay required to address building and infrastructure needs, this committee appeared to rely substantially on an earlier integrated facilities plan prepared by Sightlines in May 2011. This particular report called for the expenditure of more than \$70 million in buildings, grounds and infrastructure project needs on the Montgomery campus, including an immediate \$40 million outlay for projects deemed to be essential. These initial estimates have since been inflated to include numbers in excess of \$100 million for building and infrastructure needs on the Montgomery campus. In consideration of these matters, I am convinced that the initial \$30 million to \$35 million in immediate capital outlay is a more accurate reflection of the building and infrastructure needs existing on the Montgomery campus and that the more inflated estimates have been used to justify the pending closure of the campus in Montgomery.

Following the work of the revitalization committee, our legislative delegation was advised to pursue and try to secure approximately \$7.8 million for proposed projects during the first year that was to be a multi-year plan to address the facility needs in Montgomery. Assurances were made that WVU had agreed to share in the allocation of funds for these improvement projects. With this in mind, our legislative delegation made multiple trips to the Governor’s office in an effort to secure a supplemental appropriation to begin the multi-year financial commitment required

to address these needs. Obviously, in a budget climate where state-funding support for our institutions of higher education have been substantially reduced for the past four consecutive fiscal years, our efforts to secure this funding commitment proved to be unsuccessful.

I have chosen to address the building and infrastructure needs on the Montgomery campus because it is most often cited as a major element in the decision to close the Montgomery campus. However, what is often left out of the discussion is that when WVU pursued its affiliation with WV Tech in 1996, it is, without question, that it also assumed a high-level fiduciary responsibility for the proper maintenance and upkeep of the facilities located in Montgomery. While the building and infrastructure needs in Montgomery in 1996 were perhaps dated, they were not, most certainly not dilapidated. In retrospect, there is no doubt that the current campus conditions could have been mitigated by the development of a much earlier comprehensive facilities plan for regular financial reinvestment into the infrastructure on the Montgomery campus. In the final analysis, the lesson learned is that one should not seek to acquire what one may not be prepared to properly maintain.

At this time, a word of caution to the members of this body appears appropriate. As we continue to cut higher education budgets in our state, we are creating a fundamental shift in funding where increased reliance on student enrollment and tuition will be required. With increased levels of competition among four-year baccalaureate institutions who are forced to compete in attracting a finite and shrinking number of traditional students, I am of the strong opinion and belief that the competitive landscape of higher education in our state will become increasingly more strategic and predatory in nature.

As our colleges and universities continue to compete for market share, we need a

traffic cop in the intersection to control moves of strategic interest. We may need to strengthen rather than weaken the role of the Higher Education Policy Commission in the oversight of higher education.

With the closure of the Montgomery campus and the opening of a new school in Beckley, WVU projects that the Beckley campus is financially viable with an enrollment of 3,000 FTE students. To those members of this body having institutions of higher education located within your districts which may be affected by the introduction of this new institution into your traditional market areas, a sage word of advice seems appropriate.

First, recognize that students will likely come from the enrollment base of some already existing four-year institutions. Second, be cautious of such conciliatory gestures as collaboration as a means to achieve the lofty goals of higher education. Twenty years ago, West Virginia Tech began what could best be called a collaboration, and here we are today. And, finally, do not convince yourself as being able to protect your institutional interests by creating some legislative firewall of, of protection embedded in the statutes of the West, the State of West Virginia. With our consideration of House Bill 4310, we are about to remove the final legislative language standing in the way of the closure and transfer of an institution that has stood for 121 years in the community of Montgomery. It is only a matter of time before speculation will begin on who will be next.

In considering the decision-making authority of the Board of Governors of WVU to close the Montgomery campus in the fall of 2017 and move all students to the Beckley property previously occupied by Mountain State University, it is very clear that the move to Beckley is being viewed as being a turnkey solution to the more difficult and complex problems existing on

the Montgomery campus. As confirmation of that fact, I was rather taken back several weeks ago when I heard the president of the Board of Governors of WVU describe the availability of the former Mountain State University property in Beckley as being “manna from Heaven”.

How easy it has been to trumpet the virtues of enhanced access to higher education opportunities for students in southern West Virginia as an extension of the mission of WVU while, at the same time, permitting this same institution to abrogate or otherwise walk away from their commitment and high-level responsibility to their Montgomery campus and the citizens of the Upper Kanawha Valley. It is for this reason that I view our decision concerning the future of the Montgomery campus as requiring careful consideration of certain fundamental principles of fairness and ethics grounded in the core values of our state’s great land grant institution.

Mr. President, throughout my lifetime, I have watched many coal cars and barges traveling out of the Upper Kanawha Valley as part of the process for the removal of the mineral wealth from our mountains. The long established pattern of acquisition, extraction, depletion and departure is something we have perhaps learned to accept in the Upper Kanawha Valley and the coalfields of southern West Virginia. Those words are worth repeating: Acquisition, extraction, depletion and departure. The downturn in the regional economy of the Upper Kanawha Valley and throughout Fayette County has spawned a climate of hopelessness and despair as reflected in the belief by many that no words can be found to dissuade this Senate from taking final action today for the closure of the Montgomery campus.

Today, the once great County of Fayette is on her knees. Our public school system is falling apart to the point where we can no longer properly educate our children. Our

coal severance tax revenues are spiraling down and there is an outward migration from our communities that I have not seen during my lifetime. And now, with this legislation, we will be closing a campus located on 114 acres in a struggling community of 1,700 people, leaving vacant 668,000 square feet of building space left to wither away on a hillside overlooking the town. In taking this action, it is important for this body to recognize and understand that, in providing for the closure of this campus, we will be doing so without the benefit of an economic impact study intended to assess the consequences of our actions on the regional economy of the Upper Kanawha Valley. In providing for the closure of an institution of this size, we need to be sensitive to the collateral consequences of our decision and the ripple effect that it could have on such major employers as Montgomery General Hospital and other businesses located in the Upper Kanawha Valley. While the county commissions of Kanawha and Fayette, in addition to the City of Smithers, have sought ways in which to buffer and mitigate the, the economic impact of the closure of the Montgomery campus through the executions of Memorandums of Collaboration with WVU, I remain skeptical of the ability of this, these collaborations in stemming the tide of the economic consequences that will most certainly follow. I do not consider myself to be an alarmist. However, in this instance, I consider a green button on this bill to be a detonation switch on the regional economy of the Upper Kanawha Valley. "Seek to do no harm" is an important part of our principled and ethical decision-making responsibilities.

In making my final observations concerning this bill, they will perhaps be viewed as being more procedural rather than substantive. However, in matters of major public policy affecting the lives of people, procedure is very important. In considering the sequence of events leading

up to the September 1, 2015, decision by the WVU Board of Governors to close the Montgomery campus, I have been greatly disappointed in the process undertaken which resulted in this final decision. In early November 2014, I was notified that WVU was entering into exploratory discussions concerning the possible purchase of the former bankrupt Mountain State University property in Beckley. In fact, on November 6, 2014, WVU announced that it had reached an exclusive due diligence agreement to explore the purchase of the MSU property. During this period of due diligence until the, until the announcement was made on December 31, 2014, that WVU had extended an offer to purchase the assets of Mountain State University, subject to court approval, neither I nor anyone else in the community received any further information on the details concerning the, the particulars of this proposed transaction. Indeed, it was not until the minutes of the February 20, 2015, meeting of the Board of Governors of, of WVU were published that I or anyone else had the opportunity to review the content of the reimbursement resolution which provided for the purchase of the Mountain State property. Obviously, this announcement gives rise to many concerns related to the future of WVU-Tech in Montgomery among community stakeholders and elected officials in Fayette County.

Following our confirmation of the fact that this purchase transaction had been completed, I and others undertook actions in an effort to gain further insight into the implications of this decision and its impact on the Montgomery campus. Despite our efforts to gain some insight concerning the consequences of these decisions, we were advised that such matters were premature and that no final decisions had been made concerning the disposition and future of the Montgomery campus. Following the conclusion of the 2015 regular legislative session, the mayor of Montgomery

organized a community meeting as an opportunity for citizens to ask questions and express their concerns about the future of the Montgomery campus. During this meeting, representatives from WVU confirmed that they planned to operate dual campuses in both Montgomery and Beckley in the near future. At this meeting, the campus president confirmed that there would be a freshman class at both campus locations in the fall of 2016.

In an effort to ascertain more specific information concerning the long-term future of the Montgomery campus, the Fayette County Commission held a closed door session with elected officials and representatives from WVU on May 27, 2015, at the Fayette County Courthouse. Again, at this meeting, WVU representatives gave certain assurances concerning the short-term plan to operate dual campuses in both Beckley and Montgomery but were again advised that no final decision had been made concerning the long-term future of the Montgomery campus. Finally, on July 28, 2015, I traveled to Morgantown to meet with the president of WVU and his top administrators in an effort to ascertain information concerning the long-term future of the Montgomery campus. Again, during this meeting, I was advised that no final decisions had been made. On August 26, 2015, I was notified that a special meeting of the Board of Governors of WVU had been scheduled for 12 noon on Tuesday, September 1 in Morgantown to discuss the future of WVU-Tech in Montgomery. I was further advised that there would be a meeting with area legislators at the home of the campus president on Monday, August 21 at 2 p.m. Indeed, shortly after 2 p.m. on that date, I and others learned for the very first time that it would be the intention of WVU to proceed with the permanent closure of the Montgomery campus in the fall of 2017 and to transfer all academic programs to the Beckley campus. At 12 noon on the

following day, I and others were allowed to offer brief public comment concerning the closure of the Montgomery campus prior to the actions by that board to render a final decision to close the Montgomery campus. I was greatly disappointed to see that the Board of Governors did not even choose to adjourn this meeting for purposes of deliberation but rather proceeded to immediately enact a resolution providing for the closure of the campus.

Mr. President, what I have described today is an accurate chronology of the events that I and others and what we did to gain some knowledge and insight into the important decision-making processes required for determining the future of Tech in Montgomery. In lieu of any open public dialog or discussion concerning the future of the Montgomery campus, it would appear that these matters of great public importance were made the product of closed door discussions held during executive session meetings of the WVU Board of Governors.

Mr. President, my lifetime and lifelong experience in dealing with important matters of public policy has taught me the importance of procedural regularity and transparency in those decision-making processes involving matters of high public interest and concern. Most certainly, the future fate of a 120-year-old institution of higher education and the impact of a closure decision on a regional economy of our state is well deserving of high levels of transparency and procedural regularity necessary to ensure the integrity of this process. As we all know, in our decision-making process, we have an important responsibility that, to see that all issues are properly vetted and that interested stakeholders who are impacted by our decisions are accorded the opportunity to be heard. To my fellow senators, I would assert that this important consideration related to the closure of WVU-Tech in Montgomery has been shrouded in



secrecy and has been totally lacking in the transparency required to lend some legitimacy to the final act under our consideration today. Decisions concerning the purchase of the Beckley property and the abandonment of the Montgomery campus were not made the subject of open public dialog nor was this process in any way overseen by the Higher Education Policy Commission. When there is a public perception that the process is tainted, any public policy decision emanating from such fundamentally flawed processes must also be seen as being illegitimate in their end.

In conclusion, Mr. President—and I know you're glad to hear that—I stand before this Senate today asking that we reject House Bill 4310 at this time. Under the provisions of this bill, WVU seeks the removal of language from our code which requires that the headquarters of WVU-Tech remain in Montgomery. In 2006, through the passage of House Bill 4690, WVU-Tech in Montgomery was made a fully integrated division of West Virginia University. This higher level of integration gave WVU the authority it is now exercising through its Board of Governors to close the Montgomery campus and move Tech to Beckley. As part of this legislation in 2006, specific language was included within that bill guaranteeing that the headquarters for Tech would remain in Montgomery. This assurance and language was provided for in this bill for the express purpose of reassuring local citizens and other stakeholders that WVU-Tech would not be moved from Montgomery to some other location. Therefore, should we pass House Bill 4310 today, we will be renegeing on an important promise made in 2006.

Finally, Mr. President, in consideration of my responsibilities to WVU-Tech on the floor of this great body today, the words of Dylan Thomas come to mind: Do not go gentle into [the] good night. Rage, rage against the dying of the light.

The current timeline for the closure of the Montgomery campus is the fall of 2017, not the fall of 2016. Indeed, a freshman class will begin on the Montgomery campus this fall and students will remain on campus as part of the teach-out plan through the 2017 academic year. In our consideration of this bill today, it is important to understand that we have established educational and economic development collaboratives which have not had the chance to meet. It concerns me greatly that we undertake action to permanently close a major institution in the Upper Kanawha Valley without the benefit of an economic impact study. And finally, we will be making a final decision in this matter while a civil suit challenging this closure is pending in the Circuit Court of Kanawha County. I have heard it said more than once this session that we need not engage in picking winners and losers on the floor of this Senate. Passage of this legislation now will entirely compromise and destroy the cause of action for this civil litigation.

We need not turn the lights out on WVU-Tech in Montgomery on this day at this hour. Rather, I am of the strong opinion and belief that it would be far more prudent to consider this permanent closure decision next year rather than now. In voting no on this legislation, I am of the opinion that WVU will still be able to proceed with the opening of the Beckley campus in the fall of 2016 should they choose to do so. Indeed, if this legislation is necessary, our ability to discern the wisdom of our decision will be much clearer next year when the Legislature reconvenes next January. To defer our action, we would most likely have the benefit of an economic impact study which could be used to more accurately measure the consequences of our action. We will accord those educational and economic development collaboratives established through this legislation the opportunity to voluntarily meet and gauge the effectiveness of their

efforts prior to proceeding with this matter. To defer our action on this matter would enable the Circuit Court of Kanawha County to properly consider and render a final decision on the civil action currently pending before the court. I would submit to you that it is never a good practice for us to preempt our courts by making changes to the law upon which parties to actions rely. And finally, to defer our actions would permit processes to proceed to hopefully identify possible alternative usages for those facilities prior to the closure of the Montgomery campus.

When we enter this chamber and vote as we must, I understand and greatly respect this process. For those who can join me on this “no” vote, I thank you. For those who must support this legislation, I understand. To the many friends of WVU-Tech and the citizens of the Upper Kanawha Valley, I apologize if I have been unable to find the words to convince others of what I know to be true. However, at the end of the day, I hope that it can be said that the Senator from Fayette stood up and railed and bellowed in defense of West Virginia Tech in Montgomery.

Mr. President, I urge the defeat of this legislation.

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**Relating to the West Virginia University  
Institute of Technology**

*(Passage of Eng. Com. Sub. for  
House Bill 4310)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

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*Monday, March 7, 2016*

SENATOR MILLER: Thank you, Mr. President.

I cannot say the words that the Senator from Fayette said, my colleague. But I do want to speak to the bill in front of us this day. It's a bill that should make all of us very sad for the history of a fine school; it's a bill that should make all of us very sad for the history of a town; it should make all of us very sad for a region of this state.

The outcome of this legislation, if it passes, is in some ways the story of what's taking place in all of southern West Virginia. By passing this bill we are saying that we have forgotten the roles played by regions, particularly in the south, to create what was once a great economic engine for the State of West Virginia. Passage of this bill is powerfully saying that the contributions of those, of folks of yesterday, mean nothing to us today; it becomes a story of not what have you done for us historically, but what are you doing for us now.

Allow me to be personal: When I was a young boy in Mrs. Jones' Sunday school class, one of my favorite lessons that we studied—I can remember sitting in her class and listening to her—was the young shepherd boy, David, and the mighty giant, Goliath the Philistine. David—as you know the story—was a young boy who came out to visit his brothers in the army and they were being taunted by a nine-foot giant named Goliath from the Philistine and David couldn't understand that. So he went out to challenge this giant. They offered him a shield and an armor. He refused it. He only took with him his sling and a few rocks. As the giant laughed and taunted, David loaded his sling and twirled it around his head and landed a deadly blow killing the giant on the field.

I loved that story as a boy. You know, I have to admit that, probably, we were thinking how we could get a sling like that to kill a few things, maybe. But, but, it wasn't the violence that became important. It was the story of the little guy having a

chance against the giant. In many ways, that's the story that has inspired many of us here today to face daunting odds to try and make fairness in the world where we live.

My friends, I am saddened today that we are changing the truth of that wonderful story of the little guy winning the battle if we vote "yea" on the legislation before us. The little guys are the Golden Bears of West Virginia Tech. The little guys are the people of Montgomery and Upper Kanawha Valley. The people who have educated the young men and women of this great state for 120 years. You know the history of what has taken place, I won't relay that again. The Senator from Fayette has done a mighty job of telling you that. The real defeat of this small David of the South took place in 2015 when WVU found that it was cheaper, supposedly, to move to the defunct Mountain State University campus rather than to continue to work with the people of Montgomery. I won't even talk of neglect and deferred maintenance. You heard that from the Senator from Fayette.

By voting for this bill today you're saying that David is defeated in our presence. The giant wins. Now the giant will say that they go to victory. When they go to victory, they are actually saving West Virginia Tech as it moves to the defunct Mountain State campus, but is that true? Look at the fact sheet that you have on your desk. Read those facts.

I will tell you the small town of Montgomery has nurtured and helped shape Tech in the last 120 years, and by, by passage of this bill, we're saying that it's forgotten. The face of a proud college is no more. Leave no doubt, Montgomery loses. They no longer have their school which was the life of that community. These David's are left with empty parking lots and shuttered buildings. They are left with uncertainty and darkness.

I went to the public meetings and heard

the reasons some gave for leaving this little town, but in the end what I heard being said by many was you have nothing to offer us today so we're moving to what appears to be greener pastures. We are strong enough, and we are big enough, and you, the little David of Montgomery and the Upper Kanawha Valley, you are of no importance to us at the place as a school.

I say to every small college and every university in this state, could you be next? Mr. President, when will Athens be wrong for Concord University? When will Bluefield not offer enough for Bluefield State? When will Glenville State be told that central West Virginia no longer matters?

It's a sad day for us who believe in the underdogs, who believe in the David's if this, if this bill passes. Where do we go? What do we do? As a community, we are saddened when we are made to wonder if our contributions from the past, and even the present, even mattered to the rest of the state.

I urge you, today, to please press red on this issue. Say today that you stand with the underdogs of this world. They need you today.

Thank you.

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**Relating to the West Virginia University  
Institute of Technology**

*(Passage of Eng. Com. Sub. for  
House Bill 4310)*

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**REMARKS OF  
HONORABLE  
JEFF MULLINS**

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*Monday, March 7, 2016*

SENATOR MULLINS: Thank you, Mr. President, for allowing me the opportunity to speak in support of this bill.

The City of Beckley welcomes with open arms West Virginia Tech and West Virginia University. For many years, individuals in my service area have supported community and technical colleges such as New River; higher education institutions such as Concord University as well as my alma mater Bluefield State College. There is room in Beckley for all these institutions to collaborate and find ways to improve the lives of our citizens.

The goal of this new endeavor by West Virginia University is to give more citizens a chance to improve their skills and knowledge and find work in West Virginia. I know that West Virginia University wants to offer education close to home and bring new students into Beckley. This will do two things: It will improve our local economy and promote this part of the state as a destination for students who are seeking quality educational services.

There are so many positive attributes about my community that will attract new, new people into Beckley. I'm confident that the existing services will be utilized and any new services will be added to ensure the success of this new venture with West Virginia University. The sky's the limit for this monumental change that puts Beckley on the map with West Virginia University and the West Virginia Tech team. I can assure this body that the Beckley community and the surrounding area businesses will be an engaged partner as we work to create a smooth transition for the university into Beckley.

Words cannot express how grateful I am for a chance to advance an agenda to bring education and economic development into the ninth district. Although I understand the concerns of a few senators from other areas

of the state that are impacted, we, as a body, cannot impede the university from taking steps which will stabilize West Virginia Tech by moving it to a more appropriate location so the student body can grow and flourish.

I urge passage.

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**Relating to the West Virginia University  
Institute of Technology**

*(Passage of Eng. Com. Sub. for  
House Bill 4310)*

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**REMARKS OF  
HONORABLE  
GREGORY L. BOSO**

*Monday, March 7, 2016*

SENATOR BOSO: Thank you, Mr. President.

I'm a 1980 graduate of West Virginia Institute of Technology. And in 1996, West Virginia University acquired West Virginia Institute of Technology and brought it under its umbrella. I didn't like it then, quite honestly. And through the mid to late nineties, I didn't like the fact that I saw many of the good professors in the engineering program at West Virginia Tech leave. Why? Because Marshall University saw the vision. They also knew where the quality educators were for the, for the engineering programming and they began taking several of the professors from West Virginia Tech to Marshall.

West Virginia Tech has continued to survive. It continues to provide a strong, vibrant engineering program. They've got good professors. They've got respectable facilities. Are they state of the art? Certainly not. Why? Because the Legislature has

never felt incumbent to plow money into West Virginia Institute of Technology.

Mr. President, I'll tell you that I went back and looked through the, through the historical data over the last several years. It hurts. It hurts me to know what my Legislature has done to my college, to my, to my West Virginia Tech, especially over the last seven years. We've not increased any funding to West Virginia Tech but West Virginia Tech's study resolution back in, study work back in 2007 and, and again some additional work in 2011, said you've got to put some money into us to allow us to survive, to allow us to, more, more importantly, rather than just surviving, to thrive. We didn't do it.

I went back and looked at, at some of the demographics. And the one thing I wanted to know is where, of the, of the counties that surround West Virginia Tech, are they supporting West Virginia Tech? In 1989, of Fayette, Kanawha, Nicholas and Clay counties, we contributed 58 percent of population of West Virginia Tech. In 2008, 65 percent. Thirty percent came from Fayette County, 30 percent came from Kanawha County, three from Nicholas and two from Clay. In 2012, that number had fallen to 44 percent. Fifteen percent from Fayette County, 24 percent from Kanawha County, Nicholas and Clay remained unchanged. Today, Fayette County, Fayette County students in that population at West Virginia Tech composes only 10 percent. Kanawha County, 18 percent. In total, only 32 percent from those four counties.

When I went to school at West Virginia Tech there was a large number of people that traveled from the Kanawha Valley and we commuted. I commuted from Nicholas County down. There was about five or six of us. There were about two dozen people that I knew of here in the Kanawha Valley that commuted every day up to West Virginia Tech. Why? Because they knew the value of West Virginia Tech.

Unfortunately, the demographics have changed. The opportunities have changed. The situation has changed. This pains me more than you will ever want to know. But I want you to know something. I want to see West Virginia Tech not just survive for another year, or two years at the campus in Montgomery. It's not about moving from Montgomery to Beckley. But I do believe we need to preserve the institution of West Virginia University Institute of Technology. From what I've seen thus today, if we don't pass this legislation right here, right now, not pushing the green button, in about a year from now, maybe two, we're going to be passing legislation that completely obliterates. Why? Because they can't survive. They've indicated that they need a population of 1,800 to survive, right now they're running 1,100 to 1,200, 1,100 to 1,200 students. It's unfortunate that we're at this crossroads. It's an unfortunate situation, Mr. President. I wish we didn't have to do this. I wish I didn't have to do this. But West Virginia Tech, based on what we do here right now, has the opportunity to thrive.

I urge passage.

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*(Adoption of Senator Carmichael's Motion to Postpone Consideration of Executive Nominations)*

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REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER

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*Thursday, March 10, 2016*

SENATOR KESSLER: Thank you, Mr. President.

We will not resist that motion. But I must feel compelled to at least indicate that yesterday's series of events that

occurred were unfortunate, obviously, in Confirmations. You know, they appear to be rare and unprecedented and, quite frankly, it was, appeared, the way things occurred, some of us wish sometimes you can roll back the clock but I think it was beneath the dignity of the Senate in some of the things that occurred yesterday. It made us appear in many instances, you know, petty and small. You know, the people expect us to behave, Mr. President, all of us, like statesman, not like partisan politicians. And it is my hope and expectation over the next two days that we will behave like such and lead by example from this chamber, Mr. President, as we tackle the very difficult problems that we have facing our state.

Thank you.

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*(Adoption of Senator Carmichael's Motion to Postpone Consideration of Executive Nominations)*

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REMARKS OF  
HONORABLE  
MITCH CARMICHAEL

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*Thursday, March 10, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

I also want to commend the manner in which the Minority Leader and others have dealt with circumstances that sometimes, honestly, do kind of get out of control. We absolutely want to maintain the dignity, honor, respect and collegiality within this body. It is extremely important that we work together to move our state forward and I think the, the process of delaying further consideration of this, executive nominations, gives an opportunity for us to, to rethink or to reconstitute our positions and work across the aisle to, to ensure that

we do the right thing for the people of West Virginia.

And I want to, again, thank you, Mr. President, and the Minority Leader and those who have different opinions for working in such a dignified, honorable manner to, hopefully, find a resolution that we can all work together on, come together for the good of the State of West Virginia and put our people first.

And thank you to the Minority Leader.

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**Requiring a person desiring to vote to present documentation identifying the voter**

*(Closing Remarks on Passage of Eng. Com. Sub. for House Bill 4013)*

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REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

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*Friday, March 11, 2016*

SENATOR TRUMP: Thank you, Mr. President.

Let me start by, by saying I think it is, it, it feels like we're, I'm in an alternative universe sometimes when I listen to the debate here. Let's be honest enough with ourselves to say West Virginia has a long, terrible history of electoral corruption, corruption of elections, corruption in the polls. A Justice of our Supreme Court of Appeals has authored a book called *Don't Buy Another Vote . . . A History of Political Corruption in West Virginia*. As the Senator from Putnam mentioned, we have a constitutional duty, and it's not an implied constitutional duty, it is an

expressed constitutional duty, to pass laws designed to prevent corruption and fraud in our electoral process.

Now, Mr. President, 33 states, not West Virginia yet, but 33 states in this country require some form of identification at the polls for voters. This is not some wild tangent West Virginia is going off on by itself. This will line us up with the vast majority of states.

Now, having said that, this bill, if its adopted, passed into law, will be among the least restrictive of such laws in the country. And I will complement the participation we had from members of the minority party—the Senator from the Seventeenth, in particular, to expanding that list of documents that will serve as acceptable and suitable forms of identification for people who come to the polls to vote. It . . . those were appropriate amendments and I'm glad they're in the bill because we're not—the objective is not to make it hard or difficult or to certainly to disenfranchise anyone. This bill does not disenfranchise anyone. This bill not only . . . It enfranchises people because in this bill is a requirement for people to be able to be registered automatically when they get a driver's license at the DMV. We're trying to increase participation in the electoral process with this but at the same time taking reasonable measured steps to ensure integrity in our elections that we won't have fraud or corruption in a county where there are more registered voters than there are living human beings or anywhere else.

Now let me make a couple other points about how far this bill goes to make sure no one is disenfranchised or inconvenienced. The DMV is directed in this bill to provide an absolutely free photo identification card, whether they're driver or not, to any person who wants one to be able to vote. Free.

We require in this bill the Secretary of State, between now and 2018 when this

bill will become effective, the elections at which it will become effective, to engage in a public education process to make sure people know they have to take some form of identification with them to the polls—as mentioned, the exhaustive list of documents which will satisfy the requirement of presenting identification.

This bill is not about not anything other than protecting and preserving, ensuring integrity in the electoral process, prevention of fraud and corruption. There's more than one way to be disenfranchised. It is possible to be disenfranchised by having your vote cancelled by the vote of someone who has no legal right to vote. That's disenfranchisement.

My fellow senators, I urge passage of this important public integrity bill.

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**Memorializing life of Honorable  
Darrell E. Holmes**

*(Adoption of Senate Resolution 66)*

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

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*Saturday, March 12, 2016*

SENATOR MILLER: Thank you, Mr. President.

My first action in this body when I was elected in 2010, and came to serve in 2011, as I came on the floor I was told that I was to nominate the Clerk—well, I didn't even know how to, where to sit yet, but I was told I was to nominate the Clerk. And that Clerk was Darrell Holmes.

And I will tell you that I had known Darrell Holmes from the Senate and from

the House before that. He was a fixture in this place. I had been to his office back when you could smoke in these offices and I, not being a smoker, could tell you that I smoked a lot that day not from my cigarettes but from his. He loved to smoke and he had plenty of hot coffee. Believe me. I came with our senator back home and that was one of the first persons I met was Darrell Holmes.

After I nominated him and he was elected as Clerk of the, of the Senate he came by my office to thank me. Now, he knew it was ceremonial that I was asked to do that, being the new guy on the block given that duty. He knew that was ceremonial but he come by to thank me. And he said, "Thank you, PawPaw, for what you did." Well, I thought he didn't know my name but I found out everybody was PawPaw to Darrell. He knew who you were, you were just PawPaw. His pastor talked about that at his funeral.

When Darrell was, everybody thought he was dying, and they called in the pastor and he was the first one there. And his pastor was—and I'll, I'll get the story wrong somewhat—but as he leaned over the bed, Darrell was there, he was asleep, and he leaned over the bed thinking he was dying, and he said, "Darrell", and he opened his eyes and he said, "What are you doing here PawPaw" or something like that. And shortly after that he passed away.

He is in a better place. He was a great member of this body. He loved this Senate and even after he retired, he was still a member of this Senate. He still liked to come and participate in Junior Rules and be part of who we were.

So, it's a great honor today for me to stand but also for all of us to stand and share memories of this wonderful man, Darrell Holmes.

I certainly urge us to adopt this and support this and let the family know how much he meant to all of us.

Thank you.

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**Memorializing life of Honorable  
Darrell E. Holmes**

*(Adoption of Senate Resolution 66)*

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**REMARKS OF  
HONORABLE  
ROMANO W. PREZIOSO, JR.**

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*Saturday, March 12, 2016*

SENATOR PREZIOSO: Thank you, Mr. President, and ladies and gentlemen of the Senate, friends and family of Darrell.

I don't think anybody can deny that we had a special relationship. Each morning when I came in to this Capitol I certainly looked out to see where Darrell was, not only for my own benefit but for the benefit of enjoying his company. Darrell, Darrell and I sort of started out similar. He was a millwright, I started out as a machinist, and we'd often talk about that. I'm sure that, with the installation of these cameras some of the levity that went on during those times would not, not be totally acceptable to the general public today.

But, you know, in, in talking with Darrell and, and having that association sometimes, you know, I took myself too seriously. Darrell would sit me down and he'd always have something funny to say . . . may say "What's going on, clown?" or something like that. And, and we'd talk and we'd joke around and, on a more serious side, you know, we'd talk. I knew that Darrell has having, certainly, some health problems. And he certainly, you know, was very concerned about his wife during those, those incidence of . . . but Darrell always made me feel that, you know, there was a lighter side to all this seriousness that



went on down here and, you know, he, he made me feel that I would enjoy someday just looking back and remembering the fun things that you do, cause I know that, you know, it's, it's very serious and complex the things that are going on down here. But Darrell made you see the lighter side of life.

And, you know, I certainly won't forget Darrell. He loved this Senate, he loved his wife, he loved his family and, you know, he didn't want to go and we all felt bad, you know, when, when we certainly knew that it was Darrell's time to go and we'll never forget the association that we had with him. And I'm certain that all of you won't forget either.

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**Memorializing life of Honorable  
Darrell E. Holmes**

*(Adoption of Senate Resolution 66)*

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**REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER**

*Saturday, March 12, 2016*

SENATOR KESSLER: Thank you, Mr. President.

I, I too rise in support of the resolution.

When I first came to the Senate back in, I was appointed as you know back in November 17, 1997, and walked into this Capitol for the first time to be sworn in and, and I was met out in the parking lot or, actually, as soon as I walked in, by Sarah Minear, former Senator from Tucker, and she led me, said who was I and introduced myself that I was the new Senator from Marshall County and she said "Well, let me take you where you need to go." And she took me, immediately, to Clerk

Holmes' office. And Darrell, as you know, was the first person, reached out his hand and offered you a cup of coffee, fell all over himself trying to meet, make you feel welcome and said, you know, "Welcome to the family." And, truthfully, that's how it's been over the last 19 years. And said "Let me show you where your office is". So, he started marching me down the West Wing and opened, walked down about half way down and opened the door and said, "How do you like it?" Well, it was a broom closet. And I said, I said, "I guess it will work." And he started laughing. You know, he said "No, let me show you where it really it is." And I went down and it was another broom closet. It was the smallest office in the building. I think you were down there one time, too, Mr. President. Sometimes you, you start at the bottom and work your way up.

But, you know, he always liked to poke fun at folks and have a laugh and a joke and whatever but he also, you know, after he, he got me situated and whatever he then looked over and not long after that he handed me a check—my first campaign contribution ever. And I said, "Well, that's very nice of you", he said, "Well, you're going to run for Senate and you're going to be here for a long time. You need help." I said, "Okay, thank you, Mr. Clerk." He said "By the way, I am running for Clerk again in, in January. In January . . ." said, "I got to cast that first vote."

But, in any event, he was a great man who loved this state, he loved this Senate and he loved his family. And he will be missed and has been missed. He was somebody that had an influence on everyone's life he knew. And he was a wonderful man, dedicated public servant and you can leave here today knowing that he lived a good and full life and was embraced and loved by all of us and, most importantly, by his family.

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**Memorializing life of Honorable  
Darrell E. Holmes**

*(Adoption of Senate Resolution 66)*

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**REMARKS OF  
HONORABLE  
MIKE HALL**

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*Saturday, March 12, 2016*

SENATOR HALL: Just, just briefly, I, I—by the way, I spent some time back there in Room 220 . . . and I'd like to go back. But, you know, my experience with Darrell was the same. I didn't know him as well as some of the others though. But, you know, when you meet people in life, there's some people that are, that, you know, kind of drag you down a little bit. There's some people that, you know, you interact with at a certain level but Darrell was always somebody that, when I would spend time with him it was always a delight because he had such a wonderful sense of humor and I learned very quickly that the Clerk's Office was going to be helpful to me as the then Minority Leader. I didn't get a campaign check from him but, but he was always helpful to me.

And, you know, as I think about the history of the institution, like, people like Oce Smith in the House who was there for years and Darrell, when you look at it from afar and you're just seeing the news clips or whatever and you get some sense of the history of this place, you know, and the footprint that you've left while you've been here—and there's some people that have left a shorter footprint—this gentleman left, leaves a massive footprint. He, he was here for so long, so many endeared to him that, you know, it was sad the day he had to leave and certainly sad the day that he passed away we know for you and your family. But I just, from our side of the aisle, wanted

to say that he was truly bipartisan, he was helpful, I did get called PawPaw, too. So, so that it was, it was a loss when he left us. You know, we've had new clerks since then, we like them, too, but this gentleman is, as I would say again, he was just part of the fabric of this place and will be for many years to come if people think about what, what their experience in the Senate was. They're going to think in the back of their mind about Darrell Holmes.

So, Mr. President, I also, too, support the resolution.

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**Memorializing life of Honorable  
Darrell E. Holmes**

*(Adoption of Senate Resolution 66)*

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

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*Saturday, March 12, 2016*

SENATOR PLYMALE: Thank you, Mr. President.

You know, I'm, we've gotten the serious side of, of Darrell and one thing I will say is he loved his family. He was always talking about his family and you all should be blessed for, for having him. He was, he was a great guy.

Now, I will tell you that Darrell was a fond believer of the Second Amendment right. But it was squirt guns that he really believed in. I've never seen a collection of squirt guns as I've ever seen in my life in Darrell's place. Now, I came, when I came here, you could smoke everywhere. It was . . . but the biggest cloud was still in his office. He, he was a guy that, that always brought you up and, being a guy from

Wayne County that they say we speak a little differently sometimes I understood him all the time, you know, no matter what he said. Even when he told us he was speaking Russian. You all get that, don't you?

He was, he was a bright spot, you know, sometimes when you get dragging down like on a sixtieth day that he was a guy that could always make you laugh. He could always lighten things up and you could always count on, after you left him, he would squirt you. You'd, you'd get something, you'd be going like this, he just was, he was the life of this Senate. He was a person that always loved this place but, but also always made you serious about what you were doing. And we're glad to have had him in our life.

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**Memorializing life of Honorable  
Darrell E. Holmes**

*(Adoption of Senate Resolution 66)*

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REMARKS OF  
HONORABLE  
MITCH CARMICHAEL

*Saturday, March 12, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

I urge strong adoption of this resolution.

And, I just want to tell one, quick story. I, I did not know your father that well, Eric. But I have enormous respect for him and our families were very closely linked. My father and Darrell were just great friends. And I know . . . you know, my father served in the House and . . . when I was in the House once in a while after, you know, dad had gotten a little older and he was in

a wheelchair and had a stroke and I would go down to pick him up to bring him to the capitol. He wanted to come to the Capitol, you know, to be here with, you know how it is where your friends and your family and, you know, you felt so good about that and, and . . . my father always smoked a pipe. And . . . but as the Senator from Wayne had said, this was a nonsmoking facility. You know, I'd go down and pick him up and he's stuffing pipes in his pockets. And, and my mom's saying, you know, "Bill you can't take those to the Capitol, they don't smoke there anymore." And he's like "It will be alright." And so . . . you know, I brought him over and, you know, wheeled him in the Capitol and he said, "Take me down to Darrell's." And I didn't know anything about this and, you know, I opened the door up and a puff of smoke comes out and Darrell says, "Hey Bill, come on in and light up", you know and, and he just . . . there's just no partisanship, just good camaraderie, good friendship and . . . so I urge adoption of this amendment.

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**Relating to the information required to  
be included in support of an application  
to the Public Service Commission for a  
certificate of convenience and  
necessity for a water, sewer and/or  
stormwater service project**

*(Rejection of Eng. Com. Sub. for  
House Bill 4660)*

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REMARKS OF  
HONORABLE  
HERB SNYDER

*Saturday, March 12, 2016*

SENATOR SNYDER: Thank you, Mr. President.

I stand in opposition to the bill and I—this is personal to me because this bill was

brought by the Jefferson County PSD, their offices are about two miles from my house. They came to me about six weeks ago and asked me to introduce the bill. Basically, I told them, "Let me look at it."

So first thing I did, and I think I have a reputation here for trying to think things through, and I have 40 years of experience in water and sewer so I'd be probably one of the guys that would take an interest in this subject especially since it was my county that, by the way, paid \$3,000 to have this bill drafted. So, what I did when I got a copy of the bill, I went down to the PSC because this bill is relationship, really, between the Infrastructure Council and the PSC. So I went down to ask the PSC "What do you think of this bill?" And I'm going to get, get into some of the things that I tried to learn. So, I went then to the Infrastructure Council and asked them. And, oddly enough, the Infrastructure Council didn't even know about the bill until it got to the Senate and I called them. Now that's important. If you haven't asked the agencies what, when you're dealing with the inner complex workings of, between these two agencies. But you've all heard the story that the reason for this bill is because a PSD lost \$2.8 million in engineering when, when they disapproved it. And, that sounds bad and it was. That was my PSD. To the west of my home, it's about two, a mile and a half, two miles away is the PSD headquarters—about four miles away was the sight of that Flowing Springs Plant. All five. Made my living in water and sewer. But . . . . So, I was intimately involved there. It's called a Flowing Springs Plant. What went wrong?

It was a \$27 million project that they took to final engineering and then took to the PSC. They already had a certificate. And, what happened was, in the meantime, their project financing was dependent upon AARA which is the federal stimulus money. We all remember that. Well, they had that entire project based on a funding

source they did not receive. They were only 20, about that time, 2,000 customers on this system and they were proposing a \$27 million facility that would be a tremendous increase in rates. And, I think the Public Service Commission said we can't do that and they didn't give it to them. They took away their certificate.

The second reason they took away their certificate, at the same time the city of Charles Town that this whole system is connected to, it is currently this collection system, that's all they do is collect, is sending it to the city of Charles Town. In the meantime, Charles Town was building a complete upgraded facility in Charles Town. So, it's senseless to have two upgrade, large upgrade projects going on at the same time. And, and then split the systems into two systems for treatment.

So, that's really what happened there. Their funding evaporated and they also had, maybe the reason they lost that they had major changes in, in the scope of the project and in, in the changes they lost their financing, their federal financing with the stimulus money.

So, in talking with the, the Public Service Commission and the Infrastructure Council about this bill, you have to know what the bill is about. And I, in reading the bill, I didn't completely understand it although I've dealt with these issues over the 20-year period I've been here. I wanted them to tell me what does this do the process? And this isn't a deregulation bill, this is a change in the process. Two thirty-four last year did take PSDs out from under the, the PSC so that they, the larger ones don't have to go there for rate increases. That bill passed.

This bill's not like that. This changes the flow of application through the IJC and the PSC. It's about process, the complicated process going through there.

But here are some comments from the IJDC. Chris Jarrett said it could slow down all approvals because the IJDC does not have the technical staff to do complete technical reviews of projects. There is more of a conceptual, not complete. They also do not have any staff to do complete reviews of financial information. And, certainly any application for rate increases is pretty technically on financing. But, yet, this bill says you're going to rely on the, the IJDC, to make those decisions. But it's important that Chris Jarrett said it will be much harder and take longer for all projects, because this isn't just for Jefferson County, all projects that want to go through this route, they'll have to do more at the IJDC [sic]. This affects every project statewide moving forward. In addition, the, he said that projects, if this is passed, may even have a harder time getting financing because it's based on such preliminary approval. They may not be able to get bonding. That, that's something to think about.

The, the Public Service Commission is against this because they are forbidden in this bill from asking certain information, not just final design, that's fine, but they're, we're putting blinders on them to even ask for additional information in areas that are critical when you're doing ratemaking. And, the last comment by the Public Service Commission was if this bill passes, their only option might be to simply not designate rates for a project at all.

Now, this could be your project in the future because what we're doing here at the request of Jefferson County that I do not agree with changes statewide policy moving forward for all your projects throughout the state. That should cause us pause.

The problems with the legislation is it's a mandate but there's no process, no way set out to do this at all in the legislation. Both the IJDC and the PSC are opposed to this legislation. Now, they were not even

asked until the bill came over here. They're not even asked about the bill, they were not asked about the bill and also they, another bill was even introduced later in the House that only had half this language by the same delegate. I, I don't know what's up with that.

I've done everything I can to get involved in this bill because it came from my county and I consider it my area of expertise. And I felt a responsibility, because it was something my county PSD was pushing forward, to try to clean up the bill. And, you all know, and some have surprised looks, that I, I had an amendment filed here on the floor and I withdrew it. I withdrew it because I was expecting all the members here on the floor to completely understand what I, what all this is about and why I wanted to amend the bill. We only have 'til midnight tonight and it's a complicated issue. It's a very complicated, technical issue regarding the IJDC and the Public Service Commission.

What I'm asking you to do is fail this bill today on this floor and take a year to look at this so all the parties and agencies can get together because this is a fairly major change that may slow down the whole process for everybody.

I just want to ask, in closing, because this is probably the last time in my Senate career, Mr. President, that I'll stand on the floor and speak against anything, just since the timing, it's the last bill that I have flagged here. But I do think this is not the right thing to do. Give it another year. I won't be here but I stand with all seriousness. I believe this is not the right thing to do. It needs more study and it has to have all the agencies and everyone involved to look at this bill. The bill was introduced very late, within the last days of days to introduce bills, within the last week, and here it came.

So, I do urge each one of you to support me on opposing this bill and let's reject it

and work on it and bring it back next year if all the stakeholders want to do this and they can work out a process and everyone will know what we're doing with this legislation.

Thank you, Mr. President.

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REMARKS OF  
**HONORABLE**  
**RONALD F. MILLER**

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*Saturday, March 12, 2016*

SENATOR MILLER: Thank you, Mr. President.

We honored today a great member of our body when we honored Darrell Holmes with a resolution but there's another great member that—we don't have a resolution because the family's not here and ready to receive that—but this is a gentleman that those of us who served in the Senate . . . I remember well, and that's Tony Gallo who passed away this summer in June.

Tony was a friend of most of us here. He was a, a great lover of this body. It wasn't unusual to see Tony with a great big grin on his face, come out and, and greet you, but if you did something wrong he was pointing that finger and scowling at the same time. And, you'd better listen. He, he kept great order in the Senate. He loved this body.

And, I'm sorry we couldn't do a resolution this session—his family's not in town to do that. So, I thought it would be appropriate tonight while we were rushing around and waiting for reports to come in to honor this great man who was so much a part of all of us.

I, I can tell you the last words I remember having with Tony on the floor at the end of

last year's session, and, and I'm not sure he meant it as a compliment or not, I'm not sure what he meant by it. He said, "Senator, you use to be so quiet and you haven't shut up this whole session." And, I'm not sure what he meant by that but I, I took that as a compliment from Tony.

So, I stand today to honor my dear friend and your dear friend and a great member of this body who passed away, Tony Gallo.

Thank you.

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**Recognizing dedicated public service of  
Hon. William R. Laird IV**

*(Adoption of Senate Resolution 67)*

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REMARKS OF  
**HONORABLE**  
**RONALD F. MILLER**

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*Saturday, March 12, 2016*

SENATOR MILLER: Thank you, Mr. Chairman, or Mr. President.

I think I like this resolution so well I think I'm mentioned on it twice. I think I'm at the beginning and somewhere down through it also. If I'm not mistaken, I heard my name twice. That means I really do like this resolution.

Let me tell you, we're, we're losing a, a great senator, pretty good friend. We eat dinner together most nights—he doesn't buy, I will tell you that. I have to buy my own. He's not bought mine I don't think. I made him buy breakfast one time because I didn't have any money with me. No, actually, I was trying to get to Judiciary and we were standing in line and he had to buy breakfast for me.

But he has been a great senator for his district. His district is Greenbrier, Fayette, Summers, Monroe. And, we started together, in that district when we redistricted the last time. We became part of one district. Mr. President, I use to be part of your district in, in, in that area before coming to Greenbrier, Fayette, Summers and Monroe.

Senator Laird—whose name I’m not supposed to mention on the floor, I know, but since it is the resolution—has been active in that district. When I ran the last time, he campaigned harder for me than I campaigned for myself. And, you can’t ask anymore from anybody to do that much work. That may be why he’s not running; he just got tired of working for me the last time I was doing that.

But, we are so happy. I am honored today to stand for this resolution and he deserves the support, the respect . . . the only the person I know in this body this time that has a bill named after him. So he deserves that. And we are very proud to serve with Bill Laird.

Thank you.

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**Recognizing dedicated public service of  
Hon. William R. Laird IV**

*(Adoption of Senate Resolution 67)*

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REMARKS OF  
**HONORABLE  
MIKE HALL**

*Saturday, March 12, 2016*

SENATOR HALL: Thank you, Mr. President.

I remember the senator when he was a member of the House of Delegates.

And, we served together on the Finance committee and I sat next to Allen Evans, Delegate Evans at the time. And, when we would have questions, if there would be questions before the committee, Allen and I noted one thing, first of all, he has a mind like a steel trap and when he would ask questions they were usually pretty lengthy but when you knew when he got done with them that you knew what he was asking. And, I always appreciated that but Allen and I kind of kidded each other and say, “Well, the Delegate’s asking a question it will probably be a minute but let’s hear what he has to say.” And, and we really appreciated that about you, sir. You, you do, even in your speeches, that you’re a very thoughtful person, you analyze things well and my service with you both in the House and the Senate I cherish. And, Godspeed to you and I hope you have a wonderful life ahead of you whatever you choose to do.

Thank you, sir, for your service.

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**Recognizing dedicated public service of  
Hon. William R. Laird IV**

*(Adoption of Senate Resolution 67)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Saturday, March 12, 2016*

SENATOR PLYMALE: Thank you, Mr. President.

I’d just like to rise and say a few things about my friend from Fayette. He’s a man of integrity but, you know, he’s, you know, someone that is, has wisdom and he’s sage. He is that. On any subject matter that you bring up he’s known something about

it because he just about served in every capacity: As sheriff, and, and, you know, the head of a hospital, you go, go through all that.

But, one of the unique things that I've also known about him is, is when he was young, his father served in the U. S. Senate. And when his father served in the U. S. Senate, that was the last time before Senator Byrd passed away that we had someone appointed. And I, I was reading in the book, one of the books in history, about when his dad served in the Senate.

But, on a lighter note, I want to say that he came here one of the things he wanted to do was save WVU-Tech and take back Tech. The only problem is they took it back to Beckley.

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**Recognizing dedicated public service of  
Hon. William R. Laird IV**

*(Adoption of Senate Resolution 67)*

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

*Saturday, March 12, 2016*

SENATOR STOLLINGS: Mr. President, I rise in support of the resolution.

Senator from Fayette has been a great mentor to me. He was a great Vice Chairman of the Health committee. He is . . . intellect is unsurpassed when it comes to justment, justice reinvestment and second chances. You know, he's been on the frontlines of law enforcement, understands that sometimes people deserve a second chance. He is a great orator. He's a man that doesn't talk just to be talking. When this man speaks, I listen and every one of

us listens. He has something very important to say.

And, from a personal note, I'm going to miss him tremendously in this body. And, the only thing I know of all the senators that used to be senators here, when you see them out after they're no longer a senator here, they're very happy.

So, I wish him Godspeed. And, thank you for being such an incredible mentor to me.

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**Recognizing dedicated public service of  
Hon. William R. Laird IV**

*(Adoption of Senate Resolution 67)*

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REMARKS OF  
**HONORABLE  
C. EDWARD GAUNCH**

*Saturday, March 12, 2016*

SENATOR GAUNCH: Thank you, Mr. President.

I, too, rise in support of the resolution.

I fully expect to one day to wake up and open my dictionary to the word "gentleman" and see the Senator's picture from Fayette. I've observed him for these last two, two sessions—and the Senator from Boone is correct—when he has something to say, it's usually, almost always, very meaningful. He, he, his floor speeches are the best. He doesn't say things two and three times; he only has to say them once and I get them.

But, perhaps, the thing that I've observed that, that I can learn from the most is his . . . how faithful he is to his constituents. I, I watch him and I know he truly cares about them. And, I think that's an example for the rest of us to follow.



I also wish you Godspeed and good health.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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REMARKS OF  
HONORABLE  
JOHN R. UNGER II

*Saturday, March 12, 2016*

SENATOR UNGER: Thank you, Mr. President.

This resolution honors a senator that when I first came here was actually the Senior Senator from the Sixteenth. And then he returned and . . . he took a hiatus and then came back to this body. And, and I just want to say that Senator, the, the Senator from Jefferson and I, we've had some rocky roads but we've had some good roads and, especially towards this second part of his tour of duty down here, it's, it's been a real pleasure.

What I found, Mr. President, with the Senator from Jefferson is that he becomes an expert, an expert in anything that he sets his mind to. He studies it and, matter of fact, anybody that hangs around him for any length of time will have to hear over and over again and they become experts because he wants to teach them what he knows.

The other thing I want you to know, Mr. President, that this Senator's faced some really challenges in his life. I know those challenges because, personally, growing up my father had the same challenges that the Senator from Jefferson had. Unfortunately, my father never met those challenges or

been able to defeat them but the Senator from Jefferson was able to defeat them. He's a stronger man than ever before. And for that, I just really respect him because of what he lived through and look at what he is today. He's a statesman. He's one of the, the best senators this state's ever seen. And I, I'm going to miss him down here but, for a good fortune, I'm hoping that things go well where he continues to stay active back in Jefferson County and will be working at a, at a different level.

But for that, Mr. President, I ask that we adopt this resolution in honor of the Senator from Jefferson.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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REMARKS OF  
HONORABLE  
ART KIRKENDOLL

*Saturday, March 12, 2016*

SENATOR KIRKENDOLL: Thank you, Mr. President.

You know, meeting someone like the Senator from Jefferson is unique—coming from my background serving 30 years in county government and was appointed by the Governor—and I had to vote for the President of the Senate the first night I was here and, watching what he did and how he did it. When I got here I told everybody I, I would wanted to be the kind of guy to work with people and not cause problems, be an obstructionist. But, I tell you one thing, state government's so different from county government I knew right quick I had to look at two or three of these exceptional senators and try to pick their brain and try

to pick the formality of how they do things. And I picked, one of them was the Senator from Jefferson County. And I watched how he did things. And I'm, I'm not sure I absorbed everything from him but I did absorb that this is a unique body of people that do what they think's best for West Virginia. And, not to be afraid to challenge the system if you think you're right. Do it in a professional fashion and I've tried to do that. And, I watched him do that.

But I want to close with saying that sometimes you have a bad habit or two—and I've got three or four people that we have bad habits—but we associate it with good senators. And, you all know what I'm talking about.

Thank you for your service.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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REMARKS OF  
**HONORABLE  
COREY PALUMBO**

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*Saturday, March 12, 2016*

SENATOR PALUMBO: Thank, thank you, Mr. President.

I also rise in support of this resolution.

And, just from the perspective of someone who's been able to sit by the Senator from Jefferson for the last couple of years and one seat away from him for the previous four, I mean, I've had the opportunity to really get to know him pretty well, and what I can say is, I mean he is the most conscientious, diligent member of this Senate that I think I've served with in

my eight years here. There's no one who cares more about getting the details right and learning about an issue than the Senator from Jefferson. He, he's, he's really been a, a role model of a senator. He's got a good sense of humor. The other, the other day he had an amendment that he offered. It was on a Judiciary bill and, and I kept asking did you ask? Did you ask the Senator from Morgan about it? No, no. Did you ask? You should ask him. No, no, no. He didn't do it. He gets up and questions the Senator from Morgan about it for about 10 minutes—that's 10 minutes we're never going to get back—and then he ends up withdrawing his amendment, sits down, looks back at the Senator from Braxton and me and says, "That's how you get things done."

He, he is really a, a great guy at, at his core. One thing I can say about him is he is truly a good man and he's going to be missed very badly in this body.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Saturday, March 12, 2016*

SENATOR ROMANO: Thank you, Mr. President.

My Senator from Braxton already got his chance to say something about Herb Snyder. But, you know, when I decided to come down here it was because people like Herb and, and Senator Laird, and Senator Kessler, and all of you that are here, particularly, Senator Facemire but . . .

You know, Herb Snyder embodies everything we want to be as senators. He's honest. He has integrity. He puts the people of West Virginia before his own interests and, sometimes, his own beliefs. He puts the majority of the people in West Virginia at the top of the list, how can he help them, every day. And, that is a role model for all of us in this chamber. Because, if you can call Herb Snyder your friend, that makes you a better person.

Thank you, Senator.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

*Saturday, March 12, 2016*

SENATOR STOLLINGS: Thank you, Mr. President.

I rise in support of the resolution.

You know, the Senator from Jefferson is, is a technical man, hardworking, as has been addressed earlier. He's very effective. You know, I think back to the "haircut" bill and, and some of the things that . . . and I think back at the Chesapeake Bay and how incredibly effective he was at making sure that West Virginia did what it had to do for the environment. I also kind of remember when things become monumental, it was monumental, and, and absolutely it was and, and when he said it was monumental we, we, we got it to our attention and addressed things.

You know, otherwise, we talked about second chances and I, my hat is so incredibly

off to this gentleman who absolutely has been exposed to temptation and has . . . the strongest man, strongest conviction, that there is. And, so my hat's off to this monumental man in so many ways.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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REMARKS OF  
**HONORABLE  
CHRIS WALTERS**

*Saturday, March 12, 2016*

SENATOR WALTERS: Thank you, Mr. President.

I rise in support of the resolution. You know, when we arrive here at the Senate, there's certain people that kind of take you underneath their wing and kind of help you and some people that you, you know, you look up to and you admire and I . . . . You know, when I first got here I, I was given my office upstairs where the Senator from Harrison's office is and was walking through the office getting the tour and then I came to this, this posh office with a grandfather clock and, and it was just huge to take in and I'll tell you, Herb, if, after the Senate, if, if nothing else works out, your interior designing is absolutely something you can have for your future.

I want to tell you a story. About two years ago whenever I was here and I sat on Judiciary committee I had an amendment, and I was still new, I was still trying to figure out everything and Herb spoke against my amendment. And, I thought so highly of Herb that I then immediately withdrew my amendment cause when he speaks he is so knowledgeable and he's such a great

orator and it's just any time he gets up he, he demands the attention of not just this body but the audience as well. And it's, it's really admirable. And he's really been a good friend. You know, I don't smoke but I, I have a reason to go outside and hang out. It's because I want to be around him and, and learn from him as much as possible. And he's really somebody I've grown to admire and, and I hate to see that, that this is the last night but, but Herb I really do look up to you, have admired you, and, and tried to learn as much as I could in this short time.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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**REMARKS OF  
HONORABLE  
RONALD F. MILLER**

*Saturday, March 12, 2016*

SENATOR MILLER: Thank you, Mr. President.

Once again, I stand to speak for my good friend, the Senator from Jefferson. Two things about him I will share: I think he is the only graduate in here from Shepherd University other than me—so there's only going to be one of us after he goes. And I, I . . . that's a great thing to share.

But the other thing was that I was his Vice Chair in Government Organization. And, I will tell you, I worked hard in other committees but we worked extremely hard. He worked you hard. We had staff meetings all the time, we went over legislation all the time. I was exhausted when I would finish the session as Gov Org Vice Chair.

It has been an honor to work with the Senator from Jefferson. He is a true friend and I will miss him too as he leaves.

And, I urge adoption of this resolution.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

*Saturday, March 12, 2016*

SENATOR BLAIR: Thank you, Mr. President.

I, too, rise and urge adoption of, of this amendment.

To begin with, he's one of my best friends in this body. Herb and I go way back. Yesterday he introduced his secretary from back home who I was there when her husband and her, they met each other when we were out running around and everything. And, she was working for Herb and we were talking about it, that it, it's 30, 35 years, something like that. You and I were at the wedding together.

And, time moves forward and there's one thing that, when you and I talk, and we talk a lot, I can always take what you tell me to the bank. It's going to be the gospel, honest truth. And, you and I sometimes disagree on things. That's life. And, that's this chamber. But you and I have never once let where we disagreed upon effect what we agreed upon. And, when we agreed upon it we worked together like Siamese twins to get the job done. And, I'm proud of that. Extremely proud of that.

What you have brought to this chamber and the State of West Virginia and on behalf of the Eastern Panhandle its nothing short of astounding. And, forever I will call you my friend and you're one of the best senators that I know of in this room here today.

Thank you for your service.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

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*Saturday, March 12, 2016*

SENATOR BOSO: Thank you, Mr. President.

Friend, truly. You know, when I arrived here just a year ago, just a little over a year ago, somebody took me under his wings and began teaching me and coaching me as he's done so many of us as I've heard tonight. We share a, a fairly sort of unique situation in that both of us have been involved in construction, and we've been technical in nature in the sciences: Me an engineer, he a chemist. And, as we've talked over the course of the, most particularly over the course of the last 60 days, I've sensed something very unique about the Senator from Jefferson County. He's passionate. He has great integrity.

A couple days' ago we were sitting in my office and he sat there and, as he was speaking, I heard my grandfather speaking. My grandfather had similar stature. Herb was sitting with a suit on that looked like my grandfather's and it just brought back

memories. I could hear my grandfather coaching me and teaching me. Why? Because he wanted me to be the very best I could be. And, Senator, I appreciate your words because I, I have sensed that of you wanting that of me, to be the very best I could be. Those words will ring forever in all of our memories in various ways, but I will tell you that you've always got a friend. If you need me, I'll be there.

Mr. President, I urge adoption of this resolution.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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REMARKS OF  
**HONORABLE  
C. EDWARD GAUNCH**

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*Saturday, March 12, 2016*

SENATOR GAUNCH: I'll be very, very brief, Mr. President.

Single-handedly, the Senator from Jefferson has changed my mind regarding term limits. And, when I look at him and I see the wisdom and knowledge, the experience that he imparts around this place, it makes me think we need more people like that. And, I'll just say that the void you leave when you leave here will not be easily, nor soon, filled.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

*Saturday, March 12, 2016*

SENATOR TRUMP: Thank you, Mr. President.

I rise also in support of the resolution. You know, there are three members of this body who were my senators before I came here. Those may remember before the population growth in the Eastern Panhandle caused the Sixteenth to contract geographically, Morgan County was part of the Sixteenth, so the Senator whom we honor with this resolution was my senator as was the Senator from Berkeley and my colleague from the Fifteenth. And so, among my three senators, Herb was clearly the oldest.

He's been a great senator and he's been a great member and contributor not only to this body but, in particular, the Senate Judiciary committee. A, a person who will spend 20 years on the Judiciary committee is someone who's after, and deep within, my heart, a kindred spirit. I don't know how that committee will function as it has with the loss of the Senator's expertise on so many issues. Whether its solid waste issues, anything having to do with utilities, Public Service Commission, public service district, the rule-making process, you have been an enormous resource for all of us in this body and on the committee. And, you have been a great representative of the people who sent you here and it's been my honor to have you as my friend.

Thank you.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

REMARKS OF  
HONORABLE  
DOUGLAS E. FACEMIRE

*Saturday, March 12, 2016*

SENATOR FACEMIRE: You know, my grandmother always said "If you don't have anything good to say about anybody, don't say nothing." But, you know, this is my eighth year in this Senate and when I first came down here I was like everybody else when you first got here. You didn't really know what you were supposed to do when you got here. But, there was two guys, Senator Edgell and Senator Snyder, and they felt sorry for me. And, they told me one time, they said, "You know, we kind of have a responsibility to protect the integrity of this body. So, we got a lot of work for you." But, they were always my friends. And, Herbie was the guy who would help you in a lot of these complicated issues. I remember early into it I said, "Why do we have all of these resolutions?" "Aww" he said, "Senator, that's when we go smoke." And, I was a pretty good student and I listened.

And he, he . . . but he's such a graceful loser. You all might not know this but when Herbie gets onto a bill, it's not the night before, it's six weeks before. And, every night we have to sit over there and hear about it. I'm so sick of unfair trade. I'm so sick of this PSD. But, you know he, he, in his own way, he's, he's brilliant. And, he uses such brilliant terms like "I can't believe them people's so stupid to vote against me."

But, Herb Snyder is a statesman. Regardless of whether you agree with him or not, have you ever thought he was trying to do something wrong? Think about that. Twenty years, you never thought about him doing something wrong.

Herbie drives five and a half hours to get here. I can leave my house and be in Charlotte, North Carolina, in five and a half hours. He is the example of a fellow who loves his family, loves his state and loves these United States of America. Herbie sacrifices a lot being down here. He's only been home one time this whole session. Think about that a minute. Only seen his family one time this whole session. That's sacrifice, folks.

He's the most unselfish person I've ever been around. In life, you're lucky to have five great friends, and Herbie certainly is one of mine. Good times, bad times, in between, Herbie's been there. And I, I just really can't say enough.

Mr. President, you don't replace people like Herbie easily. The knowledge that he has, the kindredship. I remember one time Senator Blair was having trouble moving a bill. Who came to help you? Herb Snyder. Now we gave him thunder for helping you that night, I want you to know it, but that's Herb Snyder. Herb Snyder is going to help you if he can. And I guarantee there's nobody in this body that can say Herb Snyder hurt them. He might have beat you, but he didn't hurt you. He doesn't cheat. He does it the right way. He tries to use the rules of this body and make them get his point across. That's a statesman. And he's always, always put this state in front of his personal needs. And it's been my pleasure and honor to serve with my friend, Herbie Snyder.

I urge passage of this resolution.

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**Recognizing dedicated public service of  
the Hon. Herb Snyder**

*(Adoption of Senate Resolution 68)*

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**REMARKS OF  
HONORABLE  
SUE CLINE**

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*Saturday, March 12, 2016*

SENATOR CLINE: I rise in favor of this resolution and you probably think why because I'm so new here. But, I've been sitting with Herb in Judiciary for three, two, three times a day for weeks now and, and I've been disrupting him, I've been, I've been asking him questions, I've been doing everything and he not once did he ever, ever get aggravated or frustrated with me. And, not once did he tell me a biased opinion. He always was truthful and honest with me. And, I appreciate that. And, you said to me the other day that one day I would remember what you told me. You said, "You'll remember what Herb said to you." I will. Always.

Thank you.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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**REMARKS OF  
HONORABLE  
JOHN R. UNGER II**

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*Saturday, March 12, 2016*

SENATOR UNGER: Thank you, Mr. President.

This resolution is to honor a senator, the Senator from Marshall, that has served in this body with distinction for many years. As a . . . I knew him when I first came as a Judiciary chairman, and then later becoming the first and only Acting President at a time

when which we had a situation that could have been a constitutional crisis in the pecking order of how the President had ascended to the, the Governor's position and then knowing full well that this body wanted to elect its own leader, we changed the rules and he became the first and only Acting President and then later President of this body.

I think it's fitting that over top his, his desk he has a portrait of John F. Kennedy. And, John F. Kennedy says, "We must find time to stop and thank the people who make a difference in our lives. One person can make a difference and everyone should try." I think that also is a, a theme and very much a motto in which the Senator from Marshall carries with him in his heart.

I got to say serving as his Majority Leader, Mr. President, I know that your task and the Majority Leader, the Senator from Jackson's task is not easy, especially during these days. When I first came as a freshman and, and at that time the Governor, Earl Ray Tomblin, was actually President of the Senate, things were pretty smooth and everything was like Groundhog Day the next day. That's how it was but when Senator Byrd died and, and there was a shift in the political aspect to this state, it became turbulent. And, this man actually took the reins and rode that bronco that still even bucks today. And, it was with distinction that he's done that.

Now I got to say, serving with him, he's not afraid of terms and many people may term him as a liberal but I want to read a quote that John F. Kennedy said. He says, "If by a 'Liberal' they mean someone who looks ahead and not behind, someone who welcomes new ideas without rigid reactions, someone who cares about the welfare of the people—their health, their housing, their schools, their jobs, their civil rights and their civil liberties—someone who believes we can break through the stalemate and suspicions that grip us in our

policies abroad, if that is what they mean by a 'Liberal', then I'm proud to say I'm a 'Liberal'." I think, I don't know if he terms, uses that term, but I guarantee what John F. Kennedy described there that's the Senator from Marshall.

He often said many nights when we would talk, Mr. President, he would say that "Leaders lead and what we do here we do for the people." That's what it's all about. Always reminding me that even with process and everything that we wrestle with here and the emotions that flow and the anger, he says, "Leaders lead and what we do here is for the people."

I got to say, Mr. President, it is with great honor that I served with the Senator from Marshall in leadership. It's a great honor that I continue to serve here with him today and I'm going to miss him. I'm going to miss him as a leader, both in the area that he was a President as now he's the Minority Leader. I'm going to miss him, not having him here, but he's always going to be a friend no matter what happens in the future. And, I wish him the very best and look forward to continue working with him in other capacities of leadership roles.

Mr. President, I urge the adoption of Senate Resolution 69 honoring the Honorable Jeffrey V. Kessler.

Thank you.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
HONORABLE  
KENT LEONHARDT

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*Saturday, March 12, 2016*

SENATOR LEONHARDT: Thank you, Mr. President.

I want to thank my fellow senator from the Second District, my Senior Senator from the Second District. It's probably not a secret that I wasn't his first choice to be in this seat but from the day one he welcomed me, he talked to me, we discussed issues about our district together. When we were out at functions and things and a reporter might have missed, or somebody . . . missed, "Well you forgot Senator Leonhardt." He was always there for me. It's been a short time and I'm proud to call you a friend.

Thank you very much.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
**HONORABLE  
ROMAN W. PREZIOSO, JR.**

*Saturday, March 12, 2016*

SENATOR PREZIOSO: Mr. President, ladies and gentlemen, I stand in support of this resolution.

It was six years ago when we had a chance to make history. The Senator from Berkeley, the Senator from Marshall and myself had a dream that we could possibly contribute to leadership of this, of this Senate. And, we worked diligently, we plotted hard, and we, we knew who the players were and we put together a team that I think served well for the past four years. One of the most things I'm proud of is the fact that I was a

part of that team. And, in those four years I was allowed to, to put together a staff that I thought was outstanding, put together an agenda and balance a budget. And, during the course of that time, I can't remember but three times you ever asked me to, to give consideration to a bill. You know, we set the, I set the agenda, ran it, we balanced the budget. We got together in our leadership teams and, and worked together. And I, and I think the rest of the chairs under his leadership will attest to that.

The, the character of a man that, that I had the opportunity to work for was just tremendous. The opportunity again to, to work for an individual with his character, you know, we worked hard, we, we, we managed the Senate, worked with the Governor, and, and we knew that we were headed to tough times and I think we put together an agenda that, you know, will go down in history as probably one of the best agendas we ever had. I don't know what, what fate holds for the Senator from Marshall, you know, he may be Governor, he may be downstairs but I'm sure if he is, he's going to put together a team that will work to make West Virginia great.

So, Mr. President, again I support this, this resolution.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
**HONORABLE  
RYAN J. FERNS**

*Saturday, March 12, 2016*

SENATOR FERNS: Thank you, Mr. President.

I rise in support of this resolution. And, I'm going to start by telling a little story. It was a couple of weeks ago during this legislative session that myself and some of my Republican colleagues, as well as some of the Republicans from the state party, were having dinner after one of our late night sessions here. And I, I told the Senator from Marshall this story already but I'll share it with you all cause, actually, I didn't know we were doing this tonight, otherwise, I would have saved it. But . . .

We were all down there and, as politicians do oftentimes when they get together we got to talking about politics, and gubernatorial races and the race that our Senate President and the Minority Leader are both involved in. And, you know, being just amongst our own party there was no reason to, to blow smoke or, or, you know, tell anything that wasn't factual. But when we were talking about this gubernatorial challenge and our Minority Leader's name came up time and time again—everyone had the same comment and they were along the lines of the amount of respect that each of us had for the, for the Senator from Marshall. You know, oftentimes, myself and, and those who are, who are having dinner there together that night might not agree on all the policy issues but what was said repeatedly over and over again was that you know where the, the Senator from Marshall's coming from. You know what his beliefs are and, even if they're not popular in this state, you stand by them. You're not afraid to do that and I think that speaks volumes about a person. It's not easy to do. I mean we've all, we've all met that challenge before here, standing up for something that's not popular, I think you do that on a daily basis.

It's been, it's been a great honor to serve with you and I wish you the best in everything going forward.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
**HONORABLE  
ART KIRKENDOLL**

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*Saturday, March 12, 2016*

SENATOR KIRKENDOLL: Thank you, Mr. President.

I rise, too, in absolute, total support of S. R. 69. You know, it's, it's, it's a rare occasion that you get to associate yourself with people that, after you're around them just a short period of time, you know that they're going to tell you the truth, listen to what you have as an opinion or a view and give, give you the best answer they can give you. And, I can remember back the night that I walked into the Senate chamber and, coming across the corridor here, I got calls from southern West Virginia, northern West Virginia, I think outside of West Virginia, on trying to solicit my vote for the vote for the presidency of this Senate. And, I actually had a conversation with the gentleman that we're in total honorment of tonight and I told him, I said could you give a couple of days to think about what I need to do once I become a senator and I have to walk in the first night and vote to change the dynamics of the State of West Virginia? And, on the phone, he didn't belabor the issue, he just said I think I'm the guy that can do the right job, I would appreciate your support. And, I can tell you, I slept on that and the next day I got ahold of him and I said if you get one vote, it will be mine. And, I told him that. And he was from the northern part of the state and me from the southern part but when I got over here it was quick to see that the southern guys had some tremendous, tremendous senators.

But, I didn't want to come in here and create a vote that would divide the Senate and what they were trying to do. And, I also knew after doing numerous checks with different people about the integrity and the ability of leadership of Senator Kessler I would have no problem working with him irregardless of the geographics of his residence and mine. So I think he wanted to do a little quick checking on me so he asked somebody about me. And, a friend of mine told him if he told you that's the way it's going to be, that's the way it's going to be.

So, getting back to finish up the story of how we started our connection, I don't regret my vote. I became a senator in November of '11 under his leadership, as Majority Leader then President of the Senate and President of the Senate to the majority party and '12, and '13, and '14, I guess, and he was always there. And, I asked a lot of questions. I mean the Judiciary chair will tell you that because when you talk to learned people you learn a lot of things. But what I found out about his leadership is you, you didn't always have to ask his position. If he thought he could tell you something to help your position, he would look you up.

So, with that, I feel extremely honored to have been a part of the team under your leadership and with that I support the resolution.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

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*Saturday, March 12, 2016*

SENATOR MILLER: Thank you, Mr. President.

I also stand in support of S. R. 69. Very quickly, I will tell you one of the greatest things about Senator, the Senator from Marshall. In my opinion, he, he was a great leader for us but one of the things he did that I think, potentially, could have changed West Virginia if we'd continued doing that and that was our Southern Coalfields Revitalization Committee. We visited throughout the south, he drove all the way down from Marshall County many times, there wouldn't be many of us there, as we listened to the concerns, economic concerns in southern West Virginia. And, I don't think there was anything, anyone more dedicated to that cause than the Senator from Marshall. So, of all the things I could say that's one of the greatest things I could say about his dedication.

I'm honored today to support S. R. 69.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
**HONORABLE  
ROBERT D. BEACH**

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*Saturday, March 12, 2016*

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, I, too, rise in support of this, this resolution. I just want to rise and, and thank the gentleman from Marshall. I appreciate the first four years I served with him here in the Senate. I came in at a time that was very difficult for all

of us and it required a different kind of leadership and I believe the gentleman brought it to the table.

But, I'm especially proud of the gentleman from Marshall these last two years, which too, has, has been different on a lot of us and I respect the way that he handled himself, the way that he brought us together at a different time in our state's history. And I, I appreciate the confidence he had in me early on, allowing me to chair a committee as a newbie coming into the Senate, that's very rare. And, I'm grateful for that, grateful for his friendship, grateful for the time that we spend and watching ball games together and an occasional beer now and then and just sharing ideas and the fact that he had enough confidence in me during those, those times to just freely speak, means a lot to me.

And, thank you.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

*Saturday, March 12, 2016*

SENATOR ROMANO: Thank you, Mr. President.

I, too, rise in support of this motion. You know, I've only been in this body for a couple of years but I've known the Senator from Marshall for probably 20. I was a young lawyer and he was a young senator, you know, I, I used to come down here and, and ask him to move mountains. And I, I didn't realize how hard it was to

herd nine cats on Judiciary or 34 cats in this body but herding cats was hard. And, and, you know, you all know me. I, I, I tend to be a little bit forceful when I believe in something and I used to . . . I know, I know . . . but you know the Senator always treated me with great respect even when I was just some lawyer coming up and trying to do something that I thought was right in this state.

I remember very well speaking to the Senator right after my, my son was born, my, my second child, and I was about 44 years old and we were talking about a case or something that he was involved in and I said, he goes "What's the matter?" He said "You sound tired." I said, "You know we just had a second child." I said, "The chaos has really, has really increased." I said, "I'm 45 years old." I said, "I may have waited a little bit too long to have two children." He said, "Are you kidding me?" He said, "I'm 53. I got an 18 month old." So, he, he always had something to say that made you feel better even when you were down in the dumps.

And, you know, Jeff Kessler, Senator Jeff Kessler's one of the reasons that I came to this Senate in addition to all the others that are over here with me. And, whether he's in the majority or minority—I would have loved to have served with him as Senate President and seen what that was like but . . . You know, he's a man of integrity, he's a man of good judgement, he's a man that looks out for the people of West Virginia and I'm, I'm proud to call him my friend.

Thank you.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
HONORABLE  
HERB SNYDER

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*Saturday, March 12, 2016*

SENATOR SNYDER: Thank you, Mr. President.

I definitely urge support of the resolution and I'll probably add a little levity and some history.

When I came to the Senate—the only senators who are still here that were here were the Senator from Wayne and the Senator from Pleasants—after about 10 or 11 months of being here which was quite an experience coming in as a new senator as all of you know, Senator Wiedebusch died and my good friend, and I do that, mean that, good friend from Marshall was appointed to that seat. And, we very quickly became good friends and we have been ever since. Clearly, the Senator from, former Senator from Wetzel and I and the Senator from Marshall were known as the three amigos. I'll let you draw your own conclusions to that but we always had fun. And a lot, lot of history.

But, a couple of colorful moments that, hopefully, the Senator remembers. Was, one, it happened to me cause sometimes you remember the good and bad moments. I won't tell anything embarrassing but was when I drove 324 miles, all the way from the Eastern Panhandle, and I pulled in the Marriott garage and rounded the second corner in the, the parking garage and my wheel fell off my car. Do you remember that? So the one I remembered on him sitting here was he was driving down, rushing to get here from Wheeling one morning, and a tarp blew off the truck in front of him and completely covered the front of the car, windshield and everything else. How you weren't killed, I have no idea. Didn't you have to have your car towed, I think with

the tarp wrapped all on the wheels? So we all have our experiences, good and bad, but the one thing that I'll definitely remember about, and it shows the true character of the Senator from Marshall, in my darkest day, Mr. President, the Senator from Marshall called me and I deeply appreciated that. And, I still remember it tonight. He is a good friend, a great senator, and I wish you Godspeed wherever it takes you.

Thank you. I do urge adoption of the resolution.

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**Recognizing dedicated public service of  
Hon. Jeffrey V. Kessler**

*(Adoption of Senate Resolution 69)*

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REMARKS OF  
HONORABLE  
MITCH CARMICHAEL

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*Saturday, March 12, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

I, I rise in strong support of this resolution as well. And, I rise to say I respect the Senator from Marshall. I respect him, and that word's been used a lot in conversations about him. And it's, the thing that generates that respect is that he's so genuine. There's a genuineness about your personality, about your, the issues that you promote, the ownership of who you are and that . . . . When we bring that to the Senate, and we bring that to our public life, that deserves and commands respect because, as you know . . . . And, you have a passion about the things that you care about and when you bring that degree of integrity, determination and passion to the Senate and to your public life, you know, you can create conflict and you, you find yourself at issues that aren't

exactly lined up with the public but you never deny who you are and I love that about you and I absolutely respect and admire your courage and fighting for the issues. It's been a pleasure and an honor to get to serve with you, to get to know you and to call you my friend.

And, I urge adoption of this resolution.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
MITCH CARMICHAEL**

*Saturday, March 12, 2016*

SENATOR CARMICHAEL: Thank you, Mr. President.

I rise in strong support of this resolution for my good friend. You have been, and, and the reason all of us and the people of West Virginia should support this resolution, is your commitment to the betterment of this state. I have watched you as a close friend, not just a colleague, as a close friend, work tirelessly to put West Virginia on the path to progress. Regardless of the political consequences, regardless of the ideological bent, regardless of the entrenched special interest groups, regardless of the consequences, you have forged forward to move this state and to put its people on the path of progress.

And, I know your heart, I've seen it. I've watched you turn friends away because it was the wrong thing to do and embrace those who have criticized you because it was the right thing to do. And, that's the mark of a true statesman. When you do the right thing . . . when no one's looking, you

still do the right thing.

Your vision for the State of West Virginia: To see the potential, to know that there is a brighter way, to know that we do not have to continue down this path that has led us on, in a declining economic environment. You know that there is a better way and you have garnered the support of so many people around this state, and within these halls and within this capitol, to do the tough things to move our state forward.

I am proud to have gone and walked this journey with you to this point. I wish you the absolute best of luck and I feel that your destiny and the State of West Virginia are linked together in such a way that there is a brighter future for all of us. And, I am proud, pleased and honored to stand in support of this resolution and to call you my dear friend for life.

Thank you.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
CHARLES S. TRUMP IV**

*Saturday, March 12, 2016*

SENATOR TRUMP: Thank you, Mr. President.

Changing the status quo in anything is difficult. Change is scary for many people. And, upsetting an established way or entrenched interest is always hard. To accomplish it, it takes a person of leadership. And, I have observed that in the honoree of this resolution since my arrival here at the

Capitol last January. The person honored by this resolution is committed to making West Virginia prosperous, to making it a place where businesses can grow, where families can set down roots and establish a future for generations yet to come.

I rise in strong support of this resolution and with the greatest respect and admiration for the person named therein.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
ART KIRKENDOLL**

*Saturday, March 12, 2016*

SENATOR KIRKENDOLL: Thank you, Mr. President.

I rise in support of the resolution. It didn't take me long to figure out that when you're a member of the Senate body you're going to disagree on a lot of issues. But, I can tell you one thing, I can look all 33 of my colleagues straight in the face and tell you even on disagreements I'll never hold it personal. I'll never lose an ounce of friendship or respect because when I was a county official I thought you guys didn't do much. I'd give speeches back home about how hard county government was, and how hands on we were and, and those guys over there, they had a cocktail or two and talked and looked at their own issues and I said they just don't do much. Well, I can tell all of you, Mr. President, since you're part of, you're the honoree tonight, along with my colleagues, I'd given about six repetitive, humble speeches since 2011 to tell people they just don't know what all of you do. And, as a

leader, your, on your side of the aisle as the majority party, they attest to your dedication of time. As a minority party member, I also say you do put the time in. And, I do say that you lead with strong, strong, 18 to 16, I mean strong . . . .

But I can tell you I respect you as a friend. I respect the leadership. We disagreed on some of the issues that we truly showed when we voted to the, to the people of West Virginia and sometimes time will tell if the vision you had was the right vision. But, that's why we have the best in the world. Our democracy. Our freedom. If you didn't do it right, the people out there will tell you or me when they go push the little machine because, because they have the vision and the ideas and the dreams. So, they depend on us to put it out there for them. You guys have changed and gals have changed the format of what West Virginia may be. We'll have to see how positive it is. But, I will give you credit for that. And, I will give you credit, you put the time and the effort in and, as a minority, I've never asked you a question that you didn't give me a quality answer. And, you were there to answer anything we had to have a question to you about. And, as a leader, I think if you just try to be fair with your, both sides of the aisle, I think the people of West Virginia are better off for that.

So, with that, I do support, superbly support, S. R. 70 and I wish you the best, Mr. President.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
RONALD F. MILLER**

*Saturday, March 12, 2016*

SENATOR MILLER: Thank you, Mr. President.

I stand also to support this resolution. I will tell you that I didn't like you very much when you first came here because you beat my dear friend in the election. That's what elections do. But I got to know you while you were here and while I believe you're wrong on a lot of things, you think I'm wrong on a lot of things, too. And, that's ok. You've always been a friend to me. You've never belittled me. You've never put me down. You've accepted me for who I am.

I'll, I'll tell the body and, and maybe you don't want me to share that but I'll share it anyway. A few weeks ago, the President had felt he had done me wrong. It was a little thing. He called me on the way home. My cell rang. I didn't know how, knew how he had my cell phone. It scares me how he can find all those cell phone numbers but he had my cell phone number. And, he called me and apologized for, for what he had done. I appreciated that very much. And, and had a good conversation as he apologized.

So I, I think this resolution is good to honor a man who, who does believe what he does. And, he and I may disagree on what he does and how he does it but we agree that he does it hard and he works hard. And, we have to honor him this night, certainly, because of who he is and what he does and what he believes.

So I, I support this resolution, also.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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**REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO**

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*Saturday, March 12, 2016*

SENATOR ROMANO: Thank you, Mr. President. I'll be brief.

You know, I, I, I do rise in support, in strong support of this amendment because . . . of, of, of this resolution, thank you . . . because, you know, a lot of people have talked to me and of course the President of the Senate comes up and I say I, I seldom ever, I seldom ever agree with him but he is a leader of his party. And, you have done a fine job leading the 18 individuals over there and you, you have to respect that.

I, I remember my first conversation with the President. He called me on the phone right after my election and he said—we had a little disagreement—and he said “Michael, I would sure hate my first fight be about you in the Senate.” We've had a lot since then. But, you're a good man and, despite our differences—and we have a lot of them—you always sit down and show respect for all of us and always have good conversations. We can always discuss how we disagree and, maybe, pull everybody a little bit to the left every so often.

And again, with my full support, I support S. R. 70 for William P. Cole III.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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**REMARKS OF  
HONORABLE  
DOUGLAS E. FACEMIRE**

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*Saturday, March 12, 2016*

SENATOR FACEMIRE: Thank you, Mr. President.

Well it's, there's no doubt about it, we ain't agreed on a whole lot of stuff. But, you know what? That's how it's supposed to be. Sometimes when the right and the left works together, we've done a lot things where we've met in the middle. And, Mr. President, I do believe this: You are a genuine West Virginian. And, you want the best for West Virginia. It doesn't make any difference whether I agree or not. I do know that you're an honorable man and you want to do what's right.

Some of my friends back home said "He acts like he's mean." I said, "Well, sometimes that ain't all bad." Sometimes you, you need a whipping occasionally. But you've always been fair, you've been very respectful to me. And, I appreciate that.

I wish you the best of luck and I felt privileged to serve under you.

Thank you, Mr. President. And, I urge passage.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
HERB SNYDER**

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*Saturday, March 12, 2016*

SENATOR SNYDER: Thank you, Mr. President.

I stand in support of the resolution but I must rib you a little. If we all notice in the chamber that the board, through some electronic glitch, came up starting a head up to, to zero. Mr. President, that's been our problem on this side of the chamber all session.

But, I, I do—and I will be very brief—certainly to serve as Senate President is a tremendous honor to add your name with so many others since our great state was formed. You have maintained the respect of the Senate and the honor. I, when I first came here with then Senate President Earl Ray Tomblin, I gained such respect for this body that I would not, even in the evenings, walk through any door here without a suit and tie on. I had that much respect. And, you've continued that tradition and I appreciate that deeply.

I wish you the very best in your endeavors of the future of your life.

Thank you.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
CHRIS WALTERS**

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*Saturday, March 12, 2016*

SENATOR WALTERS: Thank you, Mr. President.

I rise in strong support of this resolution, strong support of the gentleman that this resolution is honoring. We came in the same class together, that's kind of how I'd like to say it, here into the Senate. And,

we're part of the "Honey Badger Caucus" together, and with Craig and Mitch. And, you know, I remember spending many hours at the very, very end of the hallway, as far away as we could get, just sitting in your office with Mitch and, and everyone else and just talking about things that we wanted to do and things that we wanted to do that could be great for West Virginia. And, we're on that path. And, we're on that path underneath your leadership.

You've been like a father figure to me here in the Senate. I, I remember sitting in the back in the office one day and the, the tongue of my shoe, the, the bottom of it was, was flapping and I just was sitting there with my leg over top of one and just flapping the tongue of my shoe, the very bottom of it cause the, the heel was falling off from how far I had to walk to get to your office and you started grumbling like I was your son and started reaching back in your pocket like you're going to get money to help me fix it. I was like, what are you doing? And I was just, you know . . . that's the kind of relationship that we've always had.

He, he spent hours on the phone—you think you all have heard about broadband from me—he spent hours talking to me on the phone about it. And, talking to me late at night about it, different ideas, and crazy ideas. But, he's always been somebody that I felt comfortable to call and he's made time for me as I know he's made time for many others in this body.

And, I'll tell you, he would do anything for any one of us. And, he's a very admirable man and I really appreciate serving with you. And, I'm so thankful I got to push the button to help vote for you to be President of our Senate.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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**REMARKS OF  
HONORABLE  
DAVE SYPOLT**

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*Saturday, March 12, 2016*

SENATOR SYPOLT: Thank you, Mr. President.

You know, I normally don't speak too much on the floor but I guess the spirit has moved me this evening. And I, I look up to you as both a leader and a friend. And, I recall a story, I'll relay very quickly, when we sat on the other side of the room and first year down here and we were getting close to the end of the session and things were starting to pick up and the pace was clipping along and I remember one time you looked over at me and said, "Dave, do you have any idea what's in this bill that we're about to vote on?" And, I thought, well, it had been one that went through my committee and I knew a little bit about it and told you about it so we went on from there.

But, I will say that under your leadership, last year and this year, with our 7:30 meetings every morning, I don't feel like I came into this chamber one time without knowing what was going to be on the agenda or what was going to be happening. And, I'll call you a leader and a friend but I won't call you boss because you've never once asked me to vote any certain way. But, we've always laid the facts on the table, we let everyone decide, we believe in the committee process and if it's going to go up, it's going to go up, if it's going to go down, it will go down.

But, I stand behind you and, and I respect you for what you've done, not just me but other people. I've heard the, I've heard the stories before from last year after, after our

60 days. Many people have said wow, he held it together. Well, we all held it together because you made us a team, you made us all part of the process and you made us all valuable and feel valuable. And, that's important.

And, I think in about an hour and a half we can have another 60 days behind us. Another one for the books. And sir, you and Lee held it together one more time. And, my hat's off to you.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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**REMARKS OF  
HONORABLE  
RYAN J. FERNS**

*Saturday, March 12, 2016*

SENATOR FERNS: Thank you, Mr. President.

I rise in support of this resolution and just thinking here as I was listening to all the stories, I was thinking about where our journey began. And, it's kind of funny. It seems like forever ago now but a little over three years ago I was a Democrat member of the House of Delegates and I had a crazy idea. You know, I was kind of fed up with the way things were going. I was unhappy in the House and, and wasn't happy with the direction the state was going in. So, I had this crazy idea and you were the first person I went to talk to about my crazy idea. I was completely unsure of, of what I was doing. I walked into your office and, and told you what I was thinking about and with no hesitation you said, "You're the man for the job, what do you need?" And it was that, that kind of instinct that I think

has made you one of the greatest leaders that I've ever encountered.

I'm from the northern part of the state, obviously, you're from almost the, the very bottom, southern part of the state. So a lot of times in, in my area folks ask me, you know, who is Bill Cole? And, I tell them what's important to me when supporting somebody for an office is that they are in it for the right reasons. They have nothing to gain and everything to lose. I think that's the ideal person to be a representative. And I, I don't think that could be more true of anybody than of you. You have put your entire life on hold because you believe in the future of this state. I, I think you've sacrificed a tremendous amount in, in . . . I mean when you think about the history of careers in politics, in four, four years what you've done is, is, is remarkable. I mean, you've really moved mountains in order to get this state in a new direction. I mean, it's, it's unbelievable and, and I think everyone in this body agrees that the leadership qualities that you possess are second to none.

And, I'll tell a short little story. The Majority Leader and I were laughing the other day. He came into our morning meeting and told us about an idea that he had related to an issue—and I won't get into the issue—but immediately my friend, Senator, Senator Blair and I started jumping down the Majority Leader's throat saying, "What is wrong with you? What is wrong? What are you thinking?" About 20 minutes later you came in and said almost the exact same thing and both of us sat back, nodded our heads, "Well, that's a great idea." Majority Leader looked at us and said "What? I said the same thing, you guys jumped down my throat." But, I guess the, I guess the way that you said it was just enough to point us in the right direction.

You, you've been a tremendous friend and an even better colleague. Look forward

to everything you're going to do in the future for our state.

Thank you.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Saturday, March 12, 2016*

MR. PRESIDENT: Would it be ok if I called the previous question or are you going to do that? Senator from Wayne.

SENATOR PLYMALE: Before . . . I, I want to be recognized to close if I could.

MR. PRESIDENT: Senator from Wayne to close.

SENATOR PLYMALE: No, after he speaks, I'd like the right to close.

But, I want to tell that the one thing I do appreciate is the fact that we run as a business here. That . . . the times have usually been on time. I mean, you, you, you've really have run this as a business. You have worked this body probably harder than I've seen at any time that I've been here. I do appreciate that you've given me the opportunity to experience the West Wing again and the camaraderie that happens there. The fact that I do have a seat next to the restroom as my, you know, age, this getting older, I, I need to be able to get out of here really quick. No. And, I really do, I appreciate your leadership. I do appreciate the fact that we have run as a business. You know, I, I like spending

Saturdays here. And some Sundays—I wasn't going to get into that, Senator from Berkeley, I was afraid if I mentioned it maybe you'd put another lawsuit on us again or something.

But, you know, in, in all due respect, I, I appreciate the, you know, we, we have become friends and, and I do appreciate it and thank you very much. The things that I joke about . . . it really has been nice to be over where you, you if you get over here in, in the capitol sometimes you lose the contact with your members and one of the things I do have, have to say I really have enjoyed that. And, and appreciate the fact that this is a Senate body that I really embrace and I don't think this is, these are careers, everybody's talking about careers. I look at this as service and I think it's the same way that you look at it. This is service, this isn't a career. If you think this is a career, you're in it for the wrong reasons. And, I do appreciate that you feel the same way.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
CRAIG BLAIR**

*Saturday, March 12, 2016*

SENATOR BLAIR: Thank you, Mr. President.

First of all, you had faith in me when I, I didn't have faith in me, to come forward and be part of this process. I remember when our good friend Don Caruth passed away and you were a delegate and we got to know each other then. And, then we moved

forward to you being a senator and we're all the way down at the West Wing. "Honey Badgers", he was talking about back there. We'd sat back there and talk about what we'd do if we were in the majority. What we, how we'd change the state, this and that. And, Mr. President, you've lived up to every one of the words in the conversations.

And you, you're a facilitator. You have the ability to take average people and turn them into incredible individuals. You have the ability to take the collective mind and make it work for all of West Virginia. When we sit in the President's meeting in the morning, not once does, or any conversation about that's a Democrat bill, that's a Republican bill, it's about whether it's a good bill for West Virginia or not. And, more than once, we get reminded of the story of you and your father where you went in one time to complain about something and you got told if you didn't have a solution to the problem don't come to the table without a solution for the problem. You know, that was some great advice I could have probably used a long time ago. But, I certainly do apply it now.

The staff in this building absolutely loves working under your leadership. I hear it on a daily basis. This bunch in here is like herding cats, too. And, you do an amazing job of doing that.

And I . . . we got to go back again and look at the collective mind. Today we did something that, back years ago when I had hair, it was called drug testing for welfare. And, this is just one example of your leadership that we moved West Virginia forward and respect the will of the people of West Virginia through your leadership.

And I, I got to throw out just a little bit of statistics that your leadership has done. When we were in the minority, it was one percent, maybe two percent of the bills that got passed—and this is no disrespect to anybody else—this is a pride that I have

of working with you where when you're in the minority, it's 21 percent. In other words, the collective mind is put to work by this man's efforts to make sure that we all work together and do the right thing.

You know, Mr. President, there's nothing more prouder than to be able to stand up and say that to you. This year I've got the numbers and it's running right in line with last year. Wow. If every person in West Virginia knew this, you would be Governor. And, I predict that that can very much, sir, happen because these are the good things that can happen for all West Virginians as you brought good things to this capitol.

Thank you, Mr. President, for your service.

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**Recognizing dedicated public service of  
Honorable William P. Cole III**

*(Adoption of Senate Resolution 70)*

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**REMARKS OF  
HONORABLE  
JOHN R. UNGER II**

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*Saturday, March 12, 2016*

MR. PRESIDENT: Should I be worried? Senior Senator from the Sixteenth.

SENATOR UNGER: Thank you, Mr. President. I know you hesitated on that but . . .

Matthew 5:44 says: But I tell you, love your enemies and pray for those who persecute you. And, Mr. President, you know, when we talked about the Honorable Darrell Holmes and that closet that everybody was shown as their office, I never thought anybody would actually be in that closet until you came along and, and

I ended up there. My parking space is over there by the Power Alley ballpark. It's quite a hike, I just don't like it when it's snowing, but thank you, Mr. President.

But, I got to tell you, Mr. President, and I want to just say right now that we've, we've had our battles but I do not consider you as my enemy, maybe an adversary, but not an enemy.

And, I just want to say something that when I, I mentioned with the Senator from Marshall I used the quote for John F. Kennedy that kind of embodied him but, Mr. President, when I read this, I really think this embodies you. This is from Theodore Roosevelt, "The Man in the Arena": It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end [of] the triumph of high achievement, and who at the worst, if he fails, at least [he] fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.

Mr. President, you're not an enemy of mine, you're an adversary, and a formidable one. And, somebody I respect. And, I just want you to know that. And, I just thank you and would ask that the "yeas" and "nays" be taken on this resolution.

Thank you.

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**WVSP Tpr. Phillip S. Kesner  
Memorial Bridge**

*(Adoption of House  
Concurrent Resolution 42)*

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**REMARKS OF  
HONORABLE  
JEFFREY V. KESSLER**

*Saturday, March 12, 2016*

SENATOR KESSLER: Thank you, Mr. President.

I rise in support of the resolution. Trooper Kesner was a, a trooper in the Moundsville Detachment who was serving admirably and, during, a New Year's prison riot occurred. He was off-duty driving past the penitentiary and prison and, unfortunately, was killed by some of the inmates who were escaping at that time. And, he served with great distinction.

This is an important resolution naming a bridge, I believe, in his home county in his honor. And, I strongly support it. I know the Troopers Association and the troopers that serve in green today would certainly appreciate the passage of this as well.

I urge the adoption of the resolution.

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**REMARKS OF  
HONORABLE  
WILLIAM P. COLE III**

*Sunday, March 13, 2016*

MR. PRESIDENT: Thank you, thank you, Madam President.

You know, you might think I've sat up there for the last two years and I'd have a speech ready as I've been spoken to for hours on end, I might have a long one ready for tonight, but truly, I don't. It's been a

long day and, and I'm going to be very brief. It is interesting being back here in the cheap seats again though. It's kind of good but it's kind of comfortable. That standing up there's a little bit tough.

First of all, let me say the, the resolution tonight touched me deeply. The, the comments that, that all of you made were special and I'll remember them for my life. As I've taken this on, I got to tell you the last two years have been special to me beyond belief. To all my colleagues in the Senate, both sides of the aisle, I appreciate, I appreciate all the memories that I'll take away from this. You know, we talk about this being the upper chamber, and, and I genuinely believe . . . well, obviously, it is. But, it's how we, how we conduct business. It's how we conduct ourselves. We agree to agree and we agree to disagree. But, we do it agreeably. We do it respectfully. And, I'm proud, I'm proud to serve with each and every one of you.

I walk in this Capitol every day and, I don't know about you all, but it takes my breath away. And, then I walk in this chamber and I look around and it brings me to my knees. But, the history, the history that's gone on here and the history that we're making each and every day, the difference that, I hope, that we're making for West Virginia and West Virginia's future grabs me from the bottom of my soul. I think that we all want exactly the same thing. We want what's best for our state and the citizens of our state.

I want to thank each and every one of you for the part that each and every one of you have played. Day by day, it's not tough, it's not, it's not easy, it's tough. We sit and we have, we have tough debates and we feel passionately and we feel strongly about our positions but, at the end of the day, I go home and sleep at night. I sleep well at night knowing that I believe there are 34 members of this chamber that want one thing and it's to make our state a better place.

The last four years but, particularly, the last two years have been two of the greatest years of my whole life. I will cherish them for the rest of my life and I thank each and every one of you for the part that you played in that.

Thank you all.

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**REMARKS OF  
HONORABLE  
BOB WILLIAMS**

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*Monday, March 14, 2016*

SENATOR WILLIAMS: Thank you, Mr. President.

I was going to have several pages but just something very brief.

I rise to note that during the final passage of House Bill 4014, Senators from Morgan and Roane and I were not in the chamber during that vote. Instead we were diligently working in your conference committee on Senate Bill 378, the truancy bill. As you know, the education of our young people is one of the most important issues that we work on here in the Senate. Unfortunately, the House of Delegates didn't think we did such a great job. And, although I was, though I was not here . . . to hear much of the debate on Senate, House Bill 4014, I believe we ended with a reasonable compromise. And, I would have preferred to have been present in the chamber for the final version of the vote on House Bill 4014 and, during the miscellaneous business here shortly, my voting sentiment will be filed.

Thank you, Mr. President.

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## HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol \* indicates Committee Substitutes.)

### SENATE BILLS PASSED LEGISLATURE

1. By Sen. Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo - **Establishing WV Workplace Freedom Act** (original similar to HB4006) - Passed 2/5/2016 - To Governor 2/8/16 - Vetoed by Governor 2/11/16 - Senate reconsidered action 2/15/2016 - Passed Senate notwithstanding objections of the Governor 2/12/2016 - Motion to consider bill notwithstanding the objections of the Governor 2/12/2016 - House passed over veto 2/12/2016 - Chapter 142, Acts, Regular Session, 2016
- \*6. By Sen. Ferns, Carmichael, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair, Karnes and Sypolt - **Requiring drug screening and testing of applicants for TANF program** (original similar to HB4010) - Passed 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 125, Acts, Regular Session, 2016
- \*7. By Sen. Leonhardt, Carmichael, Ashley, Stollings, Trump and Blair - **Establishing wrongful conduct rule prohibiting recovery of damages in certain circumstances** (original similar to HB4008) - Passed 2/24/2016 - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 3, Acts, Regular Session, 2016
- \*10. By Sen. Sypolt, Ferns, Gaunch, Karnes, Leonhardt, Trump, Walters, Boley, Boso, Takubo and Blair - **Creating Unborn Child Protection from Dismemberment Abortion Act** (original similar to HB4004) - Passed 2/29/2016 - To Governor 3/3/16 - Vetoed by Governor 3/9/16 - Senate reconsidered action 3/10/2016 - Passed Senate notwithstanding objections of the Governor 3/10/2016 - Motion to consider notwithstanding the objections of the Governor 3/10/2016 - House passed over veto 3/10/2016 - Chapter 196, Acts, Regular Session, 2016
- \*13. By Sen. Carmichael, Boso, Gaunch, Leonhardt, Trump, Walters, Blair, Takubo, Miller and Unger - **Increasing penalties for overtaking and passing stopped school buses** (original similar to HB4349) - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 243, Acts, Regular Session, 2016
- \*14. By Sen. Trump, Boso, Ferns, Leonhardt, Takubo and Blair - **Limiting successor corporation asbestos-related liabilities** - Passed 2/22/2016 - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 5, Acts, Regular Session, 2016
15. By Sen. Boso and Gaunch - **Adopting learned intermediary doctrine as defense to civil action due to inadequate warnings or instructions** - Passed 2/17/2016 - To Governor 2/19/16 - Approved by Governor 2/25/16 - Chapter 4, Acts, Regular Session, 2016

- \*27. By Sen. Kirkendoll, Miller and Gaunch - **Permitting county commissions hire outside attorneys for collection of taxes through courts** - Passed 3/5/2016 - To Governor 3/9/16 - Approved by Governor 3/9/16 - Chapter 50, Acts, Regular Session, 2016
  
- 29. By Sen. Palumbo - **Tolling statute of limitations in certain cases** - Passed 3/7/2016 - To Governor 3/11/16 - Approved by Governor 3/23/16 - Chapter 2, Acts, Regular Session, 2016
  
- 32. By Sen. Palumbo, Beach and Miller - **Relating to withdrawal of candidates for office and filling vacancies** - Passed 2/6/2016; Effective from passage - To Governor 2/9/16 - Approved by Governor 2/11/16 - Chapter 99, Acts, Regular Session, 2016
  
- \*39. By Sen. Stollings and Gaunch - **Regulating off-road motorcycles within Hatfield-McCoy Recreation Area** - Passed 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 8, Acts, Regular Session, 2016
  
- \*43. By Sen. Williams, Beach, Blair, Leonhardt and Miller - **Clarifying means of posting to prohibit hunting or trespassing** - Passed 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 59, Acts, Regular Session, 2016
  
- \*47. By Sen. Ferns - **Rewriting licensing requirements for practice of medicine and surgery and podiatry** - Passed 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 178, Acts, Regular Session, 2016
  
- 54. By Sen. Sypolt - **Altering how tax is collected on homeowners' associations** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 232, Acts, Regular Session, 2016
  
- \*68. By Sen. Ferns and Takubo - **Disallowing Health Care Authority to conduct rate review and set rates for hospitals** - Passed 3/7/2016 - To Governor 3/11/16 - Approved by Governor 4/1/16 - Chapter 202, Acts, Regular Session, 2016
  
- 94. By Sen. Walters - **Designating State Police Superintendent as administrator and enforcer of motor vehicle inspection program** - Passed 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/15/16 - Chapter 245, Acts, Regular Session, 2016
  
- \*102. By Sen. Trump, Boso and Gaunch - **Conforming to federal Law-Enforcement Officers Safety Act** - Passed 3/7/2016 - To Governor 3/11/16 - Vetoed by Governor 4/1/16
  
- \*104. By Sen. Plymale, Woelfel and Stollings - **Classifying Marshall University Forensic Science Center as a criminal justice agency** (original similar to HB4443) - Passed 3/9/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 211, Acts, Regular Session, 2016
  
- 107. By Sen. Trump - **Uniform Interstate Depositions and Discovery Act** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 173, Acts, Regular Session, 2016

123. By Sen. Stollings - **Treatment for sexually transmitted diseases** - Passed 2/16/2016 - To Governor 2/19/16 - Approved by Governor 2/25/16 - Chapter 198, Acts, Regular Session, 2016
- \*146. By Sen. Plymale and Unger - **Establishing instruction standards for early childhood education** - Passed 2/23/2016; Effective July 1, 2016 - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 90, Acts, Regular Session, 2016
- \*150. By Sen. Maynard - **Authorizing Department of Transportation promulgate legislative rules** (original similar to HB4082) - Passed 2/22/2016; Effective from passage - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 151, Acts, Regular Session, 2016
- \*157. By Sen. Maynard - **Authorizing Department of Revenue to promulgate legislative rules** (original similar to HB4088) - Passed 3/12/2016; Effective from passage - To Governor 3/21/16 - Vetoed by Governor 4/1/16
- \*159. By Sen. Maynard - **Authorizing promulgation of legislative rules by miscellaneous boards and commissions** (original similar to HB4096) - Passed 3/12/2016; Effective from passage - Recall motion rejected - To Governor 3/21/16 - Vetoed by Governor 4/1/16
- \*195. By Sen. Maynard - **Authorizing DHHR to promulgate legislative rules** (original similar to HB4114) - Passed 3/10/2016; Effective from passage - To Governor 3/22/16 - Approved by Governor 3/30/16 - Chapter 149, Acts, Regular Session, 2016
- \*202. By Sen. Maynard - **Authorizing Department of Commerce promulgate legislative rules** (original similar to HB4126) - Passed 3/11/2016; Effective from passage - To Governor 3/21/16 - Approved by Governor 3/30/16 - Chapter 153, Acts, Regular Session, 2016
- \*254. By Sen. Trump - **Not allowing county park commissions to prohibit firearms in facilities** - Passed 3/5/2016; Effective from passage - To Governor 3/9/16 - Vetoed by Governor 3/15/16
- \*259. By Sen. Blair, Karnes and Snyder - **Amending Unfair Trade Practices Act** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 217, Acts, Regular Session, 2016
261. By Sen. Blair - **Bringing state code relating to daylight saving time in conformity with federal code** - Passed 2/15/2016 - To Governor 2/19/16 - Approved by Governor 2/25/16 - Chapter 74, Acts, Regular Session, 2016
- \*262. By Sen. Blair - **Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings** (original similar to HB4424) - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 46, Acts, Regular Session, 2016
- \*265. By Sen. Blair and Snyder - **Allowing library volunteers necessary access to user records** - Passed 3/10/2016 - To Governor 3/21/16 - Approved by Governor 3/21/16 - Chapter 208, Acts, Regular Session, 2016

- \*267. By Sen. Blair - **Modifying removal procedure for certain county, school district and municipal officers** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 209, Acts, Regular Session, 2016
- \*270. By Sen. Gaunch - **Repealing code relating to insurance policies** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 38, Acts, Regular Session, 2016
- 271. By Sen. Ferns and Gaunch - **Regulating practice of accountancy** (original similar to HB4312) - Passed 3/7/2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 184, Acts, Regular Session, 2016
- \*272. By Sen. Blair, Gaunch, Plymale and Romano - **Allowing investigators from Attorney General's office to carry concealed weapons** - Passed 3/12/2016 - To Governor 3/24/16 - Vetoes by Governor 4/1/16
- \*274. By Sen. Walters - **Relating to increasing civil jurisdictional amount in magistrate courts** - Passed 3/7/2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 55, Acts, Regular Session, 2016
- \*278. By Sen. Ferns, Takubo, Walters, Stollings and Palumbo - **Clarifying physicians' mutual insurance company is not state or quasi-state actor** - Passed 3/12/2016; Effective from passage - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 136, Acts, Regular Session, 2016
- \*283. By Sen. Ferns - **Creating crime when fire is caused by operation of clandestine drug laboratory** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 45, Acts, Regular Session, 2016
- \*293. By Sen. Walters, Boso and Sypolt - **Neighborhood Investment Program Act** (original similar to HB4563) - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 81, Acts, Regular Session, 2016
- \*298. By Sen. Walters - **Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays** (original similar to SB21, SB307) - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 48, Acts, Regular Session, 2016
- \*303. By Sen. Blair, Walters, Boso, Gaunch, Maynard, Palumbo, Snyder and Woelfel - **Providing for 5-day resident fishing license** - Passed 3/5/2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 170, Acts, Regular Session, 2016
- 306. By Sen. Blair - **Permitting sale of county or district property online** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 49, Acts, Regular Session, 2016
- \*309. By Sen. Blair - **Relating to child-care center licensing and exempting county parks and recreation from licensure** - Passed 2/19/2016 - To Governor 2/24/16 - Approved by Governor 3/1/16 - Chapter 31, Acts, Regular Session, 2016

311. By Sen. Snyder, Romano, Gaunch, Kessler and Blair - **Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable Program** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 157, Acts, Regular Session, 2016
323. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano and Williams - **Correcting statute subsection designations regarding trespassing on property** - Passed 3/8/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 66, Acts, Regular Session, 2016
- \*326. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano and Plymale - **Repeal and recodify law relating to contributing to delinquency of minor child** - Passed 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 32, Acts, Regular Session, 2016
329. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano, Plymale, Stollings and Unger - **Eliminating sunset provision for commission to study residential placement of children** - Passed 3/8/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 30, Acts, Regular Session, 2016
- \*330. By Sen. Gaunch and Boso - **Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium** - Passed 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 131, Acts, Regular Session, 2016
333. By Sen. Karnes and Leonhardt - **Taking and registering of wildlife** (original similar to HB4255) - Passed 3/10/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 167, Acts, Regular Session, 2016
334. By Sen. Karnes - **Identifying coyote as fur-bearing animal and woodchuck as game animal** (original similar to HB4236) - Passed 3/9/2016 - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 166, Acts, Regular Session, 2016
- \*338. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano, Stollings, Plymale and Yost - **Compiling and maintaining Central State Mental Health Registry** - Passed 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 207, Acts, Regular Session, 2016
- \*339. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano, Plymale and Yost - **Establishing Judicial Compensation Commission** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 54, Acts, Regular Session, 2016
341. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Expiring funds from Insurance Commissioner, Examination Revolving Fund and Insurance Commission Fund to State Fund, General Revenue** (original similar to HB4162) - Passed 2/24/2016; Effective from passage - To Governor 2/29/16 - Approved by Governor 3/1/16 - Chapter 18, Acts, Regular Session, 2016
- \*342. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Decreasing appropriations from State Fund, General Revenue, to DHHR**,

- Division of Human Services and Bureau of Senior Services** (original similar to HB4336) - Passed 2/8/2016; Effective from passage - To Governor 2/10/16 - Approved by Governor 2/11/16 - Chapter 19, Acts, Regular Session, 2016
345. By Sen. Hall - **Relating to parking on state-owned or leased property** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 116, Acts, Regular Session, 2016
346. By Sen. Hall and Prezioso - **Updating projects managed by Project Management Office** (original similar to HB4624) - Passed 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/15/16 - Chapter 115, Acts, Regular Session, 2016
349. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Updating meaning of federal adjusted gross income** (original similar to HB4030) - Passed 3/9/2016; Effective from passage - To Governor 3/14/16 - Approved by Governor 3/15/16 - Chapter 234, Acts, Regular Session, 2016
351. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Dedicating severance tax proceeds** (original similar to HB4268) - Passed 2/25/2016 - Effective ninety days from passage - To Governor 2/29/16 - Approved by Governor 3/2/16 - Chapter 129, Acts, Regular Session, 2016
352. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Dedicating corporation net income tax proceeds to railways** (original similar to HB4029) - Passed 3/11/2016; Effective from passage - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 237, Acts, Regular Session, 2016
357. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund** (original similar to HB4229) - Passed 2/8/2016; Effective from passage - To Governor 2/10/16 - Approved by Governor 2/11/16 - Chapter 20, Acts, Regular Session, 2016
360. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation to Division of Human Services** (original similar to HB4149) - Passed 2/8/2016; Effective from passage - To Governor 2/10/16 - Approved by Governor 2/11/16 - Chapter 21, Acts, Regular Session, 2016
- \*361. By Sen. Gaunch, Boso, Mullins, Palumbo, Walters, Williams and Prezioso - **Prohibiting persons who have committed crimes against elderly from performing community service involving elderly** (original similar to HB4306, HB4555) - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 62, Acts, Regular Session, 2016
364. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation expiring funds to General Revenue** (original similar to HB4189) - Passed 2/2/2016; Effective from passage - To Governor 2/4/16 - Approved by Governor 2/4/16 - Chapter 22, Acts, Regular Session, 2016
- \*369. By Sen. Sybolt, Boso, Plymale, Prezioso and Williams - **Reducing legislative education reporting requirements** - Passed 2/22/2016 - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 88, Acts, Regular Session, 2016

- \*376. By Sen. Trump, Palumbo, Gaunch, Williams, Beach, Yost, Miller and Maynard - **Expanding authority of Secretary of State and State Police** (original similar to HB4359, HB4367) - Passed 3/10/2016 - To Governor 3/21/16 - Approved by Governor 3/23/16 - Chapter 185, Acts, Regular Session, 2016
379. By Sen. Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller - **Relating to candidate filing fees** (original similar to HB4381) - Passed 3/4/2016; Effective from passage - To Governor 3/9/16 - Approved by Governor 3/10/16 - Chapter 98, Acts, Regular Session, 2016
384. By Sen. Takubo and Stollings - **Requiring Bureau for Medical Services seek federal waiver for 30-day waiting period for tubal ligation** - Passed 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 126, Acts, Regular Session, 2016
- \*387. By Sen. Karnes - **Shared animal ownership agreements to consume raw milk** - Passed 2/23/2016 - To Governor 2/26/16 - Approved by Governor 3/3/16 - Chapter 6, Acts, Regular Session, 2016
- \*400. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reducing amount of sales tax proceeds dedicated to School Major Improvement Fund** (original similar to SB463) - Passed 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/15/16 - Chapter 233, Acts, Regular Session, 2016
- \*404. By Sen. Ferns, Plymale, Stollings and Prezioso - **Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 197, Acts, Regular Session, 2016
415. By Sen. Ashley - **Lengthening maximum term of negotiable certificates of deposit municipal funds can hold** - Passed 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/15/16 - Chapter 164, Acts, Regular Session, 2016
416. By Sen. Takubo, Trump, Blair and Kessler - **Allowing terminally ill patients access to investigational products** - Passed 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 206, Acts, Regular Session, 2016
419. By Sen. Kessler [By Request of the Executive] - **Relating to termination of Workers' Compensation Debt Reduction Act** - Passed 2/26/2016; Effective from passage - To Governor 2/26/16 - Approved by Governor 2/29/16 - Chapter 253, Acts, Regular Session, 2016
- \*421. By Sen. Kessler [By Request of the Executive] - **Terminating behavioral health severance and business privilege tax** (original similar to HB4486) - Passed 3/3/2016 - To Governor 3/7/16 - Approved by Governor 3/8/16 - Chapter 229, Acts, Regular Session, 2016
426. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Continuing Office of Coalfield Community Development** (original similar to HB4214) - Passed 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/15/16 - Chapter 79, Acts, Regular Session, 2016



427. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Transferring funds from State Excess Lottery Fund to Department of Revenue** (original similar to HB4156) - Passed 3/12/2016; Effective from passage - To Governor 3/20/16 - Became law without Governor's signature - Became law without Governor's signature - Chapter 23, Acts, Regular Session, 2016
- \*429. By Sen. Ashley and Gaunch - **Adopting two National Association of Insurance Commissioners' models to protect enrollees and general public and permit greater oversight** - Passed 3/9/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 137, Acts, Regular Session, 2016
431. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Authorizing pharmacists and pharmacy interns dispense opioid antagonists** (original similar to HB4335) - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 205, Acts, Regular Session, 2016
437. By Sen. Blair - **Updating and clarifying code relating to rules governing mixed martial arts** - Passed 3/16/2016 - To Governor 3/28/16 - Vetoed by Governor 4/1/16
439. By Sen. Hall and Plymale - **Eliminating requirement that budget director approve requisitions for personal services payment under certain circumstances** - Passed 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 118, Acts, Regular Session, 2016
449. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from State Fund, General Revenue to Department of Administration, Public Defender Services** (original similar to HB4154) - Passed 2/24/2016; Effective from passage - To Governor 2/29/16 - Approved by Governor 3/1/16 - Chapter 24, Acts, Regular Session, 2016
450. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from State Fund, General Revenue to DHHR, Division of Health** (original similar to HB4153) - Passed 2/24/2016; Effective from passage - To Governor 2/29/16 - Approved by Governor 3/1/16 - Chapter 25, Acts, Regular Session, 2016
451. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from State Fund, General Revenue to Department of Military Affairs and Public Safety** (original similar to HB4270) - Passed 2/24/2016; Effective from passage - To Governor 2/29/16 - Approved by Governor 3/1/16 - Chapter 26, Acts, Regular Session, 2016
- \*454. By Sen. Kessler [By Request of the Executive] - **Licensing and regulating medication-assisted treatment programs for substance use disorders** (original similar to HB4293) - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 192, Acts, Regular Session, 2016
459. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Requiring county board of education to pay tuition to Mountaineer Challenge Academy** (original similar to HB4325) - Passed 3/10/2016 - To

Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 84, Acts, Regular Session, 2016

461. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Updating WV Workforce Investment Act to WV Workforce Innovation and Opportunity Act** (original similar to HB4396) - Passed 3/8/2016 - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 80, Acts, Regular Session, 2016
462. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reducing deposit of excess lottery proceeds into WV Infrastructure Fund** (original similar to HB4217) - Passed 2/25/2016; Effective from passage - To Governor 2/29/16 - Approved by Governor 3/2/16 - Chapter 128, Acts, Regular Session, 2016
- \*465. By Sen. Carmichael, Gaunch, Maynard, Karnes, Sypolt and Walters - **Allowing professional employer insure certain risks through pure insurance captive** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 140, Acts, Regular Session, 2016
- \*468. By Sen. Gaunch and Ashley - **Allowing lender charge and receive interest on rescindable loan during rescission period** (original similar to HB4495) - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 43, Acts, Regular Session, 2016
469. By Sen. Williams and Sypolt - **Clarifying what personal funds are exempt from levy following judgment** - Passed 3/9/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 154, Acts, Regular Session, 2016
- \*474. By Sen. Boso, Ashley, Facemire, Miller, Snyder, Takubo, Trump and Plymale - **Exempting DEP construction and reclamation contracts from review and approval** (original similar to HB4573) - Passed 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/16/16 - Chapter 114, Acts, Regular Session, 2016
476. By Sen. Beach, Plymale and Kessler - **Relating to driving restrictions in school zones** - Passed 3/11/2016 - To Governor 3/21/16 - Approved by Governor 3/21/16 - Chapter 242, Acts, Regular Session, 2016
483. By Sen. Sypolt, Boley, Plymale and Ferns - **Marshall County and Wyoming County LSIC waiver** (original similar to HB4447) - Passed 3/7/2016; Effective July 1, 2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 91, Acts, Regular Session, 2016
- \*484. By Sen. Romano, Leonhardt, Plymale and Kessler - **Relating to reemployment rights of military personnel** - Passed 3/9/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 104, Acts, Regular Session, 2016
- \*493. By Sen. Trump - **Allowing creation of self-settled spendthrift trusts** - Passed 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 111, Acts, Regular Session, 2016
494. By Sen. Beach and Plymale - **Creating Legislative Oversight Commission on Department of Transportation Accountability** - Passed 3/10/2016 - To

Governor 3/22/16 - Approved by Governor 3/30/16 - Chapter 145, Acts, Regular Session, 2016

- \*500. By Sen. Hall - **Authorizing Superintendent of State Police hold training classes to use West Virginia Automated Police Network** - Passed 3/5/2016 - To Governor 3/11/16 - Approved by Governor 3/18/16 - Chapter 210, Acts, Regular Session, 2016
- \*504. By Sen. Ashley, Laird, Maynard, Miller, Romano, Walters and Plymale - **Relating to confidentiality of juvenile records** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 4/1/16 - Chapter 33, Acts, Regular Session, 2016
- 505. By Sen. Hall - **Exempting certain uses of field gas from motor fuel excise taxes** (original similar to SB38) - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 231, Acts, Regular Session, 2016
- 507. By Sen. Carmichael, Blair, Gaunch, Plymale, Prezioso and Trump - **Exempting motor vehicles engaged in nonemergency transport of Medicaid recipients from PSC permit requirements** - Passed 3/5/2016; Effective from passage - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 162, Acts, Regular Session, 2016
- 509. By Sen. Carmichael and Blair - **Removing 10-day requirement Division of Labor has to inspect amusement rides and attractions** - Passed 3/4/2016 - To Governor 3/9/16 - Approved by Governor 3/15/16 - Chapter 9, Acts, Regular Session, 2016
- 515. By Sen. Hall, Walters and Plymale - **Authorizing payment of certain claims against state** - Passed 3/8/2016; Effective from passage - To Governor 3/10/16 - Approved by Governor 3/15/16 - Chapter 36, Acts, Regular Session, 2016
- 516. By Sen. Leonhardt and Woelfel - **Relating to registration for selective service** (original similar to HB4512) - Passed 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 160, Acts, Regular Session, 2016
- \*517. By Sen. Gaunch and Trump - **Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner** (original similar to HB4551) - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 191, Acts, Regular Session, 2016
- \*520. By Sen. Gaunch, Trump, Ashley, Prezioso and Blair - **Allowing PEIA ability to recover benefits or claims obtained through fraud** (original similar to HB4543) - Passed 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 190, Acts, Regular Session, 2016
- \*524. By Sen. Blair - **Rewriting Board of Barbers and Cosmetologists article** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 4/1/16 - Chapter 188, Acts, Regular Session, 2016
- \*545. By Sen. Boso - **Relating to asbestos abatement on oil and gas pipelines** - Passed 3/10/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 204, Acts, Regular Session, 2016

558. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Maintaining solvency of Unemployment Compensation Fund** (original similar to HB4642) - Passed 3/1/2016; Effective from passage - To Governor 3/3/16 - Approved by Governor 3/3/16 - Chapter 248, Acts, Regular Session, 2016
563. By Sen. Gaunch, Blair, Leonhardt, Plymale and Walters - **Increasing retirement benefit multiplier for WV Emergency Medical Services Retirement System members** (original similar to HB4425) - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 4/1/16 - Chapter 221, Acts, Regular Session, 2016
- \*567. By Sen. Boso, Ashley, Blair, Gaunch, Kirkendoll, Maynard, Miller, Mullins, Romano, Williams, Stollings, Plymale and Ferns - **Providing protection against property crimes committed against coal mines, railroads, utilities and other industrial facilities** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 65, Acts, Regular Session, 2016
- \*575. By Sen. Blair - **Requiring leases for state office space provide landlord or owner be responsible for cleaning or janitorial services** - Passed 3/9/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 117, Acts, Regular Session, 2016
578. By Sen. Boso, Ashley, Blair, Gaunch, Karnes, Kirkendoll, Maynard, Miller, Mullins, Romano, Williams, Stollings and Plymale - **Protecting utility workers from crimes against person** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 63, Acts, Regular Session, 2016
- \*581. By Sen. Maynard, Ashley, Laird, Kessler, Palumbo, Woelfel, Romano and Stollings - **Eliminating sunset provision terminating pilot domestic violence court program** - Passed 3/8/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 76, Acts, Regular Session, 2016
- \*582. By Sen. Plymale and Woelfel - **Providing refundable tax credit for motor fuel sold for use or consumed in railroad diesel locomotives** - Passed 3/5/2016 - To Governor 3/7/16 - Approved by Governor 3/12/16 - Chapter 230, Acts, Regular Session, 2016
588. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Transportation** - Passed 3/12/2016; Effective from passage - To Governor 3/21/16 - Approved by Governor 4/1/16 - Chapter 152, Acts, Regular Session, 2016
- \*591. By Sen. Trump, Gaunch, Walters, Ashley, Snyder, Beach, Takubo, Maynard, Kessler, Palumbo, Blair, Miller, Williams, Kirkendoll, Woelfel, Romano, Mullins, Unger, Laird, Sypolt, Stollings and Plymale - **Relating to voter registration list maintenance and combined voter registration and driver licensing fund** - Passed 3/11/2016; Effective from passage - To Governor 3/21/16 - Approved by Governor 3/21/16 - Chapter 97, Acts, Regular Session, 2016

- \*592. By Sen. Hall - **Relating to pipeline safety** - Passed 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 216, Acts, Regular Session, 2016
- \*594. By Sen. Prezioso, Plymale and Gaunch - **Requiring State Auditor consider for payment claim submitted by electronically generated invoice** (original similar to HB4608, SB174) - Passed 3/3/2016 - To Governor 3/7/16 - Approved by Governor 3/8/16 - Chapter 119, Acts, Regular Session, 2016
- \*595. By Sen. Gaunch, Blair, Boso, Carmichael, Kirkendoll, Maynard, Prezioso, Stollings, Walters, Plymale and Williams - **Relating to retirement credit for members of WV National Guard** - Passed 3/10/2016 - To Governor 3/23/16 - Approved by Governor 4/1/16 - Chapter 219, Acts, Regular Session, 2016
- \*597. By Sen. Ferns and Plymale - **Relating generally to Health Care Authority** - Passed 3/12/2016; Effective from passage - To Governor 3/18/16 - Approved by Governor 3/18/16 - Chapter 203, Acts, Regular Session, 2016
- \*599. By Sen. Hall, Carmichael, Prezioso and Plymale - **Relating generally to Uniform Unclaimed Property Act** - Passed 3/11/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*601. By Sen. Boso - **Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities** - Passed 3/12/2016; Effective from passage - To Governor 3/14/16 - Vetoed by Governor 3/14/16 - Senate reconsidered action 3/15/2016 - Senate amended, repassed to meet objections of Governor 3/15/2016 - House concurred in Senate amendment 3/15/2016 - Repassed House to meet the objections of the Governor 3/15/2016; Effective from passage - To Governor 3/28/16 3/28/2016 - Approved by Governor 4/1/16 4/1/2016 - Chapter 213, Acts, Regular Session, 2016 5/13/2016
- \*602. By Sen. Trump - **Relating to Patient Injury Compensation Fund** - Passed 3/12/2016; Effective July 1, 2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 155, Acts, Regular Session, 2016
613. By Sen. Gaunch, Ashley and Plymale - **Defining total capital for purposes of calculating state-chartered bank's lending limit** (original similar to HB4621) - Passed 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 29, Acts, Regular Session, 2016
- \*614. By Sen. Gaunch and Ashley - **Conforming statute with court interpretation by replacing "unconscionable" with "fraudulent" when referring to conduct** (original similar to HB4603) - Passed 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/29/16 - Chapter 41, Acts, Regular Session, 2016
618. By Sen. Carmichael, Hall and Unger - **Allowing Economic Development Authority to make loans to certain whitewater outfitters** (original similar to SB622) - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 82, Acts, Regular Session, 2016
- \*619. By Sen. Blair, Carmichael, Cline, Gaunch, Karnes, Mullins and Trump - **2016 Regulatory Reform Act** - Passed 3/12/2016 - Effective ninety days from passage

- To Governor 3/24/16 - Approved by Governor 4/1/16 - Chapter 146, Acts, Regular Session, 2016
- \*621. By Sen. Palumbo, Ashley, Gaunch, Karnes, Mullins, Walters and Ferns - **Exempting taxicab companies with independent contract drivers from providing workers' compensation coverage** (original similar to HB4530) - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 254, Acts, Regular Session, 2016
- \*625. By Sen. Trump, Kessler, Unger, Walters, Prezioso and Facemire - **Revising exceptions from FOIA provided for in Aboveground Storage Tank Act** - Passed 3/11/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 193, Acts, Regular Session, 2016
627. By Sen. Takubo, Maynard, Mullins, Stollings, Trump and Plymale - **Permitting physician to decline prescribing controlled substance** - Passed 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 180, Acts, Regular Session, 2016
- \*634. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating William R. Laird IV Second Chance Driver's License Act** (original similar to HB4683) - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 161, Acts, Regular Session, 2016
648. By Sen. Blair - **Allowing local authorities permit flashing traffic signals during low traffic times** - Passed 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/16/16 - Chapter 239, Acts, Regular Session, 2016
656. By Sen. Laird, Stollings, Unger, Miller and Palumbo - **Creating Upper Kanawha Valley Resiliency and Revitalization Program** - Passed 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/16/16 - Chapter 78, Acts, Regular Session, 2016
658. By Sen. Gaunch, Carmichael, Stollings, Ferns, Takubo, Prezioso, Plymale, Unger, Leonhardt and Romano - **Allowing licensed professionals donate time to care of indigent and needy in clinical setting** - Passed 3/7/2016 - To Governor 3/11/16 - Vetoed by Governor 4/1/16
678. By Sen. Walters - **Relating to ownership and use of conduit providing telephone service** - Passed 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/18/16 - Chapter 215, Acts, Regular Session, 2016
- \*686. By Sen. Maynard, Carmichael, Gaunch, Karnes, Takubo, Walters and Blair - **Authorizing local governing authorities hold sanctioned motor vehicle races on roads, streets or airports under their jurisdiction** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 158, Acts, Regular Session, 2016
- \*691. By Sen. Boso - **Modifying certain air pollution standards** - Passed 3/11/2016; Effective from passage - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 107, Acts, Regular Session, 2016

702. By Sen. Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael (Originating in Senate Judiciary) - **Allowing title of real estate to pass to individuals entitled to sale proceeds if executor fails to do so within 5 years of closing estate** - Passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 110, Acts, Regular Session, 2016

### SENATE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. By Sen. Cole (Mr. President), Gaunch, Karnes, Trump and Leonhardt - **Urging Congress propose regulation freedom amendment** - Adopted 3/12/2016
2. By Sen. Leonhardt, Boley, Ashley, Facemire, Sypolt, Yost, Beach, Boso, Ferns, Miller, Palumbo, Plymale, Romano, Takubo, Unger, Williams, Prezioso and Blair - **Urging Congress provide funding for WV National Guard** - Adopted 3/12/2016
3. By Sen. Stollings, Kirkendoll, Miller and Plymale - **Julian, Earl and Edward Hill Brothers Memorial Bridge** - Adopted 3/12/2016
5. By Sen. Beach, Facemire, Kessler, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel, Yost, Laird, Leonhardt and Gaunch - **Coach Bill Stewart Exit** - Adopted 2/23/2016
6. By Sen. Stollings, Kirkendoll and Plymale - **USMC PFC Marshall Lee King Memorial Bridge** - Adopted 3/12/2016
- \*7. By Sen. Beach, Kessler, Kirkendoll, Leonhardt, Prezioso, Unger, Williams, Plymale, Palumbo, Stollings, Blair and Romano - **Rosie the Riveters Memorial Bridge** - Adopted 3/12/2016
8. By Sen. Maynard, Plymale and Stollings - **US Army PFC Ernest D. Marcum Bridge** - Adopted 3/12/2016
9. By Sen. Maynard, Stollings and Plymale - **US Army First Sergeant Jesse T. McPeake Memorial Road** - Adopted 3/13/2016
11. By Sen. Stollings and Plymale - **US Marine Corps Sergeant Gerald Leslie Perry Memorial Bridge** - Adopted 3/13/2016
12. By Sen. Maynard, Yost, Stollings, Leonhardt, Plymale, Miller and Woelfel - **Wayne County Veterans Memorial Highway** - Adopted 3/13/2016
13. By Sen. Palumbo, Walters, Plymale, Stollings, Williams and Unger - **Tom Williams Family Bridge** - Adopted 3/13/2016
14. By Sen. Maynard, Stollings and Plymale - **US Marine Corps PFC Billy Joe Vickers Memorial Bridge** - Adopted 3/12/2016

15. By Sen. Maynard, Stollings, Woelfel and Plymale - **US Army SFC Jesse Muncy Memorial Bridge** - Adopted 3/12/2016
16. By Sen. Romano, Facemire, Williams and Stollings - **US Army CPL John Belcastro Bridge** - Adopted 2/15/2016
- \*17. By Sen. Maynard, Plymale and Stollings - **US Army Sergeant Charles Edward Smith Memorial Bridge** (original similar to SB365, SCR12) - Adopted 3/12/2016
- \*18. By Sen. Williams, Sypolt and Plymale - **Wilbur Lee Clayton Memorial Bridge** - Adopted 3/9/2016
19. By Sen. Stollings, Plymale and Unger - **Rev. Rexford Montgomery Workman Memorial Bridge** - Adopted 3/12/2016
- \*20. By Sen. Ashley, Stollings and Plymale - **US Army CPL Troy Matthews Memorial Bridge** - Adopted 2/23/2016
21. By Sen. Ashley, Stollings and Plymale - **US Army S/SGT Delmer R. Jones Memorial Bridge** - Adopted 3/7/2016
22. By Sen. Stollings, Woelfel, Plymale and Maynard - **Trautwein Family Bridge** - Adopted 3/12/2016
23. By Sen. Kirkendoll, Stollings, Unger and Plymale - **Johnny Mack Bryant Memorial Bridge** - Adopted 3/7/2016
24. By Sen. Mullins, Stollings, Unger and Plymale - **US Army PFC Arland W. Hatcher Memorial Bridge** - Adopted 3/12/2016
25. By Sen. Kirkendoll, Stollings, Plymale and Unger - **US Army PFC Cornelius Vance Memorial Bridge** - Adopted 3/7/2016
26. By Sen. Maynard, Stollings and Plymale - **Charles Edward Ellis and Ira Virgil Ellis Memorial Bridge** - Adopted 3/12/2016
- \*27. By Sen. Walters, Stollings and Plymale - **Herman Daner Rogers Memorial Bridge** - Adopted 3/12/2016
28. By Sen. Kirkendoll, Unger, Plymale and Stollings - **US Marine Corps CPL Ronald "Duke" Varney Memorial Bridge** - Adopted 3/7/2016
29. By Sen. Carmichael, Hall, Ashley, Stollings and Plymale - **US Army SSG Landon Clair Ray and US Army SPC4 Garry Dwight Haynes Memorial Bridge** - Adopted 3/7/2016
30. By Sen. Stollings, Plymale and Kirkendoll - **Lester W. and Ida C. Ellis Memorial Bridge** - Adopted 3/12/2016
31. By Sen. Kirkendoll, Stollings, Plymale and Kessler - **US Air Force Staff Sgt Bethel Howard McNeely and US Marine Staff Sgt Clyde Elmo Bryant Bridge** - Adopted 3/7/2016



32. By Sen. Leonhardt and Stollings - **CW2 Robert D. Taylor Memorial Bridge** - Adopted 3/12/2016
- \*33. By Sen. Snyder, Boso and Stollings - **Requesting WV Infrastructure and Jobs Development Council study and report on consolidation regarding public water and sewer utilities** - Adopted 3/9/2016
36. By Sen. Ferns and Plymale - **US Army SPC5 Joseph Richard "Rick" Schafer Memorial Bridge** - Adopted 3/12/2016
- \*37. By Sen. Stollings, Plymale, Unger and Maynard - **US Army PFC Willie Paul Wilson bridge** - Adopted 3/12/2016
38. By Sen. Plymale, Woelfel, Stollings, Maynard and Facemire - **Army PFC Denver Holly Memorial Bridge** - Adopted 3/12/2016
39. By Sen. Miller, Plymale, Laird and Unger - **Clifford Family Memorial Bridge** - Adopted 3/12/2016
41. By Sen. Stollings and Plymale - **US Army SGT Philip Ray Casto Memorial Bridge** - Adopted 3/12/2016
42. By Sen. Kirkendoll, Stollings and Plymale - **US Navy LCDR Helen Elizabeth Peck Memorial Bridge** - Adopted 3/7/2016
44. By Sen. Laird, Stollings, Unger and Plymale - **US Marine Corps SGT Mike Plasha Memorial Bridge** - Adopted 3/9/2016
45. By Sen. Hall, Stollings, Unger and Plymale - **US Army SGT Deforest Lee Talbert Memorial Bridge** - Adopted 3/12/2016
47. By Sen. Kirkendoll, Stollings, Unger and Plymale - **WV State Police SGT Harold E. Dailey Bridge** - Adopted 3/9/2016
- \*53. By Sen. Prezioso, Williams, Stollings and Plymale - **Harry C. "Buck" Markley, Jr. Memorial Bridge** - Adopted 3/12/2016
54. By Sen. Williams, Stollings and Plymale - **Union Army CPT John Bond Memorial Bridge** - Adopted 3/12/2016
- \*55. By Sen. Maynard, Stollings and Plymale - **Dewey "Duke" Maynard Memorial Road** (original similar to HB4498) - Adopted 3/12/2016
56. By Sen. Williams, Sypolt, Stollings, Ashley, Unger and Plymale - **Judge Ronald G. Pearson Bridge** - Adopted 3/12/2016
59. By Sen. Miller, Laird, Stollings, Unger and Plymale - **US Army SPC 4 Everette R. Johnson Memorial Bridge** - Adopted 3/12/2016
64. By Sen. Cole (Mr. President), Carmichael, Trump and Cline - **Requesting DOH study 2015 performance audit and report to Joint Committee on**

**Government and Finance any action taken as result of audit** - Adopted 3/12/2016

### HOUSE BILLS PASSED LEGISLATURE

- \*2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Passed 2/8/2016 - To Governor 2/9/16 - Approved by Governor 2/11/16 - Chapter 40, Acts, Regular Session, 2016
- \*2110. By Del. Howell, Moye, Storch, Moffatt, Hamrick, Householder, Statler, Walters, Arvon, Blair and Kessinger - **Relating generally to the tax treatment of manufacturing entities** - Passed 3/12/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*2122. By Del. Ambler, Cooper, Householder, Walters, Smith, R., Canterbury and Gearheart - **Making it illegal for first responders to photograph a corpse; Jonathan's Law** - Passed 3/7/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 71, Acts, Regular Session, 2016
- \*2205. By Del. Howell, Stansbury, Ambler, Cooper, Miller, Faircloth, Zatezalo, Blair, Statler and Wagner - **Creating the crime of prohibited sexual contact by a psychotherapist** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 72, Acts, Regular Session, 2016
- \*2366. By Del. Rowan, Miller, Sobonya, Smith, P., Border, Arvon and Storch - **Relating generally to the solicitation of minors** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 68, Acts, Regular Session, 2016
- \*2444. By Mr. Speaker (Mr. Armstead), Del. Miller, Waxman, Azinger, Upson, Kessinger, Summers, Hanshaw, Kurcaba, Hill and Nelson, E. - **Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals** - Passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 77, Acts, Regular Session, 2016
- 2494. By Del. Weld, Fast, Sponaugle, Skinner and Shott - **Creating a provisional plea process in criminal cases** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 73, Acts, Regular Session, 2016
- \*2588. By Del. Nelson, E., Lane, Kurcaba, O'Neal, Westfall, McCuskey, Byrd, Gearheart, Storch and Espinosa - **Relating to the filing of financial statements with the Secretary of State** - Passed 3/10/2016 - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 100, Acts, Regular Session, 2016
- 2605. By Del. Moore, Hornbuckle and Shott - **Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 1, Acts, Regular Session, 2016

- \*2615. By Del. Lane, Faircloth, Miller, Frich and Nelson, E. - **West Virginia Small Business Capital Act** - Passed 3/8/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 224, Acts, Regular Session, 2016
- \*2665. By Del. Folk, Skinner, Espinosa, Householder, Faircloth, Overington, Upson, Blair, Perdue, Sobonya and Waxman - **Relating to participation in Motor Vehicle Alcohol Test and Lock Program** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/30/2016 - Chapter 241, Acts, Regular Session, 2016
2796. By Mr. Speaker (Mr. Armstead) - **Providing paid leave for certain state officers and employees during a declared state of emergency** - Passed 3/7/2016 - To Governor 3/10/16 - Vetoed by Governor 4/1/16
- \*2800. By Del. Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge - **Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests** (original similar to SB310) - Passed 3/3/2016 - To Governor 3/4/16 - Approved by Governor 3/9/16 - Chapter 122, Acts, Regular Session, 2016
- \*2801. By Del. Rowe, Pushkin, Lynch, Guthrie and Byrd - **Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas** - Passed 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 52, Acts, Regular Session, 2016
- \*2823. By Del. Walters, Blair, Upson, Phillips, Nelson, J., Hanshaw, Nelson, E., Boggs and Caputo - **Eliminating the street and interurban and electric railways tax** - Passed 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 228, Acts, Regular Session, 2016
- \*2826. By Del. Butler, Trecost, Nelson, J., Eldridge, Longstreth, Boggs, Summers, Wagner, Smith, R., Perdue and Zatezalo - **Requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; "Sarah Nott's Law"** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 222, Acts, Regular Session, 2016
- \*2852. By Del. Hamrick, Trecost, Zatezalo, Waxman and Nelson, E. - **Relating to legalizing and regulating the sale and use of fireworks** - Passed 3/8/2016; Effective from passage - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 121, Acts, Regular Session, 2016
- \*2897. By Del. Weld, Foster, Kessinger, Hill, Blair and Ihle - **Young Entrepreneur Reinvestment Act** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 83, Acts, Regular Session, 2016
- \*2904. By Del. McGeehan and Zatezalo - **Requiring the clerk of a county commission to maintain a county ordinance book** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 47, Acts, Regular Session, 2016
- \*3019. By Del. Ireland, Overington, Foster, Fast, Lynch, Azinger, Shott, Hicks and Hanshaw - **Requiring official business and records of the state and its political**

**subdivisions be conducted in English** - Passed 2/25/2016 - To Governor 2/29/16  
- Approved by Governor 3/4/16 - Chapter 172, Acts, Regular Session, 2016

4005. By Del. Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman, Westfall and Householder - **Repealing prevailing hourly rate of wages requirements** (original similar to SB2) - Passed 2/4/2016 - To Governor 2/8/16 - Vetoed by Governor 2/11/16 - Motion to consider bill notwithstanding the objections of the Governor 2/12/2016 - House passed over veto 2/12/2016 - Senate reconsidered action 2/12/2016 - Passed Senate notwithstanding objections of the Governor 2/12/2016 - Chapter 39, Acts, Regular Session, 2016
- \*4007. By Del. Rohrbach, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Cowles, Hill and Anderson - **Relating generally to appointment of attorneys to assist the Attorney General** (original similar to SB8) - Passed 2/9/2016 - To Governor 2/11/16 - Vetoed by Governor 2/17/16 - House amended and repassed to meet the objections of the Governor 3/3/2016 - Senate reconsidered action 3/3/2016 - Title amended 3/3/2016 - Senate concurred in House amendment as amended and repassed bill 3/3/2016 - House concurred in Senate title amendment 3/3/2016 - Repassed House to meet the objections of the Governor 3/3/2016 - To Governor 3/4/16 - Approved by Governor 3/9/16 - Chapter 27, Acts, Regular Session, 2016
- \*4009. By Del. Statler, Ambler, Cooper, Ellington, Evans, D., Moffatt, Romine, Storch, Weld and Zatezalo - **Letting Our Counties Act Locally Act** (original similar to SB12, SB135) - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 4/1/2016 - Chapter 51, Acts, Regular Session, 2016
- \*4013. By Del. Lane, Anderson, Blair, Hamrick, Ambler, Evans, D., Border, McCuskey, Householder, Ireland and Zatezalo - **Requiring a person desiring to vote to present documentation identifying the voter** (original similar to SB5) - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 96, Acts, Regular Session, 2016
- \*4014. By Del. Butler, Moffatt, Waxman, McGeehan, Espinosa, Kelly, Faircloth, Summers, Atkinson, Hamrick and Cowles - **Preventing the State Board of Education from implementing common core academic standards and assessments** (original similar to SB499) - Passed 3/12/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
4033. By Del. Ellington, Summers, Householder, Rohrbach, Stansbury, Waxman, Perdue and Rodighiero (Originating in House Health and Human Resources) - **Adding criminal penalties for the unauthorized practice of pharmacists care** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 181, Acts, Regular Session, 2016
- \*4038. By Del. Ellington, Summers, Bates, Faircloth, Householder, Rohrbach and Stansbury - **Relating to insurance requirements for the refilling of topical eye medication** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 133, Acts, Regular Session, 2016
- \*4040. By Del. Kelly, Rohrbach, Cooper, Frich, Sobonya, Border, Faircloth, Atkinson, Perdue, Perry and Waxman - **Regulating step therapy protocols in health benefit plans** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor

3/29/2016 - Chapter 135, Acts, Regular Session, 2016 - Clerk's note: Enrolled bill not presented to Governor as passed by Legislature; bill is null and void

- \*4046. By Del. Sobonya, Frich and Moffatt - **Relating to the promulgation of rules by the Department of Administration** (original similar to SB149) - Passed 3/12/2016 - Effective ninety days from passage - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 148, Acts, Regular Session, 2016
- \*4060. By Del. Sobonya, Frich and Moffatt - **Relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety** (original similar to SB211) - Passed 3/12/2016; Effective from passage - To Governor 3/28/16 - Approved by Governor 3/29/2016 - Chapter 150, Acts, Regular Session, 2016
- \*4080. By Del. Sobonya, Frich and Moffatt - **Department of Veterans' Assistance, rule relating to VA headstones or markers** (original similar to SB245) - Passed 3/10/2016; Effective from passage - To Governor 3/16/16 - Vetoed by Governor 4/1/16
- \*4145. By Del. Blair, Azinger, Butler, Cadle, Eldridge, Householder, Marcum, Overington, Phillips, Sobonya and Upson - **Relating to carry or use of a handgun or deadly weapon** - Passed 2/24/2016 - To Governor 2/26/16 - Vetoed by Governor 3/3/16 - Motion to consider bill notwithstanding the objections of the Governor 3/4/2016 - House passed over veto 3/4/2016 - Senate reconsidered action 3/5/2016 - Passed Senate notwithstanding objections of the Governor 3/5/2016 - Chapter 252, Acts, Regular Session, 2016
- \*4146. By Del. Ellington, Summers, Bates, Faircloth, Householder, Rohrbach, Sobonya, Stansbury, Eldridge, McCuskey and Frich - **Providing insurance cover abuse-deterrent opioid analgesic drugs** (original similar to SB304) - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 134, Acts, Regular Session, 2016
- 4148. 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 SB354) - Passed 2/19/2016; Effective from passage - To Governor 2/23/16 - Approved by Governor 2/25/16 - Chapter 236, Acts, Regular Session, 2016
- 4150. 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 SB443) - Passed 3/12/2016; Effective from passage - To Governor 3/18/16 - Became law without Governor's signature - Chapter 10, Acts, Regular Session, 2016
- 4151. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Education** (original similar to SB446) - Passed 3/12/2016; Effective from passage - To Governor 3/18/16 - Became law without Governor's signature - Chapter 11, Acts, Regular Session, 2016
- 4152. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Division of Environmental**

- Protection – Protect Our Water Fund** (original similar to SB464) - Passed 3/12/2016; Effective from passage - To Governor 3/18/16 - Became law without Governor's signature - Chapter 12, Acts, Regular Session, 2016
4155. 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, Division of Health – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund** (original similar to SB444) - Passed 3/12/2016; Effective from passage - To Governor 3/18/16 - Became law without Governor's signature - Chapter 13, Acts, Regular Session, 2016
4157. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways** (original similar to SB441) - Passed 3/7/2016; Effective from passage - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 14, Acts, Regular Session, 2016
- \*4158. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act** (original similar to SB447) - Passed 2/19/2016; Effective from passage - To Governor 2/23/16 - Approved by Governor 2/25/16 - Chapter 15, Acts, Regular Session, 2016
4159. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Public Services Commission – Motor Carrier Division** (original similar to SB442) - Passed 3/7/2016; Effective from passage - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 16, Acts, Regular Session, 2016
4160. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Revenue, Tax Division** (original similar to SB448) - Passed 3/7/2016; Effective from passage - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 17, Acts, Regular Session, 2016
4161. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to levies on classifications of property by the Board of Public Works** (original similar to SB432) - Passed 2/22/2016 - To Governor 2/24/16 - Approved by Governor 2/25/16 - Chapter 227, Acts, Regular Session, 2016
- \*4163. By Del. Howell, Arvon, Moffatt, Westfall, McCuskey, Miller, Cadle, Walters, Zatezalo, Kelly and Ellington - **Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes** - Passed 3/2/2016 - To Governor 3/4/16 - Approved by Governor 3/8/16 - Chapter 165, Acts, Regular Session, 2016
- \*4168. By Del. Howell, Frich, Storch, Arvon, Eldridge, Moffatt, Faircloth, Upson, Westfall, Phillips and Miller - **Creating a special motor vehicle collector license plate** - Passed 3/12/2016; Effective July 1, 2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16

- \*4171. By Del. Cooper, Evans, D., Ambler, Perry, Moye, Lynch, Kelly, Wagner, Rowan and Smith, R. - **Relating to the public school calendar** (original similar to HB4028, HB4298) - Passed 3/9/2016; Effective from passage - To Governor 3/14/16 - Vetoed by Governor 4/1/16
- \*4174. By Del. Kurcaba, Statler, Weld, Fast, Kelly, Azinger, Waxman, Blair, Upson, Frich and Phillips - **Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/30/2016 - Chapter 250, Acts, Regular Session, 2016
- \*4175. By Del. Kurcaba, Faircloth, Statler, Espinosa, McGeehan, Azinger, Upson, Kelly, Trecoast and Ihle - **Relating generally to home schooling** (original similar to SB318) - Passed 2/23/2016 - To Governor 2/26/16 - Approved by Governor 3/3/16 - Chapter 93, Acts, Regular Session, 2016
- \*4176. By Del. Stansbury, Howell, Householder, Ellington, Summers, Rohrbach, Weld, Miller, Hanshaw, Westfall and White, B. - **Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 225, Acts, Regular Session, 2016
- \*4186. By Del. Cadle, Cooper, Foster, Ambler, Howell, Butler, Householder, Moffatt, Smith, R., Westfall and Hamrick - **Relating to additional duties of the Public Service Commission** (original similar to SB498) - Passed 3/12/2016; Effective from passage - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 163, Acts, Regular Session, 2016
- \*4201. By Del. Overington, Hanshaw, Blair, Shott, Statler, Sobonya, Summers, Weld, Kessinger, White, B. and Fleischauer - **Increasing the criminal penalties for participating in an animal fighting venture** (original similar to HB4251, HB4458) - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/30/2016 - Chapter 70, Acts, Regular Session, 2016
- \*4209. By Del. Ellington, Summers, Householder, Rohrbach, Stansbury, Campbell and Fleischauer (Originating in House Health and Human Resources) - **Relating generally to health care provider taxes** - Passed 3/8/2016; Effective July 1, 2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 238, Acts, Regular Session, 2016
- \*4218. By Del. Miley and Cowles [By Request of the Executive] - **Expanding the definition of "underground facility" in the One-Call System Act** (original similar to SB425) - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 247, Acts, Regular Session, 2016
- \*4225. By Del. Overington, Sobonya, Hanshaw, Gearheart, Cadle, Householder, Butler, Moffatt, Frich, Rowan and Kelly - **Relating to patriotic displays at public buildings** - Passed 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 189, Acts, Regular Session, 2016
- \*4228. By Del. Cowles, White, B., Shott, Espinosa, Nelson, E., Howell, Upson, Trecoast, Reynolds, Gearheart and Hamrick - **Relating to transportation network**

- companies** (original similar to SB324) - Passed 3/5/2016; Effective July 1, 2016  
- To Governor 3/9/16 - Approved by Governor 3/15/16 - Chapter 159, Acts, Regular Session, 2016
4235. By Del. Shott - **Relating to the publication requirements of the administration of estates** - Passed 3/5/2016 - Approved by Governor 3/9/16 - Chapter 109, Acts, Regular Session, 2016
- \*4237. By Del. O'Neal, Arvon, Storch, Azinger, Butler, Hamrick, Kessinger, Rowan, Smith, P., Ferro and Longstreth - **Supporting and Strengthening Families Act** (original similar to SB319) - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 34, Acts, Regular Session, 2016
- \*4244. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Shott, Flanigan, Waxman, Perry and White, B. - **Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia** - Passed 2/19/2016 - To Governor 2/23/16 - Approved by Governor 2/25/16 - Chapter 58, Acts, Regular Session, 2016
- \*4245. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Rowe, Flanigan, Waxman, Perry and White, B. - **Requiring the cashier or executive officer of a banking institution to provide shareholders with the institution's most recent year-end audited financial statement** - Passed 2/19/2016 - To Governor 2/23/16 - Approved by Governor 2/25/16 - Chapter 28, Acts, Regular Session, 2016
4246. By Del. Overington, Householder, Faircloth, Blair and Folk - **Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library** - Passed 3/9/2016; Effective from passage - To Governor 3/14/16 - Vetoed by Governor 4/1/16
- \*4261. By Del. Shott, McCuskey, Cowles, O'Neal, Butler, Marcum, Shaffer, Sobonya, Folk, Overington and Azinger - **Prohibiting the sale or transfer of student data to vendors and other profit making entities** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 85, Acts, Regular Session, 2016
- \*4265. By Del. Walters, Frich, Canterbury, McCuskey, Hanshaw, Skinner, Marcum and Perry - **Relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the bonds** (original similar to SB340) - Passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 223, Acts, Regular Session, 2016
- \*4279. By Del. Hamilton, Evans, A., Romine, Wagner, Ambler, Eldridge, Pethtel, Sponaule and Guthrie - **Relating to disposition of seized firearms** - Passed 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 251, Acts, Regular Session, 2016
- \*4295. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to the School Innovation Zones Act** (original similar to SB458) - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 92, Acts, Regular Session, 2016



- \*4301. By Del. Espinosa, Westfall, Ambler, Cooper, Evans, D., Statler, Hamrick, Kurcaba, Rohrbach, Upson and Householder - **Relating to a framework for initiating comprehensive transformation of school leadership** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 87, Acts, Regular Session, 2016
- \*4307. By Del. Summers, Mr. Speaker (Mr. Armstead), Blair, Azinger, Waxman, McGeehan, Overington, Ihle, Phillips and Eldridge - **Clarifying that a firearm may be carried for self defense in state parks, state forests and state recreational areas** (original similar to SB122) - Passed 3/12/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
4309. By Del. Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Duke, Pethel and Ferro - **Increasing criminal penalties for conviction of certain offenses of financial exploitation of an elderly person** (original similar to HB4306, SB362) - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 64, Acts, Regular Session, 2016
- \*4310. By Del. O'Neal, Anderson, Espinosa, Nelson, E., Arvon, Bates, Fleischauer, Frich, Statler, Kurcaba and Miley - **Relating to the West Virginia University Institute of Technology** (original similar to SB386) - Passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/25/16 - Chapter 123, Acts, Regular Session, 2016
- \*4314. By Del. Rohrbach, Stansbury, Bates, Ellington, Householder, Miller, Perdue, Waxman and White, B. - **Prohibiting the sale of powdered or crystalline alcohol** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 60, Acts, Regular Session, 2016
4315. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to air-ambulance fees for emergency treatment or air transportation** (original similar to SB456) - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 130, Acts, Regular Session, 2016
4316. By Del. Espinosa, Ellington, Duke, Perry, Moye, Upson, Wagner, Ambler, Cooper, Evans, D. and Kelly - **Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 95, Acts, Regular Session, 2016
- \*4317. By Del. Foster, McGeehan, Butler, Ihle, Azinger, Fast, Moffatt, Nelson, J., Summers, Waxman and Miller - **Limiting factors in parenting plans** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 75, Acts, Regular Session, 2016
- \*4322. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expanding the Learn and Earn Program** (original similar to SB440) - Passed 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 124, Acts, Regular Session, 2016

- \*4323. By Del. Cowles and Miley [By Request of the Executive] - **Relating to the reporting of emergency incidents by well operators and pipeline operators** (original similar to SB445) - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/30/2016 - Chapter 212, Acts, Regular Session, 2016
4324. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Authorizing information sharing by Workforce West Virginia** (original similar to SB457) - Passed 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 144, Acts, Regular Session, 2016
- \*4330. By Del. Cadle, Ihle, Butler, Weld, Ireland, Zatezalo, Azinger, Kelly, Anderson, Sobonya and Deem - **Relating to make unlawful to take a fish, water animal or other aquatic organism from state waters to stock a commercial pond or lake** - Passed 3/7/2016; Effective from passage - To Governor 3/10/16 - Approved by Governor 3/16/16 - Chapter 171, Acts, Regular Session, 2016
4334. By Del. Summers, Campbell, Miller, Sobonya, Faircloth, Bates, Westfall, Householder, Cooper and Fleischauer - **Clarifying the requirements for a license to practice as an advanced practice registered nurse and expanding prescriptive authority** (original similar to SB17, SB519) - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 175, Acts, Regular Session, 2016
4340. By Del. Howell, Foster, Canterbury, Summers, Waxman, Azinger, Rohrbach, Storch, Cadle, Smith, R. and Perdue - **Amending licensing requirements for an act which may be called Lynette's Law** - Passed 3/9/2016; Effective from passage - To Governor 3/14/16 - Approved by Governor 3/25/16 - Chapter 176, Acts, Regular Session, 2016
4345. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Ihle, Cadle, Stansbury, Smith, R. and Morgan - **Repealing the West Virginia Permitting and Licensing Information Act** (original similar to SB260) - Passed 3/9/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 37, Acts, Regular Session, 2016
4346. By Del. Hamilton, Evans, A., Romine, Wagner and Guthrie - **Relating to bear hunting and offenses and penalties** (original similar to SB389) - Passed 3/10/2016; Effective from passage - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 169, Acts, Regular Session, 2016
4347. By Del. Ellington, Summers, Faircloth, Rohrbach, Sobonya, Stansbury, Storch, Upson, White, B. and Frich - **Providing pregnant women priority to substance abuse treatment** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 127, Acts, Regular Session, 2016
4351. By Del. Westfall, Atkinson, Butler, Ihle, Cadle, White, B., Hamrick and McCuskey - **Transferring the Cedar Lakes Camp and Conference Center from the West Virginia Board of Education to the Department of Agriculture** (original similar to SB392) - Passed 3/10/2016; Effective July 1, 2016 - To Governor 3/16/16 - Approved by Governor 3/24/16 - Chapter 120, Acts, Regular Session, 2016

- \*4360. By Del. Shaffer, Sponaugle, Shott, Reynolds, Miley, Mr. Speaker (Mr. Armstead), Hanshaw and Weld - **Increasing the criminal penalty for the unlawful practice of law** - Passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 177, Acts, Regular Session, 2016
4362. By Del. Kurcaba, Fleischauer, Statler, Householder, Espinosa, Overington, Weld, Summers, Blair, Byrd and Upson - **Establishing a felony offense of strangulation** (original similar to SB482) - Passed 3/5/2016 - Approved by Governor 3/9/16 - Chapter 61, Acts, Regular Session, 2016
4364. By Del. Skinner, McGeehan, Hamrick, Fluharty, Householder, Blair, Sponaugle, Manchin, Miley, Byrd and Marcum - **Internet Privacy Protection Act** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 4/1/2016 - Chapter 143, Acts, Regular Session, 2016
- \*4365. By Del. Ellington, Arvon, Bates, Cooper, Householder, Rohrbach, Stansbury, Summers and Waxman - **Relating to the certificate of need process** (original similar to SB467) - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 195, Acts, Regular Session, 2016
- \*4366. By Del. Canterbury, Nelson, E., Frich, Westfall, Guthrie and Longstreth - **Finding and declaring certain claims against the state and its agencies to be moral obligations of the state** - Passed 2/29/2016; Effective from passage - To Governor 3/3/16 - Approved by Governor 3/3/16 - Chapter 35, Acts, Regular Session, 2016
- \*4377. By Del. Storch, Anderson, Trecost, Manchin, Fluharty, Zatezalo, Weld, Evans, D., Frich and Longstreth - **Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days** (original similar to HB4430, SB521) - Passed 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 226, Acts, Regular Session, 2016
4378. By Del. Shott, Lane, McCuskey, Sobonya, Hanshaw, Miller, Arvon, Border and Kessinger - **Relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person** - Passed 3/12/2016 - To Governor 3/24/16 - Vetoed by Governor 4/1/16
- \*4388. By Del. Rohrbach, Ellington, Householder, Bates, Byrd, Sobonya, Summers, Upson and White, B. - **Relating to stroke centers** (original similar to SB401) - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 199, Acts, Regular Session, 2016
4411. By Del. Smith, R., Nelson, J., Evans, D., Rohrbach, Anderson, Hamrick, Ihle, Wagner and Stansbury - **Relating to penalty for illegally taking native brook trout** - Passed 3/11/2016; Effective from passage - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 168, Acts, Regular Session, 2016
4417. By Del. Shott, Hanshaw, Rowe, Marcum, Shaffer, Manchin, Summers, Kessinger, Ireland and Skinner - **Increasing wages protected from garnishment** - Passed 3/9/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 42, Acts, Regular Session, 2016

4428. By Del. Householder, Faircloth, Rodighiero, Campbell, Perry and White, B. - **Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 183, Acts, Regular Session, 2016
- \*4433. By Del. Weld, Zatezalo, Storch and McGeehan - **Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees** - Passed 3/8/2016; Effective from passage - To Governor 3/11/16 - Vetoed by Governor 3/21/16
- \*4435. By Del. Smith, R., Ireland, McCuskey and Marcum - **Authorizing the Public Service Commission to approve expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 214, Acts, Regular Session, 2016
- \*4448. By Del. Walters, McCuskey, Frich and Westfall - **Clarifying that communication by a lender or debt collector which is allowed under the West Virginia Consumer Credit and Protection Act, likewise does not violate the provisions of the West Virginia Computer Crime and Abuse Act** (original similar to SB472) - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 67, Acts, Regular Session, 2016
4461. By Del. Arvon, Duke, Espinosa, Howell, Hill, Blackwell and Border - **Relating to School Building Authority School Major Improvement Fund eligibility** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 94, Acts, Regular Session, 2016
- \*4463. By Del. Rohrbach, Sobonya, Waxman, Stansbury, Ellington, Summers, Kurcaba, Arvon, Perdue and Miller - **Permitting the practice of telemedicine** (original similar to SB320) - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 179, Acts, Regular Session, 2016
- \*4487. By Del. Folk, Walters, Kurcaba and Marcum - **Relating to state retirement systems** (original similar to HB4187) - Passed 3/10/2016 - To Governor 3/16/16 - Approved by Governor 3/21/16 - Chapter 218, Acts, Regular Session, 2016
- \*4502. By Del. Lane, Miller and Sobonya - **Allowing reciprocity agreements with contiguous states to establish regulations, licensing requirements and taxes for small businesses** - Passed 3/10/2016 - To Governor 3/16/16 - Approved by Governor 3/25/16 - Chapter 141, Acts, Regular Session, 2016
- \*4505. By Del. Skinner (By Request) - **Allowing powerball winners to remain anonymous** - Passed 3/7/2016 - To Governor 3/10/16 - Vetoed by Governor 4/1/16
- \*4507. By Del. Upson, Nelson, J., Cooper, Blair, Trecost, Householder, Espinosa and Frich - **Providing an employer may grant preference in hiring to a veteran or disabled veteran** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 105, Acts, Regular Session, 2016

- \*4517. By Del. Manchin, Shott, Shaffer, Byrd, Skinner, Caputo, Longstreth, Lane, McCuskey and Hanshaw - **Limiting the ability of an agent under a power of attorney to take self-benefiting actions** - Passed 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 174, Acts, Regular Session, 2016
- \*4519. By Del. Hamilton, Campbell, Lynch, Smith, P., Pethtel, Marcum, Evans, A., Statler, Wagner, Moffatt and Frich - **Allowing certain municipalities to elect to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System** - Passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 4/1/2016 - Chapter 220, Acts, Regular Session, 2016
- \*4520. By Del. Hanshaw and Shott - **Clarifying that certain hospitals have only one governing body whose meetings shall be open to the public** (original similar to SB50) - Passed 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/23/16 - Chapter 200, Acts, Regular Session, 2016
- \*4537. By Del. Stansbury, Bates, Rohrbach, Perdue, Sobonya and Ellington - **Relating to the regulation of chronic pain clinics** (original similar to SB569) - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 201, Acts, Regular Session, 2016
- \*4540. By Del. Evans, A., Hamilton, Kelly, Zatezalo, Romine, Wagner and Boggs - **Removing prohibition of disposal of certain electronics in landfills** (original similar to SB473) - Passed 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 108, Acts, Regular Session, 2016
- \*4554. By Del. Ambler, Gearheart, Trecost, Hamrick, Smith, P., Ireland, Cooper and Evans, D. - **Allowing an increase of gross weight limitations on certain roads in Greenbrier County** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 255, Acts, Regular Session, 2016
4558. By Del. Frich, Shott, Arvon, Smith, P., Rowan, Sobonya, Miller, Border, Upson, Kessinger and Summers - **Relating to victim notification and designation of additional individuals to receive notice of an offender's release** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 249, Acts, Regular Session, 2016
- \*4561. By Del. Kurcaba, Statler, Upson, Householder, McGeehan, Azinger, Overington, Ellington, Fast, Foster and Gearheart - **Creating a special hiring process for West Virginia Division of Highways employees** - Passed 3/12/2016 - To Governor 3/24/16 - Vetoed by Governor 4/1/16
- \*4566. By Del. Espinosa, Duke, Statler and Evans, D. - **Relating to school personnel** - Passed 3/12/2016; Effective July 1, 2016 - To Governor 3/24/16 - Approved by Governor 4/1/2016 - Chapter 89, Acts, Regular Session, 2016
- \*4586. By Del. Cowles - **Ensuring that the interest of protected persons, incarcerated persons and unknown owners are protected in condemnation actions filed by the Division of Highways** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 103, Acts, Regular Session, 2016

- \*4587. By Del. Moffatt and Miller - **Relating to violations associated with absent voters' ballots** - Passed 3/10/2016 - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 101, Acts, Regular Session, 2016
4594. By Del. Howell, Sponaugle, Cadle, Hartman, Morgan, Blair, Hamilton and Butler - **Relating to predoctoral psychology internship qualifications** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 186, Acts, Regular Session, 2016
- \*4604. By Del. Householder, Mr. Speaker (Mr. Armstead), Kessinger, Upson, Shott, Folk and Lane - **Relating to violations of the Ethics Act** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 112, Acts, Regular Session, 2016
- \*4612. By Del. Nelson, E., Mr. Speaker (Mr. Armstead), Gearheart, Hamrick, Householder, Anderson, Shott, Storch, Espinosa, Howell and Boggs - **Relating generally to tax increment financing and economic opportunity development districts** - Passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 53, Acts, Regular Session, 2016
4617. By Del. Espinosa and Duke - **Authorizing legislative rules of the Higher Education Policy Commission regarding the Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program** - Passed 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 147, Acts, Regular Session, 2016
4618. By Del. Sobonya, Ireland, Foster, Zatezalo, Fast, Rowe, Deem, Skinner, Folk, Manchin and Marcum (Originating in House Judiciary) - **Relating to limitations on use of a public official's name or likeness** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 113, Acts, Regular Session, 2016
4644. By Del. Miller, Border, Evans, D., Statler, Moffatt, McCuskey, Sobonya and Rohrbach - **Relating to jury fees** (original similar to SB552) - Passed 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/15/16 - Chapter 57, Acts, Regular Session, 2016
4651. By Del. Howell, Arvon, Ihle, Hamrick, White, P. and Stansbury - **Relating to professional examination requirements for hearing-aid dealers and fitters** - Passed 3/9/2016; Effective from passage - To Governor 3/14/16 - Approved by Governor 3/25/16 - Chapter 187, Acts, Regular Session, 2016
4654. By Del. Summers, Campbell, Ellington, Householder and Rohrbach - **Relating to the Executive Secretary of the Board of Registered Professional Nurses** - Passed 3/7/2016; Effective from passage - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 182, Acts, Regular Session, 2016
4655. By Del. Walters and Perry - **Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers to provide discounts on noncovered services or materials** (original similar to SB638) - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 4/1/2016 - Chapter 138, Acts, Regular Session, 2016

- \*4659. By Del. Ellington - **Authorizing local health departments to bill health insurance plans for services** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 194, Acts, Regular Session, 2016
- \*4662. By Del. Walters - **Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers** - Passed 3/12/2016; Effective July 1, 2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 246, Acts, Regular Session, 2016
- \*4668. By Del. Byrd, Nelson, J., Marcum, Phillips, Rowe, McCuskey, Stansbury, White, B., Nelson, E., Guthrie and Pushkin - **Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services** - Passed 3/12/2016; Effective July 1, 2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*4673. By Del. Anderson, Kelly, Border, Evans, A., Phillips, Wagner, Trecost, Smith, R., Shaffer, Ireland and Miller - **Providing for a crime for the theft, damage or release of deer from private game farms** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 7, Acts, Regular Session, 2016
4674. By Del. Howell, Smith, R., Ihle, Hamrick and Pushkin (Originating in House Government Organization) - **Relating to motor vehicle back-up lamps** - Passed 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 244, Acts, Regular Session, 2016
4705. By Del. Anderson, Boggs, Frich, Westfall, Smith, P., Canterbury, Hamilton, Miller and Nelson, E. (Originating in House Finance) - **Relating to adding an additional type of West Virginia source income of nonresident individual** - Passed 3/8/2016; Effective from passage - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 235, Acts, Regular Session, 2016
4724. By Del. Folk, Overington, Zatezalo, Manchin, Moore, Sobonya, Kessinger, Foster, Summers, Azinger and McGeehan (Originating in House Judiciary) - **Relating to adding a requirement for the likelihood of imminent lawless action to the prerequisites for the crime of intimidation and retaliation** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 69, Acts, Regular Session, 2016
4725. By Del. Lane, Hanshaw, McCuskey, Fleischauer, Azinger, Shaffer, Sobonya, Deem, Fluharty, Skinner and Manchin (Originating in House Judiciary) - **Relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate and making certain clarifications** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 102, Acts, Regular Session, 2016
4726. By Del. Smith, R., Ireland, Phillips, Caputo, Eldridge, Anderson, Boggs, Evans, D., Ambler, Lynch, Zatezalo, Upson, Cadle, White, P., McCuskey and Storch (Originating in House Energy) - **Relating to coal mining generally** - Passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 4/1/2016 - Chapter 106, Acts, Regular Session, 2016

4728. By Del. Ellington, Summers and Householder (Originating in House Health and Human Resources) - **Relating to schedule three controlled substances** - Passed 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 44, Acts, Regular Session, 2016
4730. By Del. Espinosa, Hamrick, Kurcaba, Hicks, Ellington, Blackwell, Statler and Rohrbach (Originating in House Education) - **Relating to computer science courses of instruction** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 86, Acts, Regular Session, 2016
4734. By Del. McCuskey, Shott, Deem, Sobonya, Folk, Fast, Manchin, Moore, Fluharty, Fleischauer and Caputo (Originating in House Judiciary) - **Relating to mine subsidence insurance** - Passed 3/11/2016; Effective October 1, 2016 - To Governor 3/22/16 - Approved by Governor 3/25/16 - Chapter 139, Acts, Regular Session, 2016
4735. By Del. McCuskey, Ireland, Shaffer, Kessinger, Sobonya, Summers and Azinger (Originating in House Judiciary) - **Relating to the definition of health care provider, and clarifying that speech-language pathologists and audiologists are two separate providers** - Passed 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 156, Acts, Regular Session, 2016
4738. By Del. Hanshaw, McCuskey, Foster, Weld, Fast, Overington, Folk, Shaffer, Moore, Byrd and Manchin (Originating in House Judiciary) - **Relating to the offense of driving in an impaired state** - Passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 240, Acts, Regular Session, 2016
4739. By Del. Shott, Ireland, Kessinger, Sobonya, Foster, Zatezalo, Lane, Rowe, Westfall, Frich and White, B. (Originating in House Judiciary) - **Unclaimed Life Insurance Benefits Act** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 132, Acts, Regular Session, 2016
4740. By Del. Weld, Hanshaw, McCuskey, Fleischauer, Kessinger, Sobonya, Summers, Zatezalo and Nelson, J. (Originating in House Judiciary) - **Permitting that current members of the National Guard or Reserves may be excused from jury duty** - Passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 56, Acts, Regular Session, 2016

## HOUSE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. 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 1/13/2016
- \*2. By Del. Rowan and Cowles - **U.S. Army PV2 William Frederick Kump Memorial Bridge** - Adopted 2/24/2016
- \*3. By Del. Rowan and Cowles - **North River Mills Historic Trace** - Adopted 3/12/2016



4. By Del. Rowan - **CSA LTG Thomas J. "Stonewall" Jackson Bridge** - Adopted 3/10/2016
- \*5. By Del. Ambler, Canterbury and Cowles - **U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge** - Adopted 3/12/2016
- \*7. By Del. Miller, Morgan, Moffatt, Hornbuckle, Reynolds, Sobonya and Rohrbach - **U.S. Army PFC Cecil Ray Ball Memorial Bridge** - Adopted 3/8/2016
8. By Del. Westfall, McCuskey, White, B., Atkinson, Stansbury, Blair, Foster, Ihle, Butler and Storch - **Harry Ripley Memorial Bridge** - Adopted 3/10/2016
- \*10. By Del. White, P., Phillips, Marcum and Eldridge - **U.S. Marine Corps GySgt Lionel Collins Memorial Road** - Adopted 3/8/2016
11. By Del. Campbell, Moyer, Rowan, Espinosa, Wagner, Hornbuckle, White, P., Marcum, Phillips, Stansbury and Hamilton - **World Autism Awareness Day** - Adopted 3/12/2016
- \*13. By Del. Cooper and Ambler - **U.S. Army SPC 4 Everette R. Johnson Memorial Bridge** - Adopted 3/10/2016
- \*14. By Del. Howell, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Border, Butler, Cadle, Cooper, Cowles, Duke, Ellington, Espinosa, Evans, D., Frich, Hamrick, Hanshaw, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, McGeehan, Miller, Moffatt, O'Neal, Overington, Rowan, Shott, Smith, R., Sobonya, Stansbury, Statler, Storch, Walters, Waxman and Zatezalo - **Second Friday in July as West Virginia Collector Car Appreciation Day** - Adopted 2/24/2016
- \*15. By Mr. Speaker (Mr. Armstead) - **U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge** - Adopted 3/8/2016
- \*17. By Del. Phillips, Marcum, Rodighiero and White, P. - **SGT Larry Joseph Whitt Bridge** - Adopted 3/12/2016
- \*18. By Del. Phillips, Marcum, Rodighiero and White, P. - **U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway** - Adopted 3/8/2016
- \*19. By Del. Waxman, Trecost, Miley and Hamrick - **H. Laban White Memorial Bridge** - Adopted 2/24/2016
20. By Del. Cooper, Evans, D., Nelson, J., Fleischauer, Longstreth, Rowan and Weld - **Funding for the West Virginia National Guard** - Adopted 3/12/2016
- \*22. By Del. White, B., Miller, Lane, Cowles, Evans, A., Kessinger, Shott, McCuskey, Sobonya, Stansbury, Byrd, Mr. Speaker (Mr. Armstead), Atkinson, Azinger, Blackwell, Blair, Deem, Ellington, Faircloth, Fleischauer, Folk, Hamrick, Householder, Ireland, Kelly, Kurcaba, McGeehan, Nelson, E., Overington, Pushkin, Rohrbach, Rowan, Rowe, Shaffer, Smith, P., Smith, R., Statler, Storch,

- Upson, Waxman, Weld, Westfall and Zatezalo - **U. S. Army SGT Gary Lee DeBoard Memorial Intersection** - Adopted 3/12/2016
- \*26. By Del. Romine, Rowan, Pethtel and Hamilton - **Corporal Gary Wayne Weekley Memorial Bridge** - Adopted 3/12/2016
29. By Del. Manchin, Caputo and Longstreth - **Harry C. "Buck" Markley Jr. Memorial Bridge** - Adopted 3/12/2016
- \*30. By Del. Hamilton, Lynch and Smith, P. - **U.S. Army PFC Everett Henry Woody Memorial Bridge** - Adopted 3/12/2016
36. By Del. Overington, Ambler, Anderson, Arvon, Atkinson, Azinger, Blair, Border, Butler, Cadle, Canterbury, Cooper, Deem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Flanigan, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hill, Householder, Howell, Ihle, Kelly, Kessinger, Kurcaba, Lane, McCuskey, Miller, Moffatt, Moye, Nelson, E., O'Neal, Perry, Phillips, Rohrbach, Romine, Rowan, Shott, Smith, R., Sobonya, Stansbury, Statler, Storch, Summers, Upson, Wagner, Walters, Waxman, Weld, Westfall, Ireland, Zatezalo and Shaffer - **Applying for an Article V Amendments Convention to Propose a Constitutional Amendment** - Adopted 3/12/2016
41. No Delegate(s) Selected - **U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge** - Adopted 3/8/2016
42. By Del. Sponaugle, Evans, A., Campbell and Hartman - **WVSP Tpr. Phillip S. Kesner Memorial Bridge** - Adopted 3/12/2016
- \*51. By Del. Pethtel - **U.S. Army PFC Danny Mire Stoneking Memorial Bridge** - Adopted 3/10/2016
- \*54. By Del. Smith, R., Shaffer, Nelson, J. and Wagner - **Byron 'Bray' Kelley Memorial Bridge** - Adopted 3/10/2016
- \*56. By Del. Statler, Stansbury, White, B., Kessinger, Rohrbach, Sobonya, Waxman, Hamrick, Summers, Ihle and Atkinson - **U.S. Army CPL Robert Eugene Jackson Memorial Bridge** - Adopted 3/12/2016
- \*57. By Del. Evans, A., Kelly, Storch, Hamrick, Sobonya, Summers, Ellington, Overington, O'Neal, McGeehan and Azinger - **U.S. Army PVT Leander Reel Memorial Bridge** - Adopted 3/12/2016
68. By Del. Howell, Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Ferro, Fluharty, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Moye, Mr. Speaker (Mr. Armstead), Nelson, E., Nelson, J., O'Neal, Overington, Perdue, Perry, Pethtel, Phillips, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Skinner, Smith, P., Smith, R., Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost,

Upson, Wagner, Walters, Waxman, Weld, Westfall, White, B., White, P. and Zatezalo - **Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles Phase 2** - Adopted 3/12/2016

- \*72. By Del. Duke - **Max G. Parkinson Memorial Bridge** - Adopted 3/12/2016
86. By Del. Waxman, Rohrbach, Hamrick, Border, Butler, Cadle, Ellington, Espinosa, Evans, A., Fast, Frich, Hamilton, Hill, Kessinger, Lane, Miller, Statler and White, B. - **Designating April 16, 2016 as World Voice Day** - Adopted 3/12/2016
88. By Del. Lane, Hanshaw and Shaffer - **Extending the Conference Committee relating to H. B. 2800, Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests.** - Adopted 2/23/2016
- \*90. By Del. Moore, White, P., Gearheart, Ellington and Blackwell - **U.S. Army CPL Fon Mitchell Memorial Bridge** - Adopted 3/12/2016
- \*92. By Del. Evans, A. - **Captain John Bond and the West Virginia State Troops Memorial Bridge** - Adopted 3/12/2016
93. By Del. Howell, Arvon, Atkinson, Blair, Border, Cadle, Caputo, Faircloth, Hamrick, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, Nelson, J., Pushkin, Smith, R., Sponaugle, Stansbury and White, P. (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance study the motor vehicle code** - Adopted 3/12/2016
103. By Del. Cooper, Ellington, Evans, D., Hamrick, Kelly, Kurcaba, Rowan, Campbell, Hicks, Moye, Rodighiero, Trecost and Espinosa (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct an interim study on the educational impact and budgetary and funding formula consequences of Education Savings Accounts** - Adopted 3/14/2016

**SENATE BILLS VETOED BY GOVERNOR, AMENDED,  
REPASSED LEGISLATURE, APPROVED BY GOVERNOR**

- \*601. By Sen. Boso - **Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities** - Passed 3/12/2016; Effective from passage - To Governor 3/14/16 - Vetoed by Governor 3/14/16 - Senate reconsidered action 3/15/2016 - Senate amended, repassed to meet objections of Governor 3/15/2016 - House concurred in Senate amendment 3/15/2016 - Repassed House to meet the objections of the Governor 3/15/2016; Effective from passage - To Governor 3/28/16 3/28/2016 - Approved by Governor 4/1/16 4/1/2016 - Chapter 213, Acts, Regular Session, 2016

**SENATE BILLS VETOED BY GOVERNOR,  
OVERRIDE BY LEGISLATURE**

1. By Sen. Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo - **Establishing WV Workplace Freedom Act** (original similar to HB4006) - Passed 2/5/2016 - To Governor 2/8/16 - Vetoed by Governor 2/11/16 - Senate reconsidered action 2/15/2016 - Passed Senate notwithstanding objections of the Governor 2/12/2016 - Motion to consider bill notwithstanding the objections of the Governor 2/12/2016 - House passed over veto 2/12/2016 - Chapter 142, Acts, Regular Session, 2016
- \*10. By Sen. Sypolt, Ferns, Gaunch, Karnes, Leonhardt, Trump, Walters, Boley, Boso, Takubo and Blair - **Creating Unborn Child Protection from Dismemberment Abortion Act** (original similar to HB4004) - Passed 2/29/2016 - To Governor 3/3/16 - Vetoed by Governor 3/9/16 - Senate reconsidered action 3/10/2016 - Passed Senate notwithstanding objections of the Governor 3/10/2016 - Motion to consider notwithstanding the objections of the Governor 3/10/2016 - House passed over veto 3/10/2016 - Chapter 196, Acts, Regular Session, 2016

**SENATE BILLS VETOED BY GOVERNOR**

- \*102. By Sen. Trump, Boso and Gaunch - **Conforming to federal Law-Enforcement Officers Safety Act** - Passed 3/7/2016 - To Governor 3/11/16 - Vetoed by Governor 4/1/16
- \*157. By Sen. Maynard - **Authorizing Department of Revenue to promulgate legislative rules** (original similar to HB4088) - Passed 3/12/2016; Effective from passage - To Governor 3/21/16 - Vetoed by Governor 4/1/16
- \*159. By Sen. Maynard - **Authorizing promulgation of legislative rules by miscellaneous boards and commissions** (original similar to HB4096) - Passed 3/12/2016; Effective from passage - Recall motion rejected - To Governor 3/21/16 - Vetoed by Governor 4/1/16
- \*254. By Sen. Trump - **Not allowing county park commissions to prohibit firearms in facilities** - Passed 3/5/2016; Effective from passage - To Governor 3/9/16 - Vetoed by Governor 3/15/16
- \*272. By Sen. Blair, Gaunch, Plymale and Romano - **Allowing investigators from Attorney General's office to carry concealed weapons** - Passed 3/12/2016 - To Governor 3/24/16 - Vetoed by Governor 4/1/16
437. By Sen. Blair - **Updating and clarifying code relating to rules governing mixed martial arts** - Passed 3/16/2016 - To Governor 3/28/16 - Vetoed by Governor 4/1/16
- \*599. By Sen. Hall, Carmichael, Prezioso and Plymale - **Relating generally to Uniform Unclaimed Property Act** - Passed 3/11/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16

658. By Sen. Gaunch, Carmichael, Stollings, Ferns, Takubo, Prezioso, Plymale, Unger, Leonhardt and Romano - **Allowing licensed professionals donate time to care of indigent and needy in clinical setting** - Passed 3/7/2016 - To Governor 3/11/16 - Vetoed by Governor 4/1/16

### **HOUSE BILLS VETOED BY GOVERNOR, AMENDED, REPASSED LEGISLATURE, APPROVED BY GOVERNOR**

- \*4007. By Del. Rohrbach, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Cowles, Hill and Anderson - **Relating generally to appointment of attorneys to assist the Attorney General** (original similar to SB8) - Passed 2/9/2016 - To Governor 2/11/16 - Vetoed by Governor 2/17/16 - House amended and repassed to meet the objections of the Governor 3/3/2016 - Senate reconsidered action 3/3/2016 - Title amended 3/3/2016 - Senate concurred in House amendment as amended and repassed bill 3/3/2016 - House concurred in Senate title amendment 3/3/2016 - Repassed House to meet the objections of the Governor 3/3/2016 - To Governor 3/4/16 - Approved by Governor 3/9/16 - Chapter 27, Acts, Regular Session, 2016

### **HOUSE BILLS VETOED BY GOVERNOR, OVERRIDDEN BY LEGISLATURE**

4005. By Del. Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman, Westfall and Householder - **Repealing prevailing hourly rate of wages requirements** (original similar to SB2) - Passed 2/4/2016 - To Governor 2/8/16 - Vetoed by Governor 2/11/16 - Motion to consider bill notwithstanding the objections of the Governor 2/12/2016 - House passed over veto 2/12/2016 - Senate reconsidered action 2/12/2016 - Passed Senate notwithstanding objections of the Governor 2/12/2016 - Chapter 39, Acts, Regular Session, 2016
- \*4145. By Del. Blair, Azinger, Butler, Cadle, Eldridge, Householder, Marcum, Overington, Phillips, Sobonya and Upson - **Relating to carry or use of a handgun or deadly weapon** - Passed 2/24/2016 - To Governor 2/26/16 - Vetoed by Governor 3/3/16 - Motion to consider bill notwithstanding the objections of the Governor 3/4/2016 - House passed over veto 3/4/2016 - Senate reconsidered action 3/5/2016 - Passed Senate notwithstanding objections of the Governor 3/5/2016 - Chapter 252, Acts, Regular Session, 2016

### **HOUSE BILLS VETOED BY GOVERNOR**

- \*2110. By Del. Howell, Moye, Storch, Moffatt, Hamrick, Householder, Statler, Walters, Arvon, Blair and Kessinger - **Relating generally to the tax treatment of manufacturing entities** - Passed 3/12/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
2796. By Mr. Speaker (Mr. Armstead) - **Providing paid leave for certain state officers and employees during a declared state of emergency** - Passed 3/7/2016 - To Governor 3/10/16 - Vetoed by Governor 4/1/16

- \*4014. By Del. Butler, Moffatt, Waxman, McGeehan, Espinosa, Kelly, Faircloth, Summers, Atkinson, Hamrick and Cowles - **Preventing the State Board of Education from implementing common core academic standards and assessments** (original similar to SB499) - Passed 3/12/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*4080. By Del. Sobonya, Frich and Moffatt - **Department of Veterans' Assistance, rule relating to VA headstones or markers** (original similar to SB245) - Passed 3/10/2016; Effective from passage - To Governor 3/16/16 - Vetoed by Governor 4/1/16
- \*4168. By Del. Howell, Frich, Storch, Arvon, Eldridge, Moffatt, Faircloth, Upson, Westfall, Phillips and Miller - **Creating a special motor vehicle collector license plate** - Passed 3/12/2016; Effective July 1, 2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*4171. By Del. Cooper, Evans, D., Ambler, Perry, Moye, Lynch, Kelly, Wagner, Rowan and Smith, R. - **Relating to the public school calendar** (original similar to HB4028, HB4298) - Passed 3/9/2016; Effective from passage - To Governor 3/14/16 - Vetoed by Governor 4/1/16
4246. By Del. Overington, Householder, Faircloth, Blair and Folk - **Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library** - Passed 3/9/2016; Effective from passage - To Governor 3/14/16 - Vetoed by Governor 4/1/16
- \*4307. By Del. Summers, Mr. Speaker (Mr. Armstead), Blair, Azinger, Waxman, McGeehan, Overington, Ihle, Phillips and Eldridge - **Clarifying that a firearm may be carried for self defense in state parks, state forests and state recreational areas** (original similar to SB122) - Passed 3/12/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
4378. By Del. Shott, Lane, McCuskey, Sobonya, Hanshaw, Miller, Arvon, Border and Kessinger - **Relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person** - Passed 3/12/2016 - To Governor 3/24/16 - Vetoed by Governor 4/1/16
- \*4433. By Del. Weld, Zatezalo, Storch and McGeehan - **Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees** - Passed 3/8/2016; Effective from passage - To Governor 3/11/16 - Vetoed by Governor 3/21/16
- \*4505. By Del. Skinner (By Request) - **Allowing powerball winners to remain anonymous** - Passed 3/7/2016 - To Governor 3/10/16 - Vetoed by Governor 4/1/16
- \*4561. By Del. Kurcaba, Statler, Upson, Householder, McGeehan, Azinger, Overington, Ellington, Fast, Foster and Gearheart - **Creating a special hiring process for West Virginia Division of Highways employees** - Passed 3/12/2016 - To Governor 3/24/16 - Vetoed by Governor 4/1/16

- \*4668. By Del. Byrd, Nelson, J., Marcum, Phillips, Rowe, McCuskey, Stansbury, White, B., Nelson, E., Guthrie and Pushkin - **Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services** - Passed 3/12/2016; Effective July 1, 2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16

### SENATE BILLS DIED IN CONFERENCE

- \*269. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Budget Bill** - To conference 3/12/2016. House conferees: Nelson, E., Anderson, Householder, Miller, Perry; Senate conferees: Hall, Walters, Sypolt, Prezioso, Plymale
- \*343. By Sen. Cole (Mr. President), Hall, Kessler and Trump - **Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records** (original similar to HB4206, HB4289) - To conference 3/12/2016. House conferees: Weld, McCuskey, Fleischauer, Trump, Ashley, Woelfel
573. By Sen. Blair - **Prohibiting municipal annexation which would result in unincorporated territory within municipality** - To conference 3/11/2016. House conferees: Howell, Hill, White, P., Blair, Maynard, Williams

### ALL SENATE BILLS INTRODUCED

1. By Sen. Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo - **Establishing WV Workplace Freedom Act** (original similar to HB4006) - Introduced 1/13/2016 - To Judiciary - Amended - Passed Senate 1/21/2016 - To House 1/25/2016 - To Judiciary - Amended - Passed House 2/4/2016 - Title amended - Senate concurred in House amendments and passed bill 2/5/2016 - To Governor 2/8/16 - Vetoed by Governor 2/11/16 - Senate reconsidered action - Passed Senate notwithstanding objections of the Governor 2/12/2016 - Motion to consider bill notwithstanding the objections of the Governor - House passed over veto 2/12/2016 - Chapter 142, Acts, Regular Session, 2016
2. By Sen. Blair, Boso and Trump - **Requiring public authorities pay prevailing hourly rate of wages** (original similar to HB4005, SB695) - Introduced 1/13/2016 - To Government Organization
3. By Sen. Trump, Gaunch, Karnes, Leonhardt, Walters, Sypolt, Blair and Carmichael - **Providing for sunset of administrative rules under Administrative Procedures Act** (original similar to HB4002) - Introduced 1/13/2016 - To Judiciary
4. By Sen. Trump, Gaunch, Karnes, Carmichael, Blair and Takubo - **Requiring legislative members disclose contributions and fundraising events while in session** (original similar to HB4001) - Introduced 1/13/2016 - To Judiciary

5. By Sen. Gaunch, Ferns, Karnes, Leonhardt, Trump, Carmichael, Blair, Sypolt and Takubo - **Requiring voters provide photo ID when voting** (original similar to HB4013) - Introduced 1/13/2016 - To Judiciary
- \*6. By Sen. Ferns, Carmichael, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair, Karnes and Sypolt - **Requiring drug screening and testing of applicants for TANF program** (original similar to HB4010) - Introduced 1/13/2016 - To Health and Human Resources then Finance - Com. sub. reported 1/20/2016 - To Finance 1/20/2016 - Amended - Passed Senate 2/9/2016 - To House 2/10/2016 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Amended on 3rd reading - Passed House 3/9/2016 - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 125, Acts, Regular Session, 2016
- \*7. By Sen. Leonhardt, Carmichael, Ashley, Stollings, Trump and Blair - **Establishing wrongful conduct rule prohibiting recovery of damages in certain circumstances** (original similar to HB4008) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/6/2016 - Amended - Passed Senate 2/11/2016 - To House 2/12/2016 - To Judiciary - Laid over until 2/20 - Amended - Passed House 2/23/2016 - Title amended - Senate concurred in House amendments and passed bill 2/24/2016 - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 3, Acts, Regular Session, 2016
8. By Sen. Gaunch, Karnes, Leonhardt, Trump and Blair - **Clarifying powers of Attorney General in contingency fee arrangements or contracts with outside attorneys** (original similar to HB4007) - Introduced 1/13/2016 - To Judiciary
9. By Sen. Blair, Carmichael and Takubo - **Creating Intermediate Court of Appeals** - Introduced 1/13/2016 - To Judiciary then Finance
- \*10. By Sen. Sypolt, Ferns, Gaunch, Karnes, Leonhardt, Trump, Walters, Boley, Boso, Takubo and Blair - **Creating Unborn Child Protection from Dismemberment Abortion Act** (original similar to HB4004) - Introduced 1/13/2016 - To Health and Human Resources then Judiciary - Com. sub. reported 2/12/2016 - 2nd reference dispensed - Passed Senate 2/17/2016 - To House 2/18/2016 - To Health and Human Resources then Judiciary - To House Judiciary - Passed House 2/29/2016 - Title amended - Senate concurred in House title amendment 2/29/2016 - Passed Senate 2/29/2016 - To Governor 3/3/16 - Vetoed by Governor 3/9/16 - Senate reconsidered action - Passed Senate notwithstanding objections of the Governor 3/10/2016 - Motion to consider notwithstanding the objections of the Governor - House passed over veto 3/10/2016 - Chapter 196, Acts, Regular Session, 2016
11. By Sen. Karnes, Gaunch, Leonhardt, Trump, Takubo, Boso and Blair - **WV Freedom of Conscience Protection Act** (original similar to HB4012) - Introduced 1/13/2016 - To Judiciary
- \*12. By Sen. Leonhardt - **Relating to County Local Powers Act** (original similar to HB4009, SB135) - Introduced 1/13/2016 - To Transportation and Infrastructure then Finance - Com. sub. reported 1/29/2016 - To Finance 1/29/2016 - Com. sub. for com. sub. reported 2/26/2016 - Passed Senate 3/1/2016 - To House 3/5/2016 - To Judiciary



- \*13. By Sen. Carmichael, Boso, Gaunch, Leonhardt, Trump, Walters, Blair, Takubo, Miller and Unger - **Increasing penalties for overtaking and passing stopped school buses** (original similar to HB4349) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/20/2016 - Passed Senate with amended title 1/26/2016 - To House 1/27/2016 - To Judiciary - Amended - Passed House 3/4/2016 - Title amended - Senate refused to concur in House amendment 3/5/2016 - House refused to recede and requested conference 3/7/2016 - To conference 3/8/2016 - Senate adopted conference report and passed bill 3/12/2016 - House adopted conference report and passed bill 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 243, Acts, Regular Session, 2016
- \*14. By Sen. Trump, Boso, Ferns, Leonhardt, Takubo and Blair - **Limiting successor corporation asbestos-related liabilities** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016 - To House 2/1/2016 - To Judiciary - Amended - Passed House 2/20/2016 - Senate concurred in House amendments and passed bill 2/22/2016 - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 5, Acts, Regular Session, 2016
15. By Sen. Boso and Gaunch - **Adopting learned intermediary doctrine as defense to civil action due to inadequate warnings or instructions** - Introduced 1/13/2016 - To Judiciary - Passed Senate 2/1/2016 - To House 2/2/2016 - To Judiciary - Amended - Passed House 2/16/2016 - Senate concurred in House amendments and passed bill 2/17/2016 - To Governor 2/19/16 - Approved by Governor 2/25/16 - Chapter 4, Acts, Regular Session, 2016
- \*16. By Sen. Ashley, Plymale, Williams, Miller, Stollings and Unger - **Providing tax credit for providing broadband service to unserved areas** - Introduced 1/13/2016 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/1/2016 - To Finance 2/1/2016 - Com. sub. for com. sub. reported 2/12/2016 - Passed Senate 2/17/2016 - To House 2/18/2016 - To Finance
17. By Sen. Beach, Williams, Miller and Blair - **Relating generally to advance nurse practitioners and certified nurse-midwives** (original similar to HB4334, SB519) - Introduced 1/13/2016 - To Health and Human Resources then Judiciary
18. By Sen. Beach and Miller - **Increasing membership of Board of Examiners for Registered Professional Nurses** - Introduced 1/13/2016 - To Government Organization then Finance
19. By Sen. Beach - **Relating generally to autocycles** (original similar to SB363) - Introduced 1/13/2016 - To Transportation and Infrastructure then Judiciary
20. By Sen. Beach - **Relating to state parks and forests** - Introduced 1/13/2016 - To Natural Resources then Judiciary
21. By Sen. Beach, Williams and Kessler - **Allowing certain sales of alcohol at 10:00 a.m. Sundays** (original similar to HB4565, SB298, SB307) - Introduced 1/13/2016 - To Economic Development then Judiciary
22. By Sen. Karnes - **Limiting health insurance coverage for elective abortions** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary

23. By Sen. Karnes and Boso - **Relating to care of aborted fetuses** (original similar to HB4004) - Introduced 1/13/2016 - To Health and Human Resources then Judiciary
24. By Sen. Karnes - **Repealing code related to mandatory motor vehicle inspections** - Introduced 1/13/2016 - To Transportation and Infrastructure then Judiciary
- \*25. By Sen. Karnes, Leonhardt and Blair - **Providing selection procedure for state delegates to Article V convention** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/28/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Judiciary
26. By Sen. Karnes - **Requiring midwives report annually to Bureau for Public Health** - Introduced 1/13/2016 - To Health and Human Resources then Judiciary
- \*27. By Sen. Kirkendoll, Miller and Gaunch - **Permitting county commissions hire outside attorneys for collection of taxes through courts** - Introduced 1/13/2016 - To Government Organization then Judiciary - Com. sub. reported 1/25/2016 - To Judiciary 1/25/2016 - Com. sub. for com. sub. reported 1/27/2016 - Passed Senate 2/1/2016 - To House 2/2/2016 - To Judiciary then Finance - Passed House 3/4/2016 - Title amended - Senate concurred in House title amendment 3/5/2016 - Passed Senate 3/5/2016 - To Governor 3/9/16 - Approved by Governor 3/9/16 - Chapter 50, Acts, Regular Session, 2016
- \*28. By Sen. Kirkendoll, Stollings and Boso - **County commission and municipality agreements in demolishing buildings unfit for habitation** - Introduced 1/13/2016 - To Government Organization then Judiciary - Com. sub. reported 1/25/2016 - To Judiciary 1/25/2016
29. By Sen. Palumbo - **Tolling statute of limitations in certain cases** - Introduced 1/13/2016 - To Judiciary - Passed Senate 2/5/2016 - To House 2/8/2016 - To Judiciary - Amended - Passed House 3/5/2016 - Senate concurred in House amendments and passed bill 3/7/2016 - To Governor 3/11/16 - Approved by Governor 3/23/16 - Chapter 2, Acts, Regular Session, 2016
30. By Sen. Palumbo - **Correcting code reference regarding carry concealed requirements** - Introduced 1/13/2016 - To Judiciary
31. By Sen. Palumbo, Kessler and Gaunch - **Prohibiting impersonation of representative of Commission on Special Investigations** - Introduced 1/13/2016 - To Judiciary
32. By Sen. Palumbo, Beach and Miller - **Relating to withdrawal of candidates for office and filling vacancies** - Introduced 1/13/2016 - To Judiciary - Amended - Passed Senate 1/26/2016 - To House 1/27/2016 - To Judiciary - Amended - Passed House 2/5/2016 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 2/6/2016 - Effective from passage - To Governor 2/9/16 - Approved by Governor 2/11/16 - Chapter 99, Acts, Regular Session, 2016
33. By Sen. Plymale, Beach, Takubo and Woelfel - **Increasing penalty for illegally transporting narcotics into state** - Introduced 1/13/2016 - To Judiciary

34. By Sen. Plymale - **Limiting liability of state, county and municipal parks and recreation entities and private landowners under certain agreements** - Introduced 1/13/2016 - To Judiciary
35. By Sen. Snyder - **Adopting federal definition for disabled veterans' preference eligibility for civil service jobs and vendor contracts** - Introduced 1/13/2016 - To Military then Government Organization - To Government Organization 2/4/2016
36. By Sen. Snyder and Blair - **Exempting certain fuels from unfair trade practices** - Introduced 1/13/2016 - To Government Organization then Finance
37. By Sen. Snyder - **Redistributing excise taxes to county where real property is situate** (original similar to SJR10) - Introduced 1/13/2016 - To Government Organization then Finance
38. By Sen. Snyder - **Removing certain tax discounts from motor fuel excise tax** (original similar to SB505) - Introduced 1/13/2016 - To Finance
- \*39. By Sen. Stollings and Gaunch - **Regulating off-road motorcycles within Hatfield-McCoy Recreation Area** - Introduced 1/13/2016 - To Natural Resources then Judiciary - Com. sub. reported 1/21/2016 - To Judiciary 1/21/2016 - Passed Senate 2/9/2016 - To House 2/10/2016 - To Roads and Transportation then Government Organization - To House Government Organization - Passed House 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 8, Acts, Regular Session, 2016
- \*40. By Sen. Stollings - **Changing definition of facilities eligible for funding assistance from Courthouse Facilities Improvement Authority** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/1/2016 - Passed Senate 2/4/2016 - Effective from passage - To House 2/5/2016 - To Judiciary then Finance
41. By Sen. Stollings - **Modifying essential elements of sexual assault offenses** - Introduced 1/13/2016 - To Judiciary
42. By Sen. Stollings, Beach, Plymale, Blair, Gaunch, Kessler, Snyder, Carmichael, Williams and Miller - **Permitting school nurses to possess and administer opioid antagonists on or near school premises** - Introduced 1/13/2016 - To Health and Human Resources then Judiciary
- \*43. By Sen. Williams, Beach, Blair, Leonhardt and Miller - **Clarifying means of posting to prohibit hunting or trespassing** - Introduced 1/13/2016 - To Natural Resources then Judiciary - Com. sub. reported 1/21/2016 - To Judiciary 1/21/2016 - Passed Senate 2/9/2016 - To House 2/10/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/9/2016 - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 59, Acts, Regular Session, 2016
44. By Sen. Williams and Miller - **Relating to public hearings on transfer of land to or from state** - Introduced 1/13/2016 - To Natural Resources then Judiciary

45. By Sen. Williams, Stollings, Beach and Miller - **Tourist-Oriented Directional Sign Program** - Introduced 1/13/2016 - To Transportation and Infrastructure then Finance - To Finance 2/3/2016
46. By Sen. Mullins, Facemire, Takubo, Miller and Romano - **Changing mandatory school instructional time from 180 days to minutes** (original similar to HB4403) - Introduced 1/13/2016 - To Education then Finance
- \*47. By Sen. Ferns - **Rewriting licensing requirements for practice of medicine and surgery and podiatry** - Introduced 1/13/2016 - To Health and Human Resources then Government Organization - Com. sub. reported 2/20/2016 - To Government Organization 2/20/2016 - Com. sub. for com. sub. reported 2/25/2016 - Passed Senate 2/29/2016 - To House 3/1/2016 - To Health and Human Resources then Government Organization - 2nd reference dispensed - Amended - Passed House 3/8/2016 - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 178, Acts, Regular Session, 2016
48. By Sen. Ferns and Leonhardt - **Establishing Mental Health, Veteran and Service Members Court** - Introduced 1/13/2016 - To Judiciary then Finance - To Finance 2/19/2016
49. By Sen. Ferns and Stollings - **Excluding mobile x-ray services from health care provider tax** - Introduced 1/13/2016 - To Health and Human Resources then Finance
50. By Sen. Ferns - **Clarifying certain nonprofit-owned hospitals may have only one governing body** (original similar to HB4520) - Introduced 1/13/2016 - To Health and Human Resources then Judiciary - To Judiciary 2/10/2016
51. By Sen. Ferns - **Exempting certain employers from discriminating against tobacco users** - Introduced 1/13/2016 - To Health and Human Resources then Judiciary
52. By Sen. Ferns - **Modifying requirements for child witness to testify by closed circuit television** - Introduced 1/13/2016 - To Judiciary
53. By Sen. Sypolt, Williams and Blair - **Changing number of juror strikes in felony cases** - Introduced 1/13/2016 - To Judiciary
54. By Sen. Sypolt - **Altering how tax is collected on homeowners' associations** - Introduced 1/13/2016 - To Finance - Amended - Passed Senate 2/19/2016 - To House 2/20/2016 - To Finance - Amended - Passed House 3/10/2016 - Title amended - Senate concurred in House amendments and passed bill 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 232, Acts, Regular Session, 2016
55. By Sen. Sypolt, Miller and Blair - **Clarifying tax map rules apply to both paper and digital maps** - Introduced 1/13/2016 - To Government Organization then Finance - To Finance 1/25/2016

56. By Sen. Yost - **Lowering threshold amount for triggering low bidder's duty to submit list of government subcontractors** - Introduced 1/13/2016 - To Government Organization
57. By Sen. Yost - **Transferring interest to real property co-owner when all taxes paid for five years** - Introduced 1/13/2016 - To Government Organization then Judiciary
58. By Sen. Yost - **Temporary reassignment of injured or ill county board of education service personnel** - Introduced 1/13/2016 - To Education then Judiciary
59. By Sen. Yost, Boso and Miller - **Providing discount to WV National Guard and Reserve members for state park campground rental fees** - Introduced 1/13/2016 - To Natural Resources then Finance
60. By Sen. Yost - **Modifying workers' compensation guidelines for reasonable and necessary medical treatment** - Introduced 1/13/2016 - To Banking and Insurance then Labor then Judiciary
61. By Sen. Yost - **Relating to weighing of evidence in workers' compensation claims** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary then Finance
62. By Sen. Yost and Kessler - **Clarifying rebuttable presumptions for certain injuries and diseases for firefighters** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary then Finance
63. By Sen. Yost - **Awarding 20 weeks' black lung benefit when no measurable pulmonary impairment found** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary then Finance
64. By Sen. Yost - **Requiring all state-purchased uniforms be manufactured in US** - Introduced 1/13/2016 - To Government Organization then Finance
65. By Sen. Yost - **Exempting military, National Guard and reserve income from state income taxes** (original similar to SB82) - Introduced 1/13/2016 - To Military then Finance - To Finance 2/4/2016
66. By Sen. Yost - **Certification requirements for state bridge paint applicators** - Introduced 1/13/2016 - To Transportation and Infrastructure then Government Organization
67. By Sen. Yost - **Keep Jobs in West Virginia Act** - Introduced 1/13/2016 - To Government Organization then Finance
- \*68. By Sen. Ferns and Takubo - **Disallowing Health Care Authority to conduct rate review and set rates for hospitals** - Introduced 1/13/2016 - To Health and Human Resources then Finance - Com. sub. reported 2/3/2016 - 2nd reference dispensed - Passed Senate 2/6/2016 - To House 2/8/2016 - To Health and Human Resources - Amended - Passed House 3/5/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/7/2016 - House concurred in Senate title amendment 3/7/2016 - Passed House 3/7/2016 - To

Governor 3/11/16 - Approved by Governor 4/1/16 - Chapter 202, Acts, Regular Session, 2016

69. By Sen. Laird, Snyder, Miller and Blair - **Permitting corporate sponsorships of state parks and recreational areas** - Introduced 1/13/2016 - To Natural Resources then Government Organization
70. By Sen. Yost - **Acknowledging workers' compensation deficit crisis is over** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary then Finance
71. By Sen. Yost - **Classification and criteria for disability benefits** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary then Finance
72. By Sen. Yost - **Relating generally to workers' compensation benefits** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary then Finance
- \*73. By Sen. Yost and Miller - **Creating felony crime of knowingly leaving scene of crash resulting in serious bodily injury** (original similar to HB4478) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/9/2016 - Passed Senate 2/12/2016 - To House 2/15/2016 - To Judiciary
74. By Sen. Yost - **Relating generally to substance abuse screening policies in mining operations** - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary
75. By Sen. Yost - **Establishing cook-meal ratios for full- and half-day school cooks** - Introduced 1/13/2016 - To Education then Finance
76. By Sen. Yost - **Requiring covered employee be paid maximum temporary total disability benefits for lost time under workers' compensation without penalty** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary then Finance
77. By Sen. Yost and Miller - **Fireworks Safety Act** (original similar to SB328) - Introduced 1/13/2016 - To Military then Judiciary
78. By Sen. Yost - **Creating position of Equal Pay Coordinator within Division of Personnel** - Introduced 1/13/2016 - To Government Organization then Finance
79. By Sen. Yost and Miller - **Allowing WV National Guard and Reserve members free hunting and fishing licenses under certain circumstances** (original similar to SB81) - Introduced 1/13/2016 - To Natural Resources then Finance
80. By Sen. Yost - **Making available nonidentifying social and medical histories of birth parents prior to adoption** (original similar to SB285) - Introduced 1/13/2016 - To Health and Human Resources then Judiciary
81. By Sen. Yost - **Allowing WV National Guard and Reserve members obtain Class C hunting and fishing for one-time fee** (original similar to SB79) - Introduced 1/13/2016 - To Natural Resources then Finance

82. By Sen. Yost - **Increasing adjustments to gross income for military, National Guard and reserve retirement for residents** (original similar to SB65) - Introduced 1/13/2016 - To Military then Finance - To Finance 2/4/2016
83. By Sen. Yost - **Meeting and conference rights for police or fire department members employed by political subdivisions** - Introduced 1/13/2016 - To Labor then Judiciary
84. By Sen. Yost - **Revising definition of "obscene matter"** - Introduced 1/13/2016 - To Judiciary
85. By Sen. Yost - **Requiring judicial circuits and counties to have special advocates for children in abuse and neglect proceedings** - Introduced 1/13/2016 - To Judiciary then Finance
- \*86. By Sen. Yost - **Continuing personal income tax adjustment for certain retirees of terminated defined pension plans** (original similar to HB4474) - Introduced 1/13/2016 - To Pensions then Finance - Com. sub. reported 1/28/2016 - To Finance 1/28/2016
87. By Sen. Yost - **Requiring DHHR review rates paid to health care providers** - Introduced 1/13/2016 - To Health and Human Resources then Finance
88. By Sen. Walters - **WV Water Sustainability Institute** - Introduced 1/13/2016 - To Transportation and Infrastructure then Finance - To Finance 2/17/2016
89. By Sen. Walters, Miller and Gaunch - **Providing maximum ratio of 1500 pupils to one licensed school psychologist** (original similar to SB630) - Introduced 1/13/2016 - To Education then Finance
90. By Sen. Yost and Miller - **Collective bargaining between state and its employees** - Introduced 1/13/2016 - To Labor then Judiciary then Finance
91. By Sen. Yost - **Requiring state-purchased materials, supplies and equipment be manufactured in US** - Introduced 1/13/2016 - To Government Organization then Finance
92. By Sen. Yost - **Creating annual flood zone homestead property tax exemption** - Introduced 1/13/2016 - To Finance
93. By Sen. Walters - **Requiring real property seller satisfy unpaid charges owed to county and municipality upon closing** - Introduced 1/13/2016 - To Judiciary
94. By Sen. Walters - **Designating State Police Superintendent as administrator and enforcer of motor vehicle inspection program** - Introduced 1/13/2016 - To Transportation and Infrastructure then Government Organization - To Government Organization 2/10/2016 - Passed Senate 2/25/2016 - To House 2/25/2016 - To Roads and Transportation then Government Organization - To House Government Organization - Passed House 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/15/16 - Chapter 245, Acts, Regular Session, 2016

95. By Sen. Walters - **Requiring Chief Technology Officer ensure routine audits are made of approved major information technology projects** - Introduced 1/13/2016 - To Government Organization
96. By Sen. Walters and Miller - **Promoting energy efficiency improvements by real property owners** (original similar to HB4684) - Introduced 1/13/2016 - To Energy, Industry and Mining then Government Organization
97. By Sen. Miller, Unger, Kessler, Beach, Snyder, Facemire and Romano - **Providing salary increase for DOC employees** (original similar to HB4385) - Introduced 1/13/2016 - To Government Organization then Finance
98. By Sen. Miller, Kessler, Romano, Woelfel, Beach, Snyder and Facemire - **Residential solar energy tax credits** - Introduced 1/13/2016 - To Energy, Industry and Mining then Finance
99. By Sen. Miller, Woelfel, Romano, Facemire, Beach, Snyder and Laird - **Court-appointed attorneys' compensation and expenses in child abuse and neglect cases** - Introduced 1/13/2016 - To Judiciary then Finance
100. By Sen. Miller - **Requirements for employment of public school nurses** - Introduced 1/13/2016 - To Education then Finance
101. By Sen. Miller and Beach - **Qualifications of Agriculture Commissioner** - Introduced 1/13/2016 - To Agriculture and Rural Development then Judiciary
- \*102. By Sen. Trump, Boso and Gaunch - **Conforming to federal Law-Enforcement Officers Safety Act** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/20/2016 - Passed Senate 1/26/2016 - To House 1/27/2016 - To Judiciary - Amended - Passed House 3/4/2016 - Senate concurred in House amendments and passed bill 3/7/2016 - To Governor 3/11/16 - Vetoed by Governor 4/1/16
103. By Sen. Laird, Unger, Romano, Kessler, Miller, Snyder and Facemire - **Establishing driver's license restoration program** - Introduced 1/13/2016 - To Government Organization then Judiciary
- \*104. By Sen. Plymale, Woelfel and Stollings - **Classifying Marshall University Forensic Science Center as a criminal justice agency** (original similar to HB4443) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/27/2016 - Amended - Passed Senate with amended title 3/2/2016 - To House 3/2/2016 - To Judiciary - Amended - Passed House 3/8/2016 - Title amended - Senate concurred in House amendments and passed bill 3/9/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 211, Acts, Regular Session, 2016
- \*105. By Sen. Trump and Gaunch - **Creating Tim Tebow Act allowing nonpublic school student participate in SSAC member school athletics** - Introduced 1/13/2016 - To Education then Judiciary - Com. sub. reported 2/12/2016 - 2nd reference dispensed - Amended - Passed Senate 2/17/2016 - To House 2/18/2016 - To Education then Judiciary
- \*106. By Sen. Trump - **Waiver of warranty on sale of used manufactured home under certain circumstances** (original similar to HB4205) - Introduced



1/13/2016 - To Judiciary - Com. sub. reported 2/23/2016 - Passed Senate  
2/26/2016 - To House 2/26/2016 - To Judiciary

107. By Sen. Trump - **Uniform Interstate Depositions and Discovery Act** - Introduced 1/13/2016 - To Judiciary - Passed Senate with amended title 1/27/2016 - To House 1/28/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate refused to concur in House amendment 3/11/2016 - House receded and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 173, Acts, Regular Session, 2016
108. By Sen. Trump and Blair - **Requiring election by divisions in House of Delegate districts with two or more delegates** (original similar to SB324) - Introduced 1/13/2016 - To Judiciary
- \*109. By Sen. Trump - **Repealing code provisions related to certain reports by trustees for property** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary - Com. sub. reported 1/27/2016 - To Judiciary 1/27/2016 - Amended - Passed Senate with amended title 2/4/2016 - To House 2/5/2016 - To Banking and Insurance then Judiciary
110. By Sen. Trump and Gaunch - **Disqualifying CDL for conviction of DUI** - Introduced 1/13/2016 - To Judiciary
111. By Sen. Kessler, Snyder and Beach - **Prohibiting discrimination based on age or sexual orientation** - Introduced 1/13/2016 - To Judiciary
112. By Sen. Kessler and Miller - **Relating generally to WV Future Fund** - Introduced 1/13/2016 - To Energy, Industry and Mining then Finance
113. By Sen. Kessler, Unger, Snyder, Miller, Romano, Beach and Facemire - **Increasing teacher pay over 5-year period** - Introduced 1/13/2016 - To Education then Finance
114. By Sen. Kessler, Unger, Romano, Facemire, Snyder, Miller and Beach - **Increasing school service personnel pay over 5-year period** - Introduced 1/13/2016 - To Education then Finance
115. By Sen. Kessler, Miller, Beach and Snyder - **Increasing state employee pay over 3-year period** - Introduced 1/13/2016 - To Government Organization then Finance
- \*116. By Sen. Kessler and Beach - **Increasing number of limited video lottery terminals allowed at retail location** (original similar to HB4523) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/8/2016 - Referred to Finance on 2nd reading 2/11/2016 - Com. sub. for com. sub. reported 2/24/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - To Judiciary then Finance
117. By Sen. Kessler - **Creating preference for current limited video lottery permit holders in bid process** - Introduced 1/13/2016 - To Judiciary
118. By Sen. Kessler - **Requiring disclosures in group life insurance policies** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary

119. By Sen. Kessler, Laird and Miller - **Relating generally to criminal conviction expungements** - Introduced 1/13/2016 - To Judiciary
120. By Sen. Kessler - **Earned Sick Time Act** - Introduced 1/13/2016 - To Labor then Judiciary
121. By Sen. Beach and Miller - **Increasing certain motor vehicle fees** - Introduced 1/13/2016 - To Government Organization then Finance
122. By Sen. Trump, Gaunch, Karnes and Blair - **Permitting carrying of firearms in state parks, lands and trails managed by DNR** (original similar to HB4307) - Introduced 1/13/2016 - To Natural Resources then Judiciary
123. By Sen. Stollings - **Treatment for sexually transmitted diseases** - Introduced 1/13/2016 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Passed Senate 2/3/2016 - To House 2/4/2016 - To Health and Human Resources - Amended - Passed House 2/15/2016 - Title amended - Senate concurred in House amendments and passed bill 2/16/2016 - To Governor 2/19/16 - Approved by Governor 2/25/16 - Chapter 198, Acts, Regular Session, 2016
124. By Sen. Miller - **Alternative and renewal energy portfolio standard** - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary
125. By Sen. Kessler and Stollings - **Increasing cigarette tax to fund substance abuse and workforce development initiatives** - Introduced 1/13/2016 - To Health and Human Resources then Finance
- \*126. By Sen. Laird, Unger, Miller, Facemire and Romano - **Increasing natural resources police officer compensation** - Introduced 1/13/2016 - To Natural Resources then Finance - Com. sub. reported 2/11/2016 - To Finance 2/11/2016
127. By Sen. Laird, Williams, Stollings, Miller, Beach and Blair - **Grandparents' rights in child custody cases** - Introduced 1/13/2016 - To Judiciary
128. By Sen. Laird and Kessler - **Creating WV personal income tax modification for residents who choose to spay or neuter their pets** (original similar to HB4515) - Introduced 1/13/2016 - To Finance
129. By Sen. Laird - **Providing state agency administrative hearing examiners be chosen from panel of 5 examiners** - Introduced 1/13/2016 - To Judiciary
130. By Sen. Laird - **Setting maximum amount of PEIA-paid air-ambulance fees** - Introduced 1/13/2016 - To Banking and Insurance then Finance
131. By Sen. Laird - **Allowing counties to impose additional property levies solely to fund public libraries** (original similar to HB4488) - Introduced 1/13/2016 - To Education then Government Organization
132. By Sen. Laird, Unger and Miller - **Requiring municipal police officers wear armored vests when feasible** - Introduced 1/13/2016 - To Government Organization then Judiciary - To Judiciary 1/25/2016

133. By Sen. Laird, Snyder, Romano, Facemire and Miller - **Increasing salaries of certain DOC, Regional Jail Authority and Division of Juvenile Services employees** - Introduced 1/13/2016 - To Government Organization then Finance - To Government Organization
134. By Sen. Laird - **Establishing task force to study impact of any state 2- or 4-year campus closure** - Introduced 1/13/2016 - To Education then Government Organization - To Government Organization 2/19/2016
135. By Sen. Beach - **Relating generally to roles of county commissions and Commissioner of Highways in regard to road and bridge projects** (original similar to HB4009, SB12) - Introduced 1/13/2016 - To Transportation and Infrastructure then Government Organization - To Transportation and Infrastructure
136. By Sen. Leonhardt and Boso - **Allowing certain residents to carry concealed weapons in municipally controlled buildings and recreation centers without first obtaining a license** (original similar to HB4387) - Introduced 1/13/2016 - To Government Organization then Judiciary
137. By Sen. Plymale, Stollings, Woelfel and Miller - **Setting safety standards for youth lacrosse** - Introduced 1/13/2016 - To Education
138. By Sen. Laird, Kessler, Miller, Romano, Stollings and Facemire - **Creating amnesty program for certain drivers with suspended licenses** - Introduced 1/13/2016 - To Government Organization then Judiciary
139. By Sen. Plymale, Kessler, Beach, Miller and Stollings - **Increasing tobacco tax to help fund PEIA's health plans** (original similar to HB4023, HB4701) - Introduced 1/13/2016 - To Health and Human Resources then Finance
140. By Sen. Trump, Unger and Miller - **Requiring Herbert Henderson Office of Minority Affairs establish community-based pilot project** - Introduced 1/13/2016 - To Health and Human Resources then Government Organization
141. By Sen. Trump, Miller and Stollings - **Removing CDL requirement when towing vehicle is below certain gross vehicle weight rating** - Introduced 1/13/2016 - To Transportation and Infrastructure then Government Organization - To Government Organization 2/3/2016
142. By Sen. Woelfel, Takubo, Romano, Plymale and Facemire - **Automatic voter registration of high school graduates** - Introduced 1/13/2016 - To Government Organization then Judiciary
143. By Sen. Woelfel - **Requiring annual WVU-Marshall basketball game** - Introduced 1/13/2016 - To Education then Judiciary
144. By Sen. Plymale and Woelfel - **Allowing law enforcement collect DNA samples from arrestees for certain criminal offenses** - Introduced 1/13/2016 - To Judiciary

145. By Sen. Walters - **Requiring preventative dental care for adult Medicaid recipients** - Introduced 1/13/2016 - To Health and Human Resources then Finance
- \*146. By Sen. Plymale and Unger - **Establishing instruction standards for early childhood education** - Introduced 1/13/2016 - To Education - Com. sub. reported 1/25/2016 - Passed Senate 1/29/2016 - Effective July 1, 2016 - To House 2/1/2016 - To Education - Laid over until 2/19 - Amended - Passed House 2/20/2016 - Effective July 1, 2016 - Senate amended House amendment and passed 2/23/2016 - Effective July 1, 2016 - House concurred in Senate amendment and passed 2/23/2016 - Effective July 1, 2016 - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 90, Acts, Regular Session, 2016
147. By Sen. Romano, Snyder and Facemire (Originating in Senate ) - **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** - Introduced 1/13/2016 - To Finance - Amended - Passed Senate 2/16/2016 - To House 2/17/2016 - To Finance
148. By Sen. Maynard - **Board of Accountancy rules and rules of professional conduct** (original similar to HB4081) - Introduced 1/13/2016 - To Government Organization then Judiciary
149. By Sen. Maynard - **Department of Administration rule relating to purchasing division** (original similar to HB4046) - Introduced 1/13/2016 - To Judiciary
- \*150. By Sen. Maynard - **Authorizing Department of Transportation promulgate legislative rules** (original similar to HB4082) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/27/2016 - Passed Senate 2/1/2016 - Effective from passage - To House 2/2/2016 - To Judiciary - Amended - Passed House 2/19/2016 - Effective from passage - Senate concurred in House amendments and passed bill 2/22/2016 - Effective from passage - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 151, Acts, Regular Session, 2016
151. By Sen. Maynard - **Department of Agriculture rule relating to inspection of nontraditional domesticated animals** (original similar to HB4083) - Introduced 1/13/2016 - To Agriculture and Rural Development then Judiciary
152. By Sen. Maynard - **Department of Agriculture rule relating to poultry litter and manure movement** (original similar to HB4084) - Introduced 1/13/2016 - To Agriculture and Rural Development then Judiciary
153. By Sen. Maynard - **Department of Agriculture rule relating to livestock care standards** (original similar to HB4085) - Introduced 1/13/2016 - To Agriculture and Rural Development then Judiciary
154. By Sen. Maynard - **Department of Agriculture rule relating to captive cervid farming** (original similar to HB4086) - Introduced 1/13/2016 - To Agriculture and Rural Development then Judiciary
155. By Sen. Maynard - **Alcohol Beverage Control Commission rule relating to private club licensing** (original similar to HB4047) - Introduced 1/13/2016 - To Judiciary

156. By Sen. Maynard - **Alcohol Beverage Control Commission rule relating to distilleries and mini-distilleries** (original similar to HB4087) - Introduced 1/13/2016 - To Judiciary
- \*157. By Sen. Maynard - **Authorizing Department of Revenue to promulgate legislative rules** (original similar to HB4088) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/20/2016 - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Effective from passage - Senate concurred in House amendment as amended and passed bill 3/12/2016 - Effective from passage - House refused to concur and requested Senate to recede 3/12/2016 - Senate refused to recede and requested conference 3/12/2016 - Motion to reconsider - House concurred in Senate amendment and adopted 3/12/2016 - Passed House 3/12/2016 - To Governor 3/21/16 - Vetoed by Governor 4/1/16
158. By Sen. Maynard - **State Conservation Committee rule relating to WV Conservation Agency financial assistance program** (original similar to HB4089) - Introduced 1/13/2016 - To Judiciary
- \*159. By Sen. Maynard - **Authorizing promulgation of legislative rules by miscellaneous boards and commissions** (original similar to HB4096) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/2/2016 - Passed Senate 2/5/2016 - Effective from passage - To House 2/8/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Effective from passage - Senate concurred in House amendment as amended and passed bill 3/12/2016 - Effective from passage - House concurred in Senate amendment and passed 3/12/2016 - Effective from passage - Recall motion rejected - To Governor 3/21/16 - Vetoed by Governor 4/1/16
160. By Sen. Maynard - **Board of Examiners in Counseling rule relating to license renewal and professional education requirements** (original similar to HB4098) - Introduced 1/13/2016 - To Judiciary
161. By Sen. Maynard - **Board of Examiners in Counseling rule relating to marriage and family therapists licensing** (original similar to HB4099) - Introduced 1/13/2016 - To Judiciary
162. By Sen. Maynard - **Board of Examiners in Counseling rule relating to marriage and family license renewal and continuing professional education requirements** (original similar to HB4097) - Introduced 1/13/2016 - To Judiciary
163. By Sen. Maynard - **CPRB rule relating to benefit determination and appeal** (original similar to HB4091) - Introduced 1/13/2016 - To Pensions then Judiciary - To Judiciary 1/28/2016
164. By Sen. Maynard - **CPRB rule relating to Teachers' Defined Contribution Retirement System** (original similar to HB4092) - Introduced 1/13/2016 - To Pensions then Judiciary - To Judiciary 1/28/2016
165. By Sen. Maynard - **CPRB rule relating to Teachers Retirement System** (original similar to HB4093) - Introduced 1/13/2016 - To Pensions then Judiciary - To Judiciary 1/28/2016

166. By Sen. Maynard - **CPRB rule relating to refund, reinstatement, retroactive service, loan and correction of error interest factors** (original similar to HB4094) - Introduced 1/13/2016 - To Pensions then Judiciary - To Judiciary 1/28/2016
167. By Sen. Maynard - **CPRB rule relating to service credit for accrued and unused sick leave** (original similar to HB4048) - Introduced 1/13/2016 - To Pensions then Judiciary - To Judiciary 1/28/2016
168. By Sen. Maynard - **CPRB rule relating to WV State Police** (original similar to HB4095) - Introduced 1/13/2016 - To Pensions then Judiciary - To Judiciary 1/28/2016
169. By Sen. Maynard - **CPRB rule relating to Deputy Sheriff Retirement System** (original similar to HB4090) - Introduced 1/13/2016 - To Pensions then Judiciary - To Judiciary 1/28/2016
170. By Sen. Maynard - **Board of Dental Examiners rule relating to continuing education requirements** (original similar to HB4100) - Introduced 1/13/2016 - To Judiciary
171. By Sen. Maynard - **Board of Dental Examiners rule relating to duties of dental hygienists and dental assistants** (original similar to HB4101) - Introduced 1/13/2016 - To Judiciary
172. By Sen. Maynard - **DEP, Air Quality rule relating to standards of performance for new stationary sources** (original similar to HB4049) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/20/2016
173. By Sen. Maynard - **DEP, Air Quality rule relating to control of air pollution from combustion of solid waste** (original similar to HB4050) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/20/2016
174. By Sen. Maynard - **DEP, Air Quality rule relating to control of pollution from hazardous waste treatment, storage and disposal facilities** (original similar to HB4051) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/20/2016
175. By Sen. Maynard - **DEP, Air Quality rule relating to emission standards for hazardous air pollutants** (original similar to HB4052) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/20/2016
176. By Sen. Maynard - **DEP, Air Quality rule relating to control of annual nitrogen oxide emissions** (original similar to HB4053) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/20/2016
177. By Sen. Maynard - **DEP, Air Quality rule relating to control of ozone season nitrogen oxides emissions** (original similar to HB4054) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/27/2016

178. By Sen. Maynard - **DEP, Air Quality rule relating to control of annual sulfur dioxide emissions** (original similar to HB4055) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/27/2016
179. By Sen. Maynard - **DEP, Oil and Gas rule relating to horizontal well development** (original similar to HB4102) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/17/2016
180. By Sen. Maynard - **DEP, Water and Waste Management rule relating to requirements governing water quality standards** (original similar to HB4103) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/19/2016
181. By Sen. Maynard - **DEP, Water and Waste Management rule relating to aboveground storage tanks** (original similar to HB4104) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/4/2016
182. By Sen. Maynard - **DEP, Water and Waste Management rule relating to surface mining reclamation** (original similar to HB4056) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/29/2016
183. By Sen. Maynard - **DEP, Water and Waste Management rule relating to administrative proceedings and civil penalty assessment** (original similar to HB4057) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/29/2016
184. By Sen. Maynard - **DEP, Water and Waste Management rule relating to aboveground storage tank fee assessments** (original similar to HB4058) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/3/2016
185. By Sen. Maynard - **DEP, Water and Waste Management rule relating to aboveground storage tank administrative proceedings and civil penalty assessment** (original similar to HB4059) - Introduced 1/13/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/29/2016
186. By Sen. Maynard - **DHHR rule relating to emergency medical leave** (original similar to HB4112) - Introduced 1/13/2016 - To Judiciary
187. By Sen. Maynard - **DHHR rule relating to fees for service** (original similar to HB4061) - Introduced 1/13/2016 - To Judiciary
188. By Sen. Maynard - **DHHR rule relating to infectious medical waste** (original similar to HB4113) - Introduced 1/13/2016 - To Judiciary
189. By Sen. Maynard - **DHHR rule relating to AIDS-related medical testing and confidentiality** (original similar to HB4062) - Introduced 1/13/2016 - To Judiciary
190. By Sen. Maynard - **DHHR rule relating to tuberculosis testing, control, treatment and commitment** (original similar to HB4063) - Introduced 1/13/2016 - To Judiciary

191. By Sen. Maynard - **DHHR rule relating to farmers market vendors** (original similar to HB4110) - Introduced 1/13/2016 - To Judiciary
192. By Sen. Maynard - **DHHR rule relating to certification of opioid overdose prevention and treatment training programs** (original similar to HB4111) - Introduced 1/13/2016 - To Judiciary
193. By Sen. Maynard - **DHHR rule relating to chronic pain management licensure** (original similar to HB4115) - Introduced 1/13/2016 - To Judiciary
194. By Sen. Maynard - **DHHR rule relating to neonatal abstinence centers** (original similar to HB4116) - Introduced 1/13/2016 - To Judiciary
- \*195. By Sen. Maynard - **Authorizing DHHR to promulgate legislative rules** (original similar to HB4114) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/21/2016 - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Judiciary - Amended - Passed House 3/9/2016 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/10/2016 - Effective from passage - To Governor 3/22/16 - Approved by Governor 3/30/16 - Chapter 149, Acts, Regular Session, 2016
196. By Sen. Maynard - **DHHR rule relating to child-care licensing requirements** (original similar to HB4064) - Introduced 1/13/2016 - To Judiciary
197. By Sen. Maynard - **DHHR rule relating to family child-care facility licensing requirements** (original similar to HB4065) - Introduced 1/13/2016 - To Judiciary
198. By Sen. Maynard - **DHHR rule relating to family child-care home registration requirements** (original similar to HB4117) - Introduced 1/13/2016 - To Judiciary
199. By Sen. Maynard - **DHHR rule relating to WV Works Program sanctions** (original similar to HB4118) - Introduced 1/13/2016 - To Judiciary
200. By Sen. Maynard - **DHHR rule relating to qualifications for restricted provisional license to practice as social worker within department** (original similar to HB4119, SB486) - Introduced 1/13/2016 - To Judiciary
201. By Sen. Maynard - **DHHR rule relating to goals for foster children** (original similar to HB4120) - Introduced 1/13/2016 - To Judiciary
- \*202. By Sen. Maynard - **Authorizing Department of Commerce promulgate legislative rules** (original similar to HB4126) - Introduced 1/13/2016 - To Natural Resources then Judiciary - To Judiciary 1/21/2016 - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016 - Effective from passage - To House 2/1/2016 - To Judiciary - Amended - Passed House 3/10/2016 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/11/2016 - Effective from passage - To Governor 3/21/16 - Approved by Governor 3/30/16 - Chapter 153, Acts, Regular Session, 2016
203. By Sen. Maynard - **DNR rule relating to general hunting** (original similar to HB4069) - Introduced 1/13/2016 - To Natural Resources then Judiciary



204. By Sen. Maynard - **DNR rule relating to deer hunting** (original similar to HB4070) - Introduced 1/13/2016 - To Natural Resources then Judiciary
205. By Sen. Maynard - **DNR rule relating to wild boar hunting** (original similar to HB4071) - Introduced 1/13/2016 - To Natural Resources then Judiciary
206. By Sen. Maynard - **DNR rule relating to elk restoration and management** (original similar to HB4127) - Introduced 1/13/2016 - To Natural Resources then Judiciary
207. By Sen. Maynard - **State Election Commission rule relating to regulation of campaign finance** (original similar to HB4140) - Introduced 1/13/2016 - To Judiciary
208. By Sen. Maynard - **State Election Commission rule relating to Supreme Court of Appeals public campaign financing program** (original similar to HB4105) - Introduced 1/13/2016 - To Judiciary
209. By Sen. Maynard - **State Board of Registration for Professional Engineers rule relating to examination, licensure and practice of professional engineers** (original similar to HB4106) - Introduced 1/13/2016 - To Judiciary
210. By Sen. Maynard - **Ethics Commission rule relating to public use of names or likenesses** (original similar to HB4143) - Introduced 1/13/2016 - To Judiciary
211. By Sen. Maynard - **State Fire Commission rule relating to fire code** (original similar to HB4060) - Introduced 1/13/2016 - To Judiciary
212. By Sen. Maynard - **State Fire Commission rule relating to state building code** (original similar to HB4107) - Introduced 1/13/2016 - To Judiciary
213. By Sen. Maynard - **State Fire Commission rule relating to standards for certification of continuing education of municipal, county and other public sector building code officials, inspectors and plans examiners** (original similar to HB4108) - Introduced 1/13/2016 - To Judiciary
214. By Sen. Maynard - **Governor's Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification standards** (original similar to HB4109) - Introduced 1/13/2016 - To Judiciary
215. By Sen. Maynard - **DOH rule relating to state transportation infrastructure fund program** (original similar to HB4121) - Introduced 1/13/2016 - To Judiciary
- \*216. By Sen. Maynard - **Authorizing Human Rights Commission promulgate legislative rule relating to Pregnant Workers' Fairness Act** (original similar to HB4141) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016 - Effective from passage - To House 2/1/2016 - To Judiciary
217. By Sen. Maynard - **Division of Labor rule relating to wage payment and collection** (original similar to HB4123) - Introduced 1/13/2016 - To Judiciary

- \*218. By Sen. Maynard - **Division of Labor rule relating to minimum wage and maximum hours** (original similar to HB4124) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/18/2016 - On second reading to Rules 6/1/2016
- 219. By Sen. Maynard - **Division of Labor rule relating to Elevator Safety Act** (original similar to HB4122) - Introduced 1/13/2016 - To Judiciary
- 220. By Sen. Maynard - **Division of Labor rule relating to licensing of elevator mechanics and registration of apprentices** (original similar to HB4066) - Introduced 1/13/2016 - To Judiciary
- 221. By Sen. Maynard - **Medical Imaging and Radiation Therapy Technology Board of Examiners rule relating to board** (original similar to HB4067) - Introduced 1/13/2016 - To Judiciary
- 222. By Sen. Maynard - **Workforce West Virginia rule relating to Prevailing Wage Act** (original similar to SB219) - Introduced 1/13/2016 - To Judiciary
- 223. By Sen. Maynard - **Board of Medicine rule relating to establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities** (original similar to HB4125) - Introduced 1/13/2016 - To Judiciary
- 224. By Sen. Maynard - **Office of Miners' Health, Safety and Training rule relating to substance abuse screening standards and procedures** (original similar to HB4068) - Introduced 1/13/2016 - To Judiciary
- 225. By Sen. Maynard - **Nursing Home Administrators Licensing Board rule relating to nursing home administrators** (original similar to HB4128) - Introduced 1/13/2016 - To Judiciary
- 226. By Sen. Maynard - **Division of Personnel rule relating to administrative rule of Division of Personnel** (original similar to HB4072) - Introduced 1/13/2016 - To Judiciary
- 227. By Sen. Maynard - **Board of Pharmacy rule relating to licensure and practice of pharmacy** (original similar to HB4129) - Introduced 1/13/2016 - To Judiciary
- 228. By Sen. Maynard - **Board of Pharmacy rule relating to Uniform Controlled Substances Act** (original similar to HB4130) - Introduced 1/13/2016 - To Judiciary
- 229. By Sen. Maynard - **Board of Pharmacy rule relating to recordkeeping and automated data processing systems** (original similar to HB4131) - Introduced 1/13/2016 - To Judiciary
- 230. By Sen. Maynard - **Board of Pharmacy rule relating to licensure of wholesale drug distributors, third-party logistics providers and manufacturers** (original similar to HB4132) - Introduced 1/13/2016 - To Judiciary
- 231. By Sen. Maynard - **Property Valuation and Procedures Commission rule relating to tax map sales** (original similar to HB4133) - Introduced 1/13/2016 - To Judiciary

232. By Sen. Maynard - **Racing Commission rule relating to thoroughbred racing** (original similar to HB4073) - Introduced 1/13/2016 - To Judiciary
233. By Sen. Maynard - **Racing Commission rule relating to pari-mutuel wagering** (original similar to HB4074) - Introduced 1/13/2016 - To Judiciary
234. By Sen. Maynard - **Board of Social Work rule relating to qualifications for profession of social work** (original similar to HB4135) - Introduced 1/13/2016 - To Judiciary
235. By Sen. Maynard - **Secretary of State rule relating to registration forms and receipts** (original similar to HB4076) - Introduced 1/13/2016 - To Judiciary
236. By Sen. Maynard - **Secretary of State rule relating to elimination of precinct registration books** (original similar to HB4077) - Introduced 1/13/2016 - To Judiciary
237. By Sen. Maynard - **Secretary of State rule relating to absentee voting by military voters of reserve units called to active duty** (original similar to HB4075) - Introduced 1/13/2016 - To Judiciary
238. By Sen. Maynard - **Secretary of State rule relating to FOIA database** (original similar to HB4134) - Introduced 1/13/2016 - To Judiciary
239. By Sen. Maynard - **Board of Examiners for Speech-Language Pathology and Audiology rule relating to licensure of speech pathology and audiology** (original similar to HB4136) - Introduced 1/13/2016 - To Judiciary
240. By Sen. Maynard - **Board of Examiners for Speech-Language Pathology and Audiology rule relating to speech-language pathology and audiology assistants** (original similar to HB4142) - Introduced 1/13/2016 - To Judiciary
241. By Sen. Maynard - **Department of Tax and Revenue rule relating to payment of taxes by electronic funds transfer** (original similar to HB4137) - Introduced 1/13/2016 - To Judiciary
242. By Sen. Maynard - **Department of Tax and Revenue rule relating to certain exchange of information agreement** (original similar to HB4078) - Introduced 1/13/2016 - To Judiciary
243. By Sen. Maynard - **DOT rule relating to rail-fixed guideway systems to state safety oversight** (original similar to HB4138) - Introduced 1/13/2016 - To Transportation and Infrastructure then Judiciary
244. By Sen. Maynard - **Department of Veterans' Assistance rule relating to state home for veterans** (original similar to HB4079) - Introduced 1/13/2016 - To Judiciary
245. By Sen. Maynard - **Department of Veterans' Assistance rule relating to VA headstones or markers** (original similar to HB4080) - Introduced 1/13/2016 - To Judiciary

- \*246. By Sen. Romano, Snyder and Gaunch - **Providing certain government entities option to extend the term of tax increment financing district from 30 to 40 years** - Introduced 1/13/2016 - To Government Organization then Finance - Com. sub. reported 2/5/2016 - To Finance 2/5/2016
247. By Sen. Carmichael and Plymale - **Including on state personal income tax return checkoff option to donate to Cedar Lakes Foundation** - Introduced 1/13/2016 - To Finance
248. By Sen. Stollings - **Raising legal age for purchase of tobacco, tobacco-products, tobacco-derived products, alternative nicotine and vapor products to 21** (original similar to HB4509) - Introduced 1/13/2016 - To Health and Human Resources then Finance
249. By Sen. Karnes, Trump and Leonhardt - **Providing an exception to prohibition of possession of deadly weapon on primary or secondary education facility** (original similar to HB4260) - Introduced 1/13/2016 - To Judiciary
250. By Sen. Trump - **Excluding obligation to make required payments from provisions of consumer credit and protection act** - Introduced 1/13/2016 - To Judiciary
251. By Sen. Trump - **Amending statutes relating to nonintoxicating beer, brewers and brewpubs** - Introduced 1/13/2016 - To Economic Development then Judiciary
- \*252. By Sen. Trump - **Amending Wiretapping and Electronic Surveillance Act to exclude from protection oral communications** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Judiciary
253. By Sen. Trump - **Exempting drug treatment and drug recovery facilities from county and municipal ordinances** - Introduced 1/13/2016 - To Government Organization - On second reading to Rules 6/22/2016
- \*254. By Sen. Trump - **Not allowing county park commissions to prohibit firearms in facilities** - Introduced 1/13/2016 - To Government Organization then Judiciary - Com. sub. reported 1/29/2016 - 2nd reference dispensed - Passed Senate 2/3/2016 - Effective from passage - To House 2/4/2016 - To Judiciary - Amended - Passed House 3/4/2016 - Effective from passage - Senate concurred in House amendments and passed bill 3/5/2016 - Effective from passage - To Governor 3/9/16 - Vetoed by Governor 3/15/16
255. By Sen. Trump - **Permitting creditor to collect and recover from consumer creditor's reasonable expenses** - Introduced 1/13/2016 - To Judiciary
256. By Sen. Trump - **Allowing delinquency charge be collected on installment** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary
257. By Sen. Trump and Woelfel - **Requiring Bureau of Child Support Enforcement to appear in every case involving an issue of setting child support** - Introduced 1/13/2016 - To Judiciary

258. By Sen. Trump and Woelfel - **Adopting clear and convincing evidence standard under the WV contraband forfeiture act** - Introduced 1/13/2016 - To Judiciary
- \*259. By Sen. Blair, Karnes and Snyder - **Amending Unfair Trade Practices Act** - Introduced 1/13/2016 - To Government Organization then Judiciary - Com. sub. reported 1/27/2016 - To Judiciary 1/27/2016 - Com. sub. for com. sub. reported 2/17/2016 - Passed Senate 2/20/2016 - To House 2/22/2016 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 3/10/2016 - Title amended - Senate concurred in House amendments and passed bill 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 217, Acts, Regular Session, 2016
260. By Sen. Blair - **Repealing WV Permitting and Licensing Information Act** (original similar to HB4345) - Introduced 1/13/2016 - To Government Organization
261. By Sen. Blair - **Bringing state code relating to daylight saving time in conformity with federal code** - Introduced 1/13/2016 - To Government Organization - Passed Senate 2/3/2016 - To House 2/4/2016 - To Government Organization - Passed House 2/15/2016 - To Governor 2/19/16 - Approved by Governor 2/25/16 - Chapter 74, Acts, Regular Session, 2016
- \*262. By Sen. Blair - **Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings** (original similar to HB4424) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/25/2016 - Passed Senate 1/28/2016 - To House 1/29/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 46, Acts, Regular Session, 2016
- \*263. By Sen. Blair and Snyder - **Allowing travel and other expense reimbursement for members of Municipal Home Rule Board** - Introduced 1/13/2016 - To Government Organization - Com. sub. reported 1/15/2016 - Passed Senate 1/20/2016 - To House 1/21/2016 - To Political Subdivisions then Finance - To House Finance 3/3/2016
264. By Sen. Blair - **Modifying definition of "division" in Performance Review Act** - Introduced 1/13/2016 - To Judiciary
- \*265. By Sen. Blair and Snyder - **Allowing library volunteers necessary access to user records** - Introduced 1/13/2016 - To Government Organization then Judiciary - To Judiciary 1/15/2016 - Com. sub. reported 2/2/2016 - Amended - Passed Senate 2/5/2016 - To House 2/8/2016 - To Judiciary - Laid over until 3/5/16 - Amended on 3rd reading - Passed House 3/8/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/10/2016 - House concurred in Senate title amendment 3/10/2016 - Passed House 3/10/2016 - To Governor 3/21/16 - Approved by Governor 3/21/16 - Chapter 208, Acts, Regular Session, 2016
266. By Sen. Blair - **Limiting appointed Property Valuation Training and Procedures Commission members' terms** - Introduced 1/13/2016 - To Government Organization

- \*267. By Sen. Blair - **Modifying removal procedure for certain county, school district and municipal officers** - Introduced 1/13/2016 - To Government Organization then Judiciary - Com. sub. reported 2/12/2016 - 2nd reference dispensed - Passed Senate 2/17/2016 - To House 2/18/2016 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/12/2016 - House concurred in Senate title amendment 3/12/2016 - Passed House 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 209, Acts, Regular Session, 2016
- \*268. By Sen. Blair - **Abolishing Council of Finance and Administration** - Introduced 1/13/2016 - To Government Organization - Com. sub. reported 1/29/2016 - Passed Senate 2/3/2016 - To House 2/4/2016 - To Government Organization then Finance - To House Finance 2/10/2016
- \*269. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Budget Bill** - Introduced 1/13/2016 - To Finance 1/14/2016 - Com. sub. reported 3/8/2016 - Passed Senate 3/10/2016 - Effective from passage - To House 3/10/2016 - Constitutional Rule dispensed - Amended - Passed House 3/11/2016 - Senate refused to concur in House amendment 3/12/2016 - House refused to recede and requested conference 3/12/2016 - To conference 3/12/2016
- \*270. By Sen. Gaunch - **Repealing code relating to insurance policies** - Introduced 1/14/2016 - To Banking and Insurance then Judiciary - To Judiciary 1/26/2016 - Com. sub. reported 2/2/2016 - Passed Senate 2/5/2016 - To House 2/8/2016 - To Banking and Insurance then Judiciary - To House Judiciary - Passed House 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 38, Acts, Regular Session, 2016
271. By Sen. Ferns and Gaunch - **Regulating practice of accountancy** (original similar to HB4312) - Introduced 1/14/2016 - To Judiciary - Passed Senate 2/2/2016 - To House 2/3/2016 - To Judiciary - Amended - Amended on 3rd reading - Passed House 3/4/2016 - Title amended - Senate concurred in House amendments and passed bill 3/7/2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 184, Acts, Regular Session, 2016
- \*272. By Sen. Blair, Gaunch, Plymale and Romano - **Allowing investigators from Attorney General's office to carry concealed weapons** - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 2/11/2016 - Passed Senate 2/16/2016 - To House 2/17/2016 - To Judiciary - Amended - Passed House 3/12/2016 - Senate concurred in House amendment as amended and passed bill 3/12/2016 - House concurred in Senate title amendment 3/12/2016 - Passed House 3/12/2016 - To Governor 3/24/16 - Vetoed by Governor 4/1/16
273. By Sen. Ferns and Stollings - **Setting forth required provisions regarding prior authorization of drug benefits by insurers** - Introduced 1/14/2016 - To Banking and Insurance then Judiciary
- \*274. By Sen. Walters - **Relating to increasing civil jurisdictional amount in magistrate courts** - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Judiciary - Amended - Passed House 3/4/2016 - Title amended - Senate concurred in House

amendments and passed bill 3/7/2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 55, Acts, Regular Session, 2016

275. By Sen. Walters, Plymale and Woelfel - **Creating low-interest student loan refinancing program for teachers** - Introduced 1/14/2016 - To Education then Finance
276. By Sen. Walters - **Requiring all health care workers receive flu vaccination** - Introduced 1/14/2016 - To Health and Human Resources then Judiciary
277. By Sen. Carmichael and Woelfel - **Adding definition and increasing criminal penalties for certain assaults and batteries** - Introduced 1/14/2016 - To Judiciary
- \*278. By Sen. Ferns, Takubo, Walters, Stollings and Palumbo - **Clarifying physicians' mutual insurance company is not state or quasi-state actor** - Introduced 1/14/2016 - To Banking and Insurance then Judiciary - To Judiciary 1/26/2016 - Com. sub. reported 2/4/2016 - Passed Senate 2/8/2016 - To House 2/9/2016 - To Banking and Insurance then Judiciary - To House Judiciary - Passed House 3/12/2016 - Effective from passage - House requests Senate to concur in changed effective date 3/12/2016 - Senate concurred in House changed effective date 3/12/2016 - Effective from passage - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 136, Acts, Regular Session, 2016
279. By Sen. Ferns - **Specifying how assessed value of any share of natural resource property is to be determined** - Introduced 1/14/2016 - To Natural Resources then Finance
280. By Sen. Walters and Gaunch - **Eliminating personnel sections or divisions within other state departments and agencies** - Introduced 1/14/2016 - To Government Organization then Finance
281. By Sen. Ferns - **Requiring health care providers and facilities to notify patient when mammogram indicates dense breast tissue** - Introduced 1/14/2016 - To Health and Human Resources
282. By Sen. Walters and Carmichael - **Requiring Secretary of Administration access and collect fee of 5 percent from certain special revenue funds** - Introduced 1/14/2016 - To Government Organization then Finance
- \*283. By Sen. Ferns - **Creating crime when fire is caused by operation of clandestine drug laboratory** - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 2/12/2016 - Passed Senate 2/17/2016 - To House 2/18/2016 - To Judiciary - Amended - Amended on 3rd reading - Passed House 3/4/2016 - Title amended - Senate refused to concur in House amendment 3/5/2016 - House refused to recede and requested conference 3/7/2016 - To conference 3/8/2016 - Senate adopted conference report and passed bill 3/12/2016 - House adopted conference report and passed bill 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 45, Acts, Regular Session, 2016
284. By Sen. Ferns - **Providing for approval by county commission of all health policies enacted by local boards of health** - Introduced 1/14/2016 - To Health and Human Resources then Government Organization

285. By Sen. Ferns - **Allowing adult adoptees and their descendants to access adoption records** (original similar to SB80) - Introduced 1/14/2016 - To Health and Human Resources then Judiciary
- \*286. By Sen. Trump, Boley and Woelfel - **Creating Commission to Accelerate Statewide Coordination of Mental Health Services for Children and Adolescents** (original similar to HB4249) - Introduced 1/14/2016 - To Health and Human Resources then Finance - Com. sub. reported 1/29/2016 - To Finance 1/29/2016
- \*287. By Sen. Boso and Trump - **Creating West Virginia Safer Workplaces Act** - Introduced 1/14/2016 - To Labor then Judiciary - Com. sub. reported 2/25/2016 - 2nd reference dispensed - Amended - Passed Senate 2/29/2016 - To House 3/1/2016 - To Judiciary
- \*288. By Sen. Trump, Blair, Takubo, Walters, Romano and Palumbo - **Creating one-day special license for charitable events to sell nonintoxicating beer** (original similar to HB4571) - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 1/27/2016 - Passed Senate 2/1/2016 - Effective from passage - To House 2/2/2016 - To Judiciary then Finance
289. By Sen. Boso and Trump - **Including intimidation of public official or employee in definition of "terrorist act"** - Introduced 1/14/2016 - To Judiciary
- \*290. By Sen. Trump - **Assignment of wages by employers and payment by payroll card** - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 1/25/2016 - Amended - Passed Senate with amended title 1/28/2016 - To House 1/29/2016 - To Judiciary
- \*291. By Sen. Trump and Plymale - **Law enforcement use of unmanned aircraft systems** (original similar to SB560) - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Judiciary - Amended - Amended on 3rd reading - Passed House 3/11/2016 - Title amended - Senate refused to concur in House amendment 3/12/2016 - Senate requests return of bill from House - Senate reconsidered action - Senate concurred in House amendment as amended and passed bill 3/12/2016
292. By Sen. Karnes - **Creating income tax credits for certain educational expenses** - Introduced 1/14/2016 - To Finance
- \*293. By Sen. Walters, Boso and Sypolt - **Neighborhood Investment Program Act** (original similar to HB4563) - Introduced 1/14/2016 - To Economic Development then Finance - To Finance 2/11/2016 - Com. sub. reported 2/16/2016 - Passed Senate 2/19/2016 - To House 2/20/2016 - To Finance - Amended - Passed House 3/11/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 81, Acts, Regular Session, 2016
294. By Sen. Boso and Trump - **Allowing employers have compulsory direct deposit of wages** - Introduced 1/14/2016 - To Judiciary



295. By Sen. Trump - **Abolishing tort of outrage** - Introduced 1/14/2016 - To Judiciary
296. By Sen. Takubo, Gaunch, Mullins and Boso - **Excluding amounts claimant would not pay from compensatory damages awarded for medical expenses** - Introduced 1/15/2016 - To Judiciary
297. By Sen. Walters, Boso, Plymale and Miller - **Requiring installation of conduit for fiber optic cable on state highway construction projects** - Introduced 1/15/2016 - To Transportation and Infrastructure then Government Organization - To Government Organization 1/20/2016
- \*298. By Sen. Walters - **Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays** (original similar to SB21, SB307) - Introduced 1/15/2016 - To Economic Development then Judiciary - Com. sub. reported 2/11/2016 - 2nd reference dispensed - Passed Senate 2/16/2016 - To House 2/17/2016 - To Roads and Transportation then Judiciary - To House Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/12/2016 - House concurred in Senate title amendment 3/12/2016 - Passed House 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 48, Acts, Regular Session, 2016
299. By Sen. Plymale, Laird and Miller - **Creating Library Facilities Improvement Fund** (original similar to HB4488) - Introduced 1/15/2016 - To Education then Finance - 2nd reference dispensed - Passed Senate 2/15/2016 - To House 2/16/2016 - To Education then Finance - To House Finance 3/2/2016
300. By Sen. Trump, Takubo and Gaunch - **Authorizing county commissions to collect additional fee for wireless phone lines** - Introduced 1/15/2016 - To Government Organization then Finance
301. By Sen. Ferns, Gaunch, Mullins and Takubo - **Changing amounts of prejudgment and post-judgment interest** - Introduced 1/15/2016 - To Judiciary
302. By Sen. Ferns, Mullins and Takubo - **Limiting products liability actions** - Introduced 1/15/2016 - To Judiciary
- \*303. By Sen. Blair, Walters, Boso, Gaunch, Maynard, Palumbo, Snyder and Woelfel - **Providing for 5-day resident fishing license** - Introduced 1/15/2016 - To Natural Resources then Government Organization - Com. sub. reported 2/4/2016 - To Government Organization 2/4/2016 - Com. sub. for com. sub. reported 2/25/2016 - Passed Senate 2/29/2016 - To House 3/1/2016 - To Government Organization - Passed House 3/5/2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 170, Acts, Regular Session, 2016
304. By Sen. Ferns, Takubo, Ashley, Karnes, Laird, Leonhardt, Palumbo, Plymale, Prezioso, Stollings, Trump, Unger, Walters, Woelfel, Miller and Boso - **Providing insurance coverage for abuse-deterrent opioid analgesic drugs** (original similar to HB4034) - Introduced 1/15/2016 - To Banking and Insurance then Health and Human Resources
305. By Sen. Boso - **Requiring Administration Office of Supreme Court of Appeals file annual report** - Introduced 1/15/2016 - To Judiciary then Finance

306. By Sen. Blair - **Permitting sale of county or district property online** - Introduced 1/15/2016 - To Government Organization - Passed Senate 2/3/2016 - To House 2/4/2016 - To Political Subdivisions then Government Organization - To House Government Organization - Amended - Passed House 3/8/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/11/2016 - House concurred in Senate title amendment 3/12/2016 - Passed House 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 49, Acts, Regular Session, 2016
307. By Sen. Beach - **Allowing restaurants, private clubs and wineries sell alcoholic beverages before 10 a.m. on Sundays** (original similar to HB4565, SB21, SB298) - Introduced 1/15/2016 - To Economic Development then Judiciary
308. By Sen. Blair - **Prohibiting members of Real Estate Commission from serving beyond appointed terms** - Introduced 1/15/2016 - To Government Organization
- \*309. By Sen. Blair - **Relating to child-care center licensing and exempting county parks and recreation from licensure** - Introduced 1/15/2016 - To Government Organization - Com. sub. reported 2/5/2016 - Amended - Passed Senate 2/9/2016 - To House 2/10/2016 - To Government Organization - Passed House 2/19/2016 - To Governor 2/24/16 - Approved by Governor 3/1/16 - Chapter 31, Acts, Regular Session, 2016
310. By Sen. Trump - **Limiting disclosure of certain public records** (original similar to HB2800) - Introduced 1/15/2016 - To Judiciary
311. By Sen. Snyder, Romano, Gaunch, Kessler and Blair - **Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable Program** - Introduced 1/18/2016 - To Government Organization - Passed Senate 1/26/2016 - To House 1/27/2016 - To Banking and Insurance then Finance - To House Finance - Amended - Passed House 3/10/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/11/2016 - House concurred in Senate title amendment 3/12/2016 - Passed House 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 157, Acts, Regular Session, 2016
312. By Sen. Gaunch, Ashley, Blair, Carmichael, Ferns, Stollings, Trump, Walters, Boso and Plymale - **Welfare Fraud Prevention Act** (original similar to HB4021, HB4041, HB4454) - Introduced 1/18/2016 - To Health and Human Resources then Finance
- \*313. By Sen. Boso, Miller, Romano, Mullins, Facemire and Takubo - **Relating to school calendar and allowing unused accrued instructional time count toward 180-day requirement** - Introduced 1/19/2016 - To Education then Finance - Com. sub. reported 2/12/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 2/19/2016 - Effective July 1, 2016 - To House 2/20/2016 - To Education
314. By Sen. Sypolt, Beach, Blair, Boso, Ferns, Gaunch, Karnes, Leonhardt, Takubo, Trump, Walters, Williams and Yost - **Amending requirements for carrying**

- concealed weapon or deadly weapon for defense purposes** - Introduced 1/19/2016 - To Judiciary
- \*315. By Sen. Walters, Ashley, Beach, Boley, Boso, Gaunch, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Snyder, Stollings, Sypolt, Takubo, Trump, Williams and Blair - **Providing for construction of statewide fiber optic broadband infrastructure network** - Introduced 1/19/2016 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 1/28/2016 - To Government Organization 1/28/2016 - Com. sub. for com. sub. reported 2/15/2016 - Passed Senate 2/18/2016 - To House 2/19/2016 - To Political Subdivisions then Finance
316. By Sen. Karnes, Boso, Gaunch, Hall, Takubo, Maynard, Leonhardt, Unger and Blair - **Removing requirement home-schooled student must acquire GED to qualify for PROMISE scholarship** (original similar to HB4215) - Introduced 1/19/2016 - To Education
317. By Sen. Blair, Walters, Boso, Gaunch, Maynard and Snyder - **Requiring each county maintain website and provide information to Secretary of State** (original similar to HB4199) - Introduced 1/19/2016 - To Government Organization then Finance
318. By Sen. Karnes, Boso, Gaunch, Hall, Maynard and Takubo - **Clarifying that home schooled student may not be classified as habitually absent** (original similar to HB4175) - Introduced 1/19/2016 - To Education
319. By Sen. Gaunch, Carmichael and Boso - **Permitting temporary delegation of certain custodial powers by parent or guardian** (original similar to HB4237) - Introduced 1/19/2016 - To Judiciary
- \*320. By Sen. Ferns and Stollings - **Permitting practice of telemedicine** (original similar to HB4463) - Introduced 1/19/2016 - To Health and Human Resources then Government Organization - Com. sub. reported 2/17/2016 - To Government Organization 2/17/2016
- \*321. By Sen. Trump - **Providing additional funding for exceptional children with high-cost/high-acuity special needs** - Introduced 1/19/2016 - To Education - Com. sub. reported 2/10/2016 - Referred to Finance 2/10/2016
322. By Sen. Ferns, Stollings, Trump and Gaunch - **Regulating pharmacy benefits managers** - Introduced 1/19/2016 - To Health and Human Resources then Finance
323. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano and Williams - **Correcting statute subsection designations regarding trespassing on property** - Introduced 1/19/2016 - To Judiciary - Passed Senate with amended title 1/26/2016 - To House 1/27/2016 - To Judiciary - Passed House 3/8/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 66, Acts, Regular Session, 2016
324. By Sen. Walters, Blair, Boso, Carmichael, Ferns, Gaunch, Hall, Mullins, Sypolt, Trump, Miller, Plymale and Palumbo - **Allowing transportation network**

- companies to operate in WV** (original similar to HB4228) - Introduced 1/19/2016 - To Transportation and Infrastructure then Judiciary
325. By Sen. Miller, Beach, Kessler, Kirkendoll, Laird, Palumbo, Snyder, Stollings, Unger, Walters, Williams, Woelfel, Yost and Plymale - **Developing matching grant to foster development of creative communities** - Introduced 1/19/2016 - To Economic Development then Finance - To Finance 2/24/2016
- \*326. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano and Plymale - **Repeal and recodify law relating to contributing to delinquency of minor child** - Introduced 1/19/2016 - To Judiciary - Com. sub. reported 2/3/2016 - Passed Senate 2/6/2016 - To House 2/8/2016 - To Judiciary - Amended - Passed House 3/9/2016 - Title amended - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 32, Acts, Regular Session, 2016
- \*327. By Sen. Kirkendoll, Beach, Facemire, Hall, Kessler, Laird, Plymale, Prezioso, Romano, Stollings, Woelfel and Unger - **Proposing construction of modern highway from Pikeville, KY, to Beckley, WV** (original similar to HB4239) - Introduced 1/20/2016 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 2/17/2016 - To Government Organization 2/17/2016
- \*328. By Sen. Gaunch, Ashley, Carmichael, Facemire, Karnes, Kirkendoll, Leonhardt, Stollings, Takubo, Walters, Plymale, Unger, Blair, Prezioso, Williams and Romano - **Creating West Virginia Veterans Program Fund** (original similar to SB77) - Introduced 1/20/2016 - To Judiciary then Finance - Com. sub. reported 2/11/2016 - 2nd reference dispensed - Passed Senate 2/15/2016 - To House 2/16/2016 - To Veterans' Affairs and Homeland Security then Finance
329. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano, Plymale, Stollings and Unger - **Eliminating sunset provision for commission to study residential placement of children** - Introduced 1/20/2016 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Passed Senate 2/1/2016 - To House 2/2/2016 - To Health and Human Resources then Judiciary - To House Judiciary - Passed House 3/8/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 30, Acts, Regular Session, 2016
- \*330. By Sen. Gaunch and Boso - **Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium** - Introduced 1/20/2016 - To Banking and Insurance then Judiciary - Com. sub. reported 2/2/2016 - 2nd reference dispensed - Passed Senate 2/5/2016 - To House 2/8/2016 - To Banking and Insurance then Judiciary - To House Judiciary - Amended - Passed House 3/9/2016 - Title amended - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 131, Acts, Regular Session, 2016
331. By Sen. Boso and Gaunch - **Relating to hunting or trapping on private lands** (original similar to HB4170) - Introduced 1/20/2016 - To Natural Resources then Judiciary

- \*332. By Sen. Maynard, Plymale and Stollings - **Entering into Interstate 73 Compact** - Introduced 1/20/2016 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/17/2016 - To Finance 2/17/2016
333. By Sen. Karnes and Leonhardt - **Taking and registering of wildlife** (original similar to HB4255) - Introduced 1/20/2016 - To Natural Resources then Government Organization - 2nd reference dispensed - Passed Senate with amended title 2/2/2016 - To House 2/3/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/9/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/10/2016 - House concurred in Senate title amendment 3/10/2016 - Passed House 3/10/2016 - To Governor 3/24/16 - Approved by Governor 3/24/16 - Chapter 167, Acts, Regular Session, 2016
334. By Sen. Karnes - **Identifying coyote as fur-bearing animal and woodchuck as game animal** (original similar to HB4236) - Introduced 1/20/2016 - To Natural Resources then Government Organization - 2nd reference dispensed - Passed Senate 2/2/2016 - To House 2/3/2016 - To Agriculture and Natural Resources then Government Organization - To House Government Organization - Amended - Passed House 3/8/2016 - Senate concurred in House amendments and passed bill 3/9/2016 - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 166, Acts, Regular Session, 2016
335. By Sen. Karnes, Leonhardt and Williams - **Eliminating severance tax on timber** (original similar to HB4369) - Introduced 1/20/2016 - To Energy, Industry and Mining then Finance
336. By Sen. Karnes and Leonhardt - **Relating to crossbow hunting** (original similar to HB4389) - Introduced 1/20/2016 - To Natural Resources - Passed Senate 2/2/2016 - To House 2/3/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/3/2016
- \*337. By Sen. Stollings, Boso, Hall, Kessler, Kirkendoll, Palumbo, Plymale, Prezioso, Snyder, Walters, Woelfel and Gaunch - **Creating 5-year tax credit for businesses on post-mine sites** (original similar to HB4596) - Introduced 1/20/2016 - To Energy, Industry and Mining then Finance - Com. sub. reported 2/25/2016 - To Finance 2/25/2016 - Amended - Passed Senate 3/2/2016 - To House 3/2/2016 - To Energy then Finance - Motion to table motion to discharge bill from committee adopted
- \*338. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano, Stollings, Plymale and Yost - **Compiling and maintaining Central State Mental Health Registry** - Introduced 1/21/2016 - To Health and Human Resources then Judiciary - Com. sub. reported 1/27/2016 - 2nd reference dispensed - Passed Senate 2/1/2016 - To House 2/2/2016 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 3/9/2016 - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 207, Acts, Regular Session, 2016
- \*339. By Sen. Trump, Kessler, Woelfel, Palumbo, Romano, Plymale and Yost - **Establishing Judicial Compensation Commission** - Introduced 1/21/2016 - To Judiciary - Com. sub. reported 2/18/2016 - Amended - Passed Senate with amended title 2/22/2016 - To House 2/22/2016 - To Judiciary then Finance - 2nd

reference dispensed - Amended - Passed House 3/11/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 54, Acts, Regular Session, 2016

340. By Sen. Gaunch, Ashley, Carmichael, Facemire, Ferns, Hall, Mullins, Palumbo, Prezioso, Romano, Snyder, Trump, Woelfel and Plymale - **Relating to payment by Municipal Bond Commission** (original similar to HB4265) - Introduced 1/21/2016 - To Government Organization
341. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Expiring funds from Insurance Commissioner, Examination Revolving Fund and Insurance Commission Fund to State Fund, General Revenue** (original similar to HB4162) - Introduced 1/21/2016 - To Finance - Passed Senate 2/11/2016 - Effective from passage - To House 2/12/2016 - To Finance - Passed House 2/24/2016 - Effective from passage - To Governor 2/29/16 - Approved by Governor 3/1/16 - Chapter 18, Acts, Regular Session, 2016
- \*342. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Decreasing appropriations from State Fund, General Revenue, to DHHR, Division of Human Services and Bureau of Senior Services** (original similar to HB4336) - Introduced 1/21/2016 - To Finance - Com. sub. reported 1/27/2016 - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Finance - Passed House 2/8/2016 - Effective from passage - To Governor 2/10/16 - Approved by Governor 2/11/16 - Chapter 19, Acts, Regular Session, 2016
- \*343. By Sen. Cole (Mr. President), Hall, Kessler and Trump - **Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records** (original similar to HB4206, HB4289) - Introduced 1/21/2016 - To Judiciary - Com. sub. reported 1/28/2016 - Amended - Passed Senate with amended title 2/2/2016 - Effective from passage - To House 2/3/2016 - To Judiciary - Amended - Passed House 3/8/2016 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/9/2016 - House refused to recede and requested conference 3/9/2016 - To conference 3/12/2016
- \*344. By Sen. Cole (Mr. President), Hall, Kessler and Trump - **Clarifying composition and chairmanship of Commission on Special Investigations** (original similar to HB4302) - Introduced 1/21/2016 - To Judiciary - Com. sub. reported 2/24/2016 - Passed Senate 2/29/2016 - Effective from passage - To House 3/1/2016 - To Judiciary
345. By Sen. Hall - **Relating to parking on state-owned or leased property** - Introduced 1/21/2016 - To Finance - Passed Senate 2/9/2016 - To House 2/10/2016 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/11/2016 - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 116, Acts, Regular Session, 2016
346. By Sen. Hall and Prezioso - **Updating projects managed by Project Management Office** (original similar to HB4624) - Introduced 1/21/2016 - To Finance - Passed Senate 2/9/2016 - To House 2/10/2016 - To Finance - Passed

House 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/15/16 - Chapter 115, Acts, Regular Session, 2016

347. By Sen. Walters and Boso - **Increasing number of limited video lottery terminals at retail locations** - Introduced 1/21/2016 - To Finance
348. By Sen. Boso, Gaunch, Leonhardt, Mullins, Palumbo, Walters and Williams - **Permitting descendants of landowner hunt, trap and fish on that property** - Introduced 1/21/2016 - To Natural Resources then Finance
349. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Updating meaning of federal adjusted gross income** (original similar to HB4030) - Introduced 1/21/2016 - To Finance - Passed Senate 2/9/2016 - Effective from passage - To House 2/10/2016 - To Finance - Passed House 3/8/2016 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/9/2016 - Effective from passage - To Governor 3/14/16 - Approved by Governor 3/15/16 - Chapter 234, Acts, Regular Session, 2016
350. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Exempting community-based behavioral health facilities, programs or services from certificate of need** (original similar to HB4216, SB467) - Introduced 1/21/2016 - To Health and Human Resources
351. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Dedicating severance tax proceeds** (original similar to HB4268) - Introduced 1/21/2016 - To Finance - Passed Senate 2/17/2016 - To House 2/18/2016 - To Finance - Passed House 2/24/2016 - Effective from passage - Effective ninety days from passage - To Governor 2/29/16 - Approved by Governor 3/2/16 - Chapter 129, Acts, Regular Session, 2016
352. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Dedicating corporation net income tax proceeds to railways** (original similar to HB4029) - Introduced 1/21/2016 - To Finance - Passed Senate 2/20/2016 - Effective from passage - To House 2/22/2016 - To Finance - Passed House 3/4/2016 - Title amended - Effective from passage - Senate concurred in House title amendment 3/11/2016 - Passed Senate 3/11/2016 - Effective from passage - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 237, Acts, Regular Session, 2016
353. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to allocation of premiums for employers and employees in PEIA** (original similar to HB4304) - Introduced 1/21/2016 - To Finance
354. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Updating meaning of federal taxable income** (original similar to HB4148) - Introduced 1/21/2016 - To Finance
355. By Sen. Kessler [By Request of the Executive] - **Imposing consumers sales and service tax on sales of telecommunications service** (original similar to HB4220) - Introduced 1/21/2016 - To Finance

356. By Sen. Kessler [By Request of the Executive] - **Eliminating consumers sales and service tax exemption for 2016 fiscal year** (original similar to HB4294) - Introduced 1/21/2016 - To Finance - On third reading to Rules 5/27/2016
357. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund** (original similar to HB4229) - Introduced 1/21/2016 - To Finance - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Finance - Passed House 2/8/2016 - Effective from passage - To Governor 2/10/16 - Approved by Governor 2/11/16 - Chapter 20, Acts, Regular Session, 2016
358. By Sen. Gaunch, Boso, Blair, Walters, Palumbo, Stollings, Kirkendoll, Carmichael, Ferns, Takubo, Prezioso, Plymale, Williams, Trump, Hall and Mullins - **Establishing Mining Mutual Insurance Company** - Introduced 1/21/2016 - To Banking and Insurance then Judiciary then Finance
359. By Sen. Boso, Gaunch, Blair, Palumbo, Stollings, Kirkendoll, Carmichael, Ferns, Takubo, Prezioso, Plymale, Williams, Trump, Hall and Mullins - **Requiring performance bonds by operators** - Introduced 1/21/2016 - To Energy, Industry and Mining then Judiciary then Finance
360. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation to Division of Human Services** (original similar to HB4149) - Introduced 1/21/2016 - To Finance - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House 1/28/2016 - To Finance - Passed House 2/8/2016 - Effective from passage - To Governor 2/10/16 - Approved by Governor 2/11/16 - Chapter 21, Acts, Regular Session, 2016
- \*361. By Sen. Gaunch, Boso, Mullins, Palumbo, Walters, Williams and Prezioso - **Prohibiting persons who have committed crimes against elderly from performing community service involving elderly** (original similar to HB4306, HB4555) - Introduced 1/21/2016 - To Judiciary - Com. sub. reported 2/3/2016 - Passed Senate 2/6/2016 - To House 2/8/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 62, Acts, Regular Session, 2016
362. By Sen. Gaunch, Boso, Mullins, Palumbo, Walters, Williams, Unger, Plymale, Trump and Prezioso - **Increasing criminal penalties for financial exploitation of elderly person** (original similar to HB4309, HB4555) - Introduced 1/21/2016 - To Judiciary
- \*363. By Sen. Walters - **Creating exemption for autocycles** (original similar to SB19) - Introduced 1/21/2016 - To Transportation and Infrastructure then Judiciary - To Judiciary 1/27/2016 - Com. sub. reported 2/27/2016 - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Roads and Transportation then Judiciary
364. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation expiring funds to General Revenue** (original similar to HB4189) - Introduced 1/21/2016 - To Finance - Constitutional rule suspended - Passed Senate 1/27/2016 - Effective from passage - To House



- 1/28/2016 - Reference dispensed - Motion to lay over adopted - Laid over until 2/1/16 - Passed House 2/2/2016 - Effective from passage - To Governor 2/4/16 - Approved by Governor 2/4/16 - Chapter 22, Acts, Regular Session, 2016
365. By Sen. Gaunch, Karnes, Kirkendoll, Boso, Palumbo and Unger - **Creating Uniform Real Property Electronic Recording Act** (original similar to HB4256, HB4394) - Introduced 1/21/2016 - To Government Organization
366. By Sen. Trump, Woelfel and Snyder - **Prohibiting lobbyists from contributing funds to individuals running for election** (original similar to HB4630) - Introduced 1/21/2016 - To Judiciary
367. By Sen. Carmichael and Prezioso - **Prohibiting sex offenders from living within 1,000 feet of school** - Introduced 1/21/2016 - To Judiciary
368. By Sen. Carmichael - **Establishing criminal offense of disturbing peace** - Introduced 1/21/2016 - To Judiciary
- \*369. By Sen. Sypolt, Boso, Plymale, Prezioso and Williams - **Reducing legislative education reporting requirements** - Introduced 1/21/2016 - To Education - Com. sub. reported 1/29/2016 - Passed Senate 2/3/2016 - To House 2/4/2016 - To Education - Amended - Amended on 3rd reading - Passed House 2/19/2016 - Title amended - Senate concurred in House amendments and passed bill 2/22/2016 - To Governor 2/26/16 - Approved by Governor 3/2/16 - Chapter 88, Acts, Regular Session, 2016
370. By Sen. Walters and Miller - **Authorizing local units of government adopt local energy efficiency partnership program** - Introduced 1/21/2016 - To Energy, Industry and Mining then Government Organization - 2nd reference dispensed - Referred to Rules 2/25/2016
371. By Sen. Walters - **Deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers** - Introduced 1/21/2016 - To Government Organization then Judiciary
372. By Sen. Walters, Gaunch and Palumbo - **Modifying administration of local boards of health** - Introduced 1/21/2016 - To Health and Human Resources then Government Organization
- \*373. By Sen. Walters and Gaunch - **Granting more control of regional education service agencies to county boards** - Introduced 1/21/2016 - To Education - Com. sub. reported 2/8/2016 - Referred to Finance 2/8/2016
374. By Sen. Ashley, Boso, Facemire, Gaunch, Hall, Leonhardt, Romano, Takubo, Trump, Walters, Stollings, Plymale, Blair, Palumbo, Williams and Miller - **Permitting farm winery supply wine it produces directly to customers** - Introduced 1/25/2016 - To Judiciary
375. By Sen. Ashley, Boley, Boso, Hall, Leonhardt, Trump and Blair - **Establishing procedure for involuntary treatment of persons suffering from alcohol and other drug abuse disorders** - Introduced 1/25/2016 - To Health and Human Resources then Judiciary

- \*376. By Sen. Trump, Palumbo, Gaunch, Williams, Beach, Yost, Miller and Maynard - **Expanding authority of Secretary of State and State Police** (original similar to HB4359, HB4367) - Introduced 1/25/2016 - To Judiciary - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Government Organization - Amended - Passed House 3/5/2016 - Senate concurred in House amendment as amended and passed bill 3/7/2016 - House concurred in Senate amendment and passed 3/10/2016 - To Governor 3/21/16 - Approved by Governor 3/23/16 - Chapter 185, Acts, Regular Session, 2016
377. By Sen. Ferns - **Relating to liability of spouses or relatives to assist in paying for indigent funeral service expenses** (original similar to HB4380) - Introduced 1/25/2016 - To Health and Human Resources then Judiciary
- \*378. By Sen. Trump, Carmichael, Williams, Ashley, Gaunch, Leonhardt, Palumbo, Romano, Miller, Boso, Stollings, Sypolt, Blair and Plymale - **Relating to truancy intervention** (original similar to HB4638) - Introduced 1/25/2016 - To Judiciary - Com. sub. reported 2/8/2016 - Passed Senate 2/11/2016 - To House 2/12/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate refused to concur in House amendment 3/12/2016 - House refused to recede and requested conference 3/12/2016 - To conference 3/12/2016 - Senate adopted conference report and passed bill 3/12/2016 - House rejected conference report 3/12/2016
379. By Sen. Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller - **Relating to candidate filing fees** (original similar to HB4381) - Introduced 1/25/2016 - To Judiciary - Passed Senate with amended title 2/1/2016 - Effective from passage - To House 2/2/2016 - To Judiciary - Passed House 3/4/2016 - Effective from passage - To Governor 3/9/16 - Approved by Governor 3/10/16 - Chapter 98, Acts, Regular Session, 2016
380. By Sen. Walters - **Relating to comprehensive statewide student assessment** - Introduced 1/25/2016 - To Education then Finance
381. By Sen. Ashley, Boso and Gaunch - **Changing trend test for life and health insurer** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary
382. By Sen. Stollings and Plymale - **Including volunteer workers and student teachers under Board of Risk and Insurance Management coverage** - Introduced 1/25/2016 - To Banking and Insurance then Finance
383. By Sen. Boso and Ferns - **Promoting efficient extraction of oil and gas resources** - Introduced 1/25/2016 - To Energy, Industry and Mining then Judiciary
384. By Sen. Takubo and Stollings - **Requiring Bureau for Medical Services seek federal waiver for 30-day waiting period for tubal ligation** - Introduced 1/25/2016 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Passed Senate 2/29/2016 - To House 3/1/2016 - To Health and Human Resources then Judiciary - To House Judiciary - Passed House 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 126, Acts, Regular Session, 2016

385. By Sen. Trump - **Allowing defendants 180 days to identify nonparties wholly or partially at fault in civil actions** - Introduced 1/25/2016 - To Judiciary - Passed Senate 2/5/2016 - To House 2/8/2016 - To Judiciary
386. By Sen. Mullins, Beach, Blair, Gaunch, Hall, Kessler, Prezioso, Trump and Williams - **Ensuring continued viability of WVU Tech** (original similar to HB4310) - Introduced 1/25/2016 - To Education then Judiciary
- \*387. By Sen. Karnes - **Shared animal ownership agreements to consume raw milk** - Introduced 1/25/2016 - To Agriculture and Rural Development then Judiciary - Com. sub. reported 1/27/2016 - To Judiciary 2/2/2016 - Com. sub. for com. sub. reported 2/2/2016 - Passed Senate 2/5/2016 - To House 2/8/2016 - To Health and Human Resources - Passed House 2/23/2016 - To Governor 2/26/16 - Approved by Governor 3/3/16 - Chapter 6, Acts, Regular Session, 2016
388. By Sen. Trump, Leonhardt, Miller, Carmichael, Woelfel, Boso, Palumbo, Williams, Gaunch, Ashley, Beach, Blair, Prezioso and Plymale - **Creating criminal offenses relating to money laundering** (original similar to HB4575) - Introduced 1/26/2016 - To Judiciary
389. By Sen. Karnes - **Reducing certain penalties for offenses not resulting in illegal killing of bear** (original similar to HB4346) - Introduced 1/26/2016 - To Natural Resources then Judiciary - To Judiciary 2/4/2016
390. By Sen. Karnes and Miller - **Providing for resident farm vendor's bidding preference** - Introduced 1/26/2016 - To Government Organization
391. By Sen. Trump, Leonhardt, Miller, Carmichael, Woelfel, Boso, Gaunch, Romano, Karnes, Ashley, Beach, Blair, Prezioso, Plymale and Unger - **Creating additional penalty for use of firearm in furtherance of drug offense** (original similar to HB4577) - Introduced 1/26/2016 - To Judiciary
- \*392. By Sen. Carmichael, Hall, Ashley, Plymale and Trump - **Transferring Cedar Lakes Camp from Board of Education to Department of Agriculture** (original similar to HB4351) - Introduced 1/27/2016 - To Government Organization then Finance - Com. sub. reported 2/24/2016 - To Finance 2/24/2016
393. By Sen. Kessler and Yost - **Eliminating fees charged to consumers for security freeze placed on credit report** - Introduced 1/27/2016 - To Judiciary
394. By Sen. Trump - **Creating felony crime of prohibited sexual contact by psychotherapist** - Introduced 1/27/2016 - To Banking and Insurance then Judiciary - To Judiciary 2/9/2016
395. By Sen. Ferns, Plymale, Stollings, Prezioso and Unger - **Extending expiration date for tax rate on eligible acute-care hospitals** - Introduced 1/27/2016 - To Finance
396. By Sen. Walters (By Request), Facemire and Boso - **Preventing waste of oil and gas** (original similar to HB4447, HB4500) - Introduced 1/27/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/11/2016

- \*397. By Sen. Walters and Beach - **Maintaining status quo in event bond indebtedness to Parkways Authority is eliminated** - Introduced 1/27/2016 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/11/2016 - To Finance 2/11/2016
398. By Sen. Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller - **Revocation of certificate of authority to conduct business** (original similar to HB4354) - Introduced 1/27/2016 - To Government Organization - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Judiciary
- \*399. By Sen. Karnes, Miller, Plymale, Stollings, Boso, Prezioso, Williams, Leonhardt and Unger - **Establishing personal and corporate income tax credits for farmers donating edible agricultural products** (original similar to SB418) - Introduced 1/27/2016 - To Agriculture and Rural Development then Finance - Com. sub. reported 2/23/2016 - To Finance 2/23/2016 - Passed Senate 2/29/2016 - To House 3/1/2016 - To Finance
- \*400. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reducing amount of sales tax proceeds dedicated to School Major Improvement Fund** (original similar to SB463) - Introduced 1/27/2016 - To Finance - Com. sub. reported 2/12/2016 - Passed Senate 2/18/2016 - To House 2/19/2016 - To Finance - Passed House 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/15/16 - Chapter 233, Acts, Regular Session, 2016
401. By Sen. Takubo, Stollings, Trump, Prezioso and Unger - **Establishing criteria for hospital be designated comprehensive stroke center** (original similar to HB4388) - Introduced 1/27/2016 - To Health and Human Resources
402. By Sen. Hall, Plymale, Boso, Williams and Romano - **Excluding law-enforcement officers and firefighters pensions from state income taxes** - Introduced 1/27/2016 - To Finance
403. By Sen. Leonhardt and Williams - **Relating to cooperative extension workers** - Introduced 1/27/2016 - To Government Organization - Passed Senate 2/15/2016 - To House 2/16/2016 - To Agriculture and Natural Resources then Government Organization
- \*404. By Sen. Ferns, Plymale, Stollings and Prezioso - **Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases** - Introduced 1/27/2016 - To Health and Human Resources then Finance - Com. sub. reported 2/10/2016 - 2nd reference dispensed - Passed Senate 2/15/2016 - To House 2/16/2016 - To Health and Human Resources then Finance - To House Finance - Amended - Passed House 3/12/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 197, Acts, Regular Session, 2016
405. By Sen. Trump, Leonhardt, Miller, Carmichael, Woelfel, Boso, Gaunch, Ashley, Plymale and Blair - **Creating felony offense of conspiracy in violation of Uniform Controlled Substances Act** (original similar to HB4578) - Introduced 1/27/2016 - To Judiciary

406. By Sen. Boso, Boley, Gaunch, Karnes, Leonhardt and Sypolt - **Changing age date of attending school** - Introduced 1/27/2016 - To Education
407. By Sen. Blair, Carmichael, Ferns, Gaunch, Mullins, Takubo and Trump - **Increasing high-quality educational opportunities in public school system** (original similar to HB4011) - Introduced 1/27/2016 - To Education then Finance
408. By Sen. Hall, Ferns, Gaunch and Mullins - **Relating to regulation and control of elections** - Introduced 1/27/2016 - To Judiciary
409. By Sen. Takubo, Plymale, Stollings and Prezioso - **Requiring health insurers contract with physicians and health care facility providing services to Medicaid and Medicare recipients** - Introduced 1/27/2016 - To Health and Human Resources
410. By Sen. Trump - **Creating Uniform Partition of Heirs Property Act** - Introduced 1/27/2016 - To Judiciary
- \*411. By Sen. Walters, Laird, Kessler, Miller, Facemire, Romano and Gaunch - **Creating Second Chance for Employment Act** - Introduced 1/28/2016 - To Judiciary - Com. sub. reported 2/24/2016 - Amended - Passed Senate 2/27/2016 - To House 2/29/2016 - To Industry and Labor then Judiciary - Motion to table motion to discharge bill from committee adopted
412. By Sen. Walters - **Preventing disqualification from unemployment benefits due to domestic violence** - Introduced 1/28/2016 - To Judiciary then Finance
413. By Sen. Walters, Boso and Maynard - **Relating to unattended motor vehicles** (original similar to HB4491) - Introduced 1/28/2016 - To Judiciary
- \*414. By Sen. Walters, Laird and Miller - **Relating to Juvenile Justice Reform Oversight Committee** (original similar to HB4263) - Introduced 1/28/2016 - To Judiciary then Finance - Com. sub. reported 2/25/2016 - To Finance 2/25/2016
415. By Sen. Ashley - **Lengthening maximum term of negotiable certificates of deposit municipal funds can hold** - Introduced 1/28/2016 - To Banking and Insurance - Passed Senate 2/5/2016 - To House 2/8/2016 - To Banking and Insurance then Finance - To House Finance - Passed House 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/15/16 - Chapter 164, Acts, Regular Session, 2016
416. By Sen. Takubo, Trump, Blair and Kessler - **Allowing terminally ill patients access to investigational products** - Introduced 1/28/2016 - To Health and Human Resources - Passed Senate 2/24/2016 - To House 2/24/2016 - To Judiciary - Amended - Passed House 3/9/2016 - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 206, Acts, Regular Session, 2016
417. By Sen. Boso and Carmichael - **Creating 2016 Coal Jobs and Safety Act** - Introduced 1/28/2016 - To Energy, Industry and Mining then Judiciary
418. By Sen. Miller, Laird and Beach - **Placing sales tax on sale of food** (original similar to SB399) - Introduced 1/28/2016 - To Finance

419. By Sen. Kessler [By Request of the Executive] - **Relating to termination of Workers' Compensation Debt Reduction Act** - Introduced 1/28/2016 - To Finance - Amended - Passed Senate with amended title 2/11/2016 - Effective from passage - To House 2/12/2016 - To Finance - Laid over until 2/24 - Amended - Passed House 2/25/2016 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 2/26/2016 - Effective from passage - To Governor 2/26/16 - Approved by Governor 2/29/16 - Chapter 253, Acts, Regular Session, 2016
- \*420. By Sen. Kessler [By Request of the Executive] - **Increasing tax rate on cigarette and tobacco products** (original similar to HB4494, SB607) - Introduced 1/28/2016 - To Finance - Com. sub. reported 2/19/2016 - Amended - Passed Senate 2/23/2016 - Effective April 1, 2016 - To House 2/23/2016 - To Finance
- \*421. By Sen. Kessler [By Request of the Executive] - **Terminating behavioral health severance and business privilege tax** (original similar to HB4486) - Introduced 1/28/2016 - To Finance - Com. sub. reported 2/24/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - Reference dispensed - Amended - Passed House 3/2/2016 - Title amended - Senate concurred in House amendments and passed bill 3/3/2016 - To Governor 3/7/16 - Approved by Governor 3/8/16 - Chapter 229, Acts, Regular Session, 2016
422. By Sen. Gaunch, Karnes, Kirkendoll, Boso, Palumbo and Unger - **Creating Uniform Deployed Parents Custody and Visitation Act** (original similar to HB4213) - Introduced 1/28/2016 - To Interstate Cooperation then Judiciary
423. By Sen. Hall, Boso and Plymale - **Providing for disposition of unclaimed and unredeemed savings bond** - Introduced 1/29/2016 - To Finance - Passed Senate 2/16/2016 - To House 2/17/2016 - To Finance
- \*424. By Sen. Boso, Blair, Karnes, Kessler, Kirkendoll, Leonhardt, Miller, Mullins, Snyder, Stollings, Sypolt, Takubo, Unger, Walters, Williams, Woelfel, Gaunch and Ferns - **Allowing fire departments assess fees** - Introduced 1/29/2016 - To Government Organization - Com. sub. reported 2/12/2016 - Amended - Passed Senate 2/18/2016 - To House 2/19/2016 - To Finance
425. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Expanding definition of underground facility in One-Call System Act** (original similar to HB4218) - Introduced 1/29/2016 - To Energy, Industry and Mining then Judiciary - To Judiciary 2/5/2016
426. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Continuing Office of Coalfield Community Development** (original similar to HB4214) - Introduced 1/29/2016 - To Energy, Industry and Mining then Government Organization - 2nd reference dispensed - Passed Senate 2/9/2016 - To House 2/10/2016 - To Small Business, Entrepreneurship and Economic Development then Government Organization - To House Government Organization - Passed House 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/15/16 - Chapter 79, Acts, Regular Session, 2016
427. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Transferring funds from State Excess Lottery Fund to Department of**

- Revenue** (original similar to HB4156) - Introduced 1/29/2016 - To Finance - Passed Senate 3/7/2016 - Effective from passage - To House 3/7/2016 - To Finance - Passed House 3/12/2016 - Effective from passage - To Governor 3/20/16 - Became law without Governor's signature - Became law without Governor's signature - Chapter 23, Acts, Regular Session, 2016
428. By Sen. Kessler [By Request of the Executive] - **Ending discretionary transfers to Licensed Racetrack Modernization Fund** (original similar to HB4271) - Introduced 1/29/2016 - To Finance
- \*429. By Sen. Ashley and Gaunch - **Adopting two National Association of Insurance Commissioners' models to protect enrollees and general public and permit greater oversight** - Introduced 1/29/2016 - To Banking and Insurance - Com. sub. reported 2/9/2016 - Passed Senate 2/12/2016 - To House 2/15/2016 - To Banking and Insurance then Judiciary - To House Judiciary - Passed House 3/9/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 137, Acts, Regular Session, 2016
430. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Allowing transportation network companies operate in state** (original similar to HB4305) - Introduced 1/29/2016 - To Transportation and Infrastructure then Finance
431. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Authorizing pharmacists and pharmacy interns dispense opioid antagonists** (original similar to HB4335) - Introduced 1/29/2016 - To Health and Human Resources - Passed Senate 2/20/2016 - To House 2/22/2016 - To Health and Human Resources - Amended - Passed House 3/11/2016 - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 205, Acts, Regular Session, 2016
432. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Relating to levies on classifications of property by Board of Public Works** (original similar to HB4161) - Introduced 1/29/2016 - To Government Organization then Finance - To Finance 2/8/2016
433. By Sen. Takubo, Stollings and Plymale - **Allowing advanced practice registered nurses and physician assistants to complete physician orders for scope of treatment** - Introduced 1/29/2016 - To Health and Human Resources
- \*434. By Sen. Karnes and Takubo - **Allowing home-based micro-processed foods sold at farmers markets** - Introduced 1/29/2016 - To Agriculture and Rural Development - Com. sub. reported 2/16/2016 - Passed Senate 2/19/2016 - To House 2/20/2016 - To Agriculture and Natural Resources then Health and Human Resources
435. By Sen. Leonhardt, Walters, Williams, Miller, Trump, Woelfel, Unger and Plymale - **Allowing farm winery enter alternating wine proprietorship agreements with farm owners** (original similar to HB4539) - Introduced 1/29/2016 - To Agriculture and Rural Development then Government Organization - To Government Organization 2/2/2016 - Amended - Passed Senate 2/29/2016 - To House 3/1/2016 - To Government Organization then Judiciary - To House Judiciary 3/2/2016

- \*436. By Sen. Kirkendoll, Boley, Mullins and Walters - **Defining adequate shelter for dogs and cats** (original similar to HB4373) - Introduced 2/1/2016 - To Judiciary - Com. sub. reported 2/12/2016 - Passed Senate with amended title 2/17/2016 - To House 2/18/2016 - To Agriculture and Natural Resources then Judiciary
437. By Sen. Blair - **Updating and clarifying code relating to rules governing mixed martial arts** - Introduced 2/1/2016 - To Government Organization - Passed Senate 2/11/2016 - To House 2/12/2016 - To Government Organization - Amended - Passed House 3/5/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/7/2016 - House concurred in Senate title amendment 3/7/2016 - Passed House 3/7/2016 - House requested return of the measure from Senate - Senate accedes to House request 3/8/2016 - To Governor 3/28/16 - Vetoed by Governor 4/1/16
438. By Sen. Ferns - **Requiring DHHR be present at judicial proceedings** - Introduced 2/1/2016 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Passed Senate 2/24/2016 - To House 2/24/2016 - To Judiciary
439. By Sen. Hall and Plymale - **Eliminating requirement that budget director approve requisitions for personal services payment under certain circumstances** - Introduced 2/1/2016 - To Finance - Passed Senate 2/17/2016 - To House 2/18/2016 - To Finance - Passed House 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 118, Acts, Regular Session, 2016
440. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Expanding Learn and Earn Program** (original similar to HB4322) - Introduced 2/1/2016 - To Education then Finance
441. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from State Road Fund to DOT, Division of Highways** (original similar to HB4157) - Introduced 2/1/2016 - To Finance
442. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation of federal funds to PSC, Motor Carrier Division** (original similar to HB4159) - Introduced 2/1/2016 - To Finance
443. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation of federal funds to DHHR, Consolidated Medical Service Fund** (original similar to HB4150) - Introduced 2/1/2016 - To Finance
444. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation of public moneys in Treasury to DHHR, Division of Health, WV Birth-to-Three Fund** (original similar to HB4155) - Introduced 2/1/2016 - To Finance
445. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Requiring well operators and pipeline operators to report emergency incidents to Division of Homeland Security** (original similar to HB4323) - Introduced 2/1/2016 - To Energy, Industry and Mining then Judiciary



446. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation of federal funds to State Board of Education, School Lunch Program** (original similar to HB4151) - Introduced 2/1/2016 - To Finance
447. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation of federal funds to Department of Commerce, WorkForce West Virginia, Workforce Investment Act** (original similar to HB4158) - Introduced 2/1/2016 - To Finance
448. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation of public moneys in Treasury to Department of Revenue, Tax Division, Wine Tax Administration Fund** (original similar to HB4160) - Introduced 2/1/2016 - To Finance
449. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from State Fund, General Revenue to Department of Administration, Public Defender Services** (original similar to HB4154) - Introduced 2/1/2016 - To Finance - Passed Senate 2/11/2016 - Effective from passage - To House 2/12/2016 - To Finance - Passed House 2/24/2016 - Effective from passage - To Governor 2/29/16 - Approved by Governor 3/1/16 - Chapter 24, Acts, Regular Session, 2016
450. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from State Fund, General Revenue to DHHR, Division of Health** (original similar to HB4153) - Introduced 2/1/2016 - To Finance - Passed Senate 2/11/2016 - Effective from passage - To House 2/12/2016 - To Finance - Passed House 2/24/2016 - Effective from passage - To Governor 2/29/16 - Approved by Governor 3/1/16 - Chapter 25, Acts, Regular Session, 2016
451. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplemental appropriation from State Fund, General Revenue to Department of Military Affairs and Public Safety** (original similar to HB4270) - Introduced 2/1/2016 - To Finance - Passed Senate 2/11/2016 - Effective from passage - To House 2/12/2016 - To Finance - Passed House 2/24/2016 - Effective from passage - To Governor 2/29/16 - Approved by Governor 3/1/16 - Chapter 26, Acts, Regular Session, 2016
452. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Revising school aid formula** (original similar to HB4269) - Introduced 2/1/2016 - To Education then Finance - Motion to refuse report adopted - To Education 2/24/2016
453. By Sen. Kessler [By Request of the Executive] - **Establishing Self-Employment Assistance Act** (original similar to HB4032) - Introduced 2/1/2016 - To Labor then Finance
- \*454. By Sen. Kessler [By Request of the Executive] - **Licensing and regulating medication-assisted treatment programs for substance use disorders** (original similar to HB4293) - Introduced 2/1/2016 - To Health and Human Resources then Judiciary - Com. sub. reported 2/19/2016 - To Judiciary

- 2/19/2016 - Com. sub. for com. sub. reported 2/28/2016 - Amended - Passed Senate 3/2/2016 - To House 3/2/2016 - To Health and Human Resources - Amended - Passed House 3/11/2016 - Title amended - Senate refused to concur in House amendment 3/12/2016 - House refused to recede and requested conference 3/12/2016 - To conference 3/12/2016 - Senate adopted conference report and passed bill 3/12/2016 - House adopted conference report and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 192, Acts, Regular Session, 2016
455. By Sen. Walters and Boso - **Allowing person to be both limited video lottery operator and retailer** (original similar to SB413) - Introduced 2/2/2016 - To Judiciary then Finance - To Finance 2/18/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - To Judiciary then Finance
456. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Setting maximum amount that can be collected for air-ambulance services** (original similar to HB4315) - Introduced 2/2/2016 - To Health and Human Resources then Finance - To Finance 2/20/2016
457. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Authorizing information sharing by Workforce West Virginia with certain state agencies** (original similar to HB4324) - Introduced 2/2/2016 - To Government Organization then Finance
458. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating Innovation in Education-designated schools** (original similar to HB4295) - Introduced 2/2/2016 - To Education then Finance
459. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Requiring county board of education to pay tuition to Mountaineer Challenge Academy** (original similar to HB4325) - Introduced 2/2/2016 - To Education - Passed Senate 2/15/2016 - To House 2/16/2016 - To Education then Finance - To House Finance - Passed House 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 84, Acts, Regular Session, 2016
- \*460. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Repealing regulation of opioid treatment programs and creating licenses for all medication-assisted programs** (original similar to HB4395) - Introduced 2/2/2016 - To Health and Human Resources then Judiciary - Com. sub. reported 2/25/2016 - Recommitted to Judiciary on 2nd reading 8/3/2016
461. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Updating WV Workforce Investment Act to WV Workforce Innovation and Opportunity Act** (original similar to HB4396) - Introduced 2/2/2016 - To Government Organization - Amended - Passed Senate 2/27/2016 - To House 2/29/2016 - To Government Organization - Passed House 3/8/2016 - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 80, Acts, Regular Session, 2016
462. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reducing deposit of excess lottery proceeds into WV Infrastructure Fund** (original similar to HB4217) - Introduced 2/2/2016 - To Finance - Passed Senate 2/17/2016 - To House 2/18/2016 - To Finance - Passed House 2/24/2016 - Title

- amended - Effective from passage - Senate concurred in House title amendment 2/25/2016 - Passed Senate 2/25/2016 - Effective from passage - To Governor 2/29/16 - Approved by Governor 3/2/16 - Chapter 128, Acts, Regular Session, 2016
463. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reducing amount of sales tax proceeds to School Major Improvement Fund** (original similar to SB400) - Introduced 2/2/2016 - To Education then Finance
464. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Supplementary appropriation of public moneys in Treasury to DEP** (original similar to HB4152) - Introduced 2/2/2016 - To Finance
- \*465. By Sen. Carmichael, Gaunch, Maynard, Karnes, Sypolt and Walters - **Allowing professional employer insure certain risks through pure insurance captive** - Introduced 2/2/2016 - To Judiciary - Com. sub. reported 2/9/2016 - Passed Senate 2/12/2016 - To House 2/15/2016 - To Judiciary - Amended - Passed House 3/12/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/12/2016 - House concurred in Senate title amendment 3/12/2016 - Passed House 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 140, Acts, Regular Session, 2016
466. By Sen. Hall, Ashley, Carmichael and Gaunch - **Providing medical records must be produced without court order in certain circumstances** - Introduced 2/2/2016 - To Judiciary
467. By Sen. Ferns, Ashley, Karnes, Leonhardt, Takubo, Trump, Walters, Laird, Palumbo, Plymale, Prezioso, Stollings and Unger - **Creating new simplified and expedited certificate of need process** (original similar to HB4216, HB4365, SB350) - Introduced 2/2/2016 - To Health and Human Resources
- \*468. By Sen. Gaunch and Ashley - **Allowing lender charge and receive interest on rescindable loan during rescission period** (original similar to HB4495) - Introduced 2/2/2016 - To Banking and Insurance then Judiciary - To Judiciary 2/9/2016 - Com. sub. reported 2/24/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - To Banking and Insurance then Judiciary - To House Judiciary - Passed House 3/10/2016 - Title amended - Senate concurred in House title amendment 3/11/2016 - Passed Senate 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 43, Acts, Regular Session, 2016
469. By Sen. Williams and Sypolt - **Clarifying what personal funds are exempt from levy following judgment** - Introduced 2/2/2016 - To Judiciary - Passed Senate 2/12/2016 - To House 2/15/2016 - To Judiciary - Amended - Passed House 3/8/2016 - Title amended - Senate concurred in House amendments and passed bill 3/9/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 154, Acts, Regular Session, 2016
470. By Sen. Sypolt, Boso and Prezioso - **Requiring all official business of state be conducted in English** - Introduced 2/2/2016 - To Government Organization
471. By Sen. Kessler, Beach and Laird - **Equal Pay Act of 2016** (original similar to HB4328, SB477) - Introduced 2/2/2016 - To Labor then Judiciary

472. By Sen. Gaunch, Ashley, Trump and Prezioso - **Providing communication by lender or debt collector is not violation of WV Computer Crime and Abuse Act** (original similar to HB4448) - Introduced 2/2/2016 - To Banking and Insurance then Judiciary - To Judiciary 2/9/2016
473. By Sen. Maynard, Ashley, Boso, Facemire, Miller, Snyder, Takubo, Trump, Plymale, Prezioso and Williams - **Repealing prohibition of disposal of certain electronic devices in landfills** (original similar to HB4540) - Introduced 2/2/2016 - To Judiciary
- \*474. By Sen. Boso, Ashley, Facemire, Miller, Snyder, Takubo, Trump and Plymale - **Exempting DEP construction and reclamation contracts from review and approval** (original similar to HB4573) - Introduced 2/2/2016 - To Government Organization - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Government Organization - Passed House 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/16/16 - Chapter 114, Acts, Regular Session, 2016
475. By Sen. Ferns and Kessler - **Providing rebuttable presumptions for certain injuries and diseases for firefighters and police officers** - Introduced 2/2/2016 - To Banking and Insurance then Judiciary
476. By Sen. Beach, Plymale and Kessler - **Relating to driving restrictions in school zones** - Introduced 2/2/2016 - To Transportation and Infrastructure then Judiciary - To Judiciary 2/17/2016 - Passed Senate with amended title 2/25/2016 - To House 2/25/2016 - To Judiciary - Amended - Passed House 3/4/2016 - Senate concurred in House amendment as amended and passed bill 3/8/2016 - House concurred in Senate amendment and passed 3/11/2016 - To Governor 3/21/16 - Approved by Governor 3/21/16 - Chapter 242, Acts, Regular Session, 2016
477. By Sen. Miller, Plymale, Kessler and Laird - **Equal Pay Act of 2016** (original similar to HB4328, SB471) - Introduced 2/2/2016 - To Labor then Judiciary
478. By Sen. Walters and Palumbo - **Authorizing licensees who sell growlers to offer samples** - Introduced 2/2/2016 - To Judiciary - Amended - Passed Senate with amended title 2/22/2016 - To House 2/22/2016 - To Health and Human Resources then Judiciary - To House Judiciary 3/3/2016
479. By Sen. Trump, Miller, Ashley, Boso, Carmichael, Gaunch, Karnes, Leonhardt, Plymale and Prezioso - **Increasing penalties for transportation of narcotics and controlled substances into state** (original similar to HB4576) - Introduced 2/2/2016 - To Judiciary
480. By Sen. Carmichael - **Allowing military general discharge be used as qualification for service credit toward pension** - Introduced 2/2/2016 - To Finance
- \*481. By Sen. Walters - **Authorizing distillery operators to offer liquor for purchase and consumption on premises** (original similar to HB4565) - Introduced 2/2/2016 - To Judiciary - Com. sub. reported 2/18/2016 - Passed Senate 2/22/2016 - To House 2/22/2016 - To Judiciary

482. By Sen. Trump, Gaunch, Boso, Leonhardt, Ashley, Miller, Romano, Williams, Carmichael, Palumbo, Snyder, Plymale, Stollings and Prezioso - **Creating felony crime of strangulation** (original similar to HB4362) - Introduced 2/2/2016 - To Judiciary
483. By Sen. Sypolt, Boley, Plymale and Ferns - **Marshall County and Wyoming County LSIC waiver** (original similar to HB4447) - Introduced 2/2/2016 - To Education - Passed Senate 2/15/2016 - Effective July 1, 2016 - To House 2/16/2016 - To Education - Amended - Passed House 3/4/2016 - Title amended - Effective July 1, 2016 - Senate concurred in House amendments and passed bill 3/7/2016 - Effective July 1, 2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 91, Acts, Regular Session, 2016
- \*484. By Sen. Romano, Leonhardt, Plymale and Kessler - **Relating to reemployment rights of military personnel** - Introduced 2/2/2016 - To Military then Judiciary - Com. sub. reported 2/11/2016 - To Judiciary 2/11/2016 - Com. sub. for com. sub. reported 2/28/2016 - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Judiciary - Passed House 3/9/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 104, Acts, Regular Session, 2016
- \*485. By Sen. Karnes, Maynard, Plymale and Boso - **Establishing regional recreation authorities and areas** - Introduced 2/3/2016 - To Natural Resources then Judiciary - Com. sub. reported 2/19/2016 - 2nd reference dispensed - Passed Senate 2/23/2016 - To House 2/23/2016 - To Judiciary
486. By Sen. Walters and Gaunch - **Relating to licensure of behavioral health centers** (original similar to SB200) - Introduced 2/3/2016 - To Judiciary
487. By Sen. Plymale, Stollings, Prezioso, Williams and Unger - **Exempting social security benefits from personal income tax** - Introduced 2/3/2016 - To Finance
488. By Sen. Takubo, Stollings and Plymale - **Requiring WV Secondary School Activities Commission manage hypertrophic cardiomyopathy** - Introduced 2/3/2016 - To Education - Amended - Amended - Passed Senate 2/20/2016 - To House 2/22/2016 - To Education
489. By Sen. Takubo, Stollings, Plymale and Ferns - **Establishing tax credit for physicians who locate in WV** - Introduced 2/3/2016 - To Finance
490. By Sen. Takubo and Stollings - **Requiring managed care programs participate with health providers providing services to Medicaid recipients** - Introduced 2/3/2016 - To Health and Human Resources
491. By Sen. Takubo, Stollings and Plymale - **Providing contract which restrains lawful profession, trade or business is void** - Introduced 2/3/2016 - To Judiciary
492. By Sen. Hall and Boso - **Allowing Superintendent of State Police establish fee schedule for forensic services** - Introduced 2/3/2016 - To Finance
- \*493. By Sen. Trump - **Allowing creation of self-settled spendthrift trusts** - Introduced 2/3/2016 - To Judiciary - Com. sub. reported 2/11/2016 - Passed Senate 2/16/2016 - To House 2/17/2016 - To Judiciary - Passed House 3/10/2016

- To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 111, Acts, Regular Session, 2016
494. By Sen. Beach and Plymale - **Creating Legislative Oversight Commission on Department of Transportation Accountability** - Introduced 2/3/2016 - To Transportation and Infrastructure then Government Organization - To Government Organization 2/24/2016 - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Government Organization - Amended - Passed House 3/8/2016 - Title amended - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/30/16 - Chapter 145, Acts, Regular Session, 2016
495. By Sen. Walters - **Allowing military personnel additional 5-year period to enter upon or recover land** - Introduced 2/3/2016 - To Judiciary
496. By Sen. Gaunch, Ferns and Palumbo - **Creating 24/7 Sobriety Program administered by Attorney General** - Introduced 2/3/2016 - To Judiciary
497. By Sen. Takubo, Trump, Palumbo, Stollings, Williams, Gaunch and Blair - **Banning and providing for criminal penalties for manufacture of powdered alcohol** - Introduced 2/3/2016 - To Judiciary
498. By Sen. Gaunch, Ashley and Trump - **Relating to additional duties of Public Service Commission** (original similar to HB4186) - Introduced 2/3/2016 - To Government Organization
499. By Sen. Boley, Blair, Ferns, Karnes, Sypolt, Trump and Cole (Mr. President) - **Preventing State Board of Education from implementing common core academic standards** (original similar to HB4014) - Introduced 2/3/2016 - To Education
- \*500. By Sen. Hall - **Authorizing Superintendent of State Police hold training classes to use West Virginia Automated Police Network** - Introduced 2/3/2016 - To Finance - Com. sub. reported 2/18/2016 - Passed Senate 2/22/2016 - To House 2/22/2016 - To Government Organization - Passed House 3/5/2016 - To Governor 3/11/16 - Approved by Governor 3/18/16 - Chapter 210, Acts, Regular Session, 2016
- \*501. By Sen. Trump - **Relating to trusts** - Introduced 2/3/2016 - To Banking and Insurance - Com. sub. reported 2/9/2016 - Passed Senate 2/12/2016 - To House 2/15/2016 - To Banking and Insurance then Judiciary - To House Judiciary 3/7/2016
502. By Sen. Sypolt, Boso, Gaunch, Karnes, Trump and Walters - **Changing qualifier for low income** - Introduced 2/3/2016 - To Finance
503. By Sen. Sypolt, Boso, Trump, Plymale and Williams - **Exempting from sales and service tax homeowner association fees** - Introduced 2/3/2016 - To Finance
- \*504. By Sen. Ashley, Laird, Maynard, Miller, Romano, Walters and Plymale - **Relating to confidentiality of juvenile records** - Introduced 2/3/2016 - To Judiciary - Com. sub. reported 2/12/2016 - Passed Senate 2/17/2016 - To House 2/18/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended

- Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 4/1/16 - Chapter 33, Acts, Regular Session, 2016
505. By Sen. Hall - **Exempting certain uses of field gas from motor fuel excise taxes** (original similar to SB38) - Introduced 2/4/2016 - To Finance - Passed Senate 2/22/2016 - To House 2/22/2016 - To Finance - Amended - Passed House 3/10/2016 - Title amended - Senate concurred in House amendments and passed bill 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 231, Acts, Regular Session, 2016
506. By Sen. Hall - **Modifying local boards of health** (original similar to HB4471) - Introduced 2/4/2016 - To Health and Human Resources then Finance
507. By Sen. Carmichael, Blair, Gaunch, Plymale, Prezioso and Trump - **Exempting motor vehicles engaged in nonemergency transport of Medicaid recipients from PSC permit requirements** - Introduced 2/4/2016 - To Government Organization - Passed Senate 2/17/2016 - Effective from passage - To House 2/18/2016 - To Government Organization - Passed House 3/5/2016 - Effective from passage - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 162, Acts, Regular Session, 2016
- \*508. By Sen. Ferns, Kirkendoll, Carmichael, Mullins and Palumbo - **Relating to civil claims for private nuisance** - Introduced 2/4/2016 - To Judiciary - Com. sub. reported 2/19/2016 - Passed Senate 2/23/2016 - To House 2/23/2016 - To Judiciary
509. By Sen. Carmichael and Blair - **Removing 10-day requirement Division of Labor has to inspect amusement rides and attractions** - Introduced 2/4/2016 - To Government Organization - Passed Senate 2/11/2016 - To House 2/12/2016 - To Government Organization - Amended - Passed House 2/22/2016 - Title amended - Senate refused to concur in House amendment 2/24/2016 - House refused to recede and requested conference 2/24/2016 - To conference 2/25/2016 - Senate adopted conference report and passed bill 3/4/2016 - House adopted conference report and passed bill 3/4/2016 - To Governor 3/9/16 - Approved by Governor 3/15/16 - Chapter 9, Acts, Regular Session, 2016
- \*510. By Sen. Walters, Plymale, Trump, Boso, Ashley, Hall, Unger, Kessler, Woelfel, Blair and Ferns - **Establishing Adult Drug Court Participation Fund** - Introduced 2/4/2016 - To Finance - Com. sub. reported 2/11/2016 - Passed Senate 2/16/2016 - To House 2/17/2016 - To Finance
- \*511. By Sen. Ashley, Plymale, Hall, Trump, Boso, Kessler and Unger - **Establishing Court Advanced Technology Subscription Fund** - Introduced 2/4/2016 - To Finance - Com. sub. reported 2/11/2016 - Passed Senate 2/16/2016 - To House 2/17/2016 - To Finance
512. By Sen. Laird, Miller, Snyder and Unger - **Reinstating Medicare supplement insurance policy** - Introduced 2/4/2016 - To Banking and Insurance then Judiciary

513. By Sen. Laird and Kessler - **Relating to composition of School Building Authority** (original similar to HB4026) - Introduced 2/4/2016 - To Education then Government Organization
514. By Sen. Laird and Miller - **Ensuring sufficient deliberation occur prior to closing or opening of public-owned facility** - Introduced 2/4/2016 - To Education then Government Organization
515. By Sen. Hall, Walters and Plymale - **Authorizing payment of certain claims against state** - Introduced 2/4/2016 - To Finance - Passed Senate 2/17/2016 - Effective from passage - To House 2/18/2016 - To Finance - Passed House 3/8/2016 - Effective from passage - To Governor 3/10/16 - Approved by Governor 3/15/16 - Chapter 36, Acts, Regular Session, 2016
516. By Sen. Leonhardt and Woelfel - **Relating to registration for selective service** (original similar to HB4512) - Introduced 2/4/2016 - To Military then Government Organization - 2nd reference dispensed - Passed Senate 2/16/2016 - To House 2/17/2016 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary - Passed House 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 160, Acts, Regular Session, 2016
- \*517. By Sen. Gaunch and Trump - **Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner** (original similar to HB4551) - Introduced 2/4/2016 - To Banking and Insurance - Com. sub. reported 2/9/2016 - Passed Senate 2/15/2016 - To House 2/16/2016 - To Banking and Insurance then Finance - To House Finance - Passed House 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 191, Acts, Regular Session, 2016
518. By Sen. Walters, Facemire, Kessler, Kirkendoll, Laird, Snyder, Williams and Palumbo - **Making it unlawful to discriminate against persons due to sexual orientation** - Introduced 2/4/2016 - To Government Organization then Judiciary
519. By Sen. Leonhardt - **Clarifying requirements for license to practice as advanced practice registered nurse** (original similar to HB4334, SB17) - Introduced 2/4/2016 - To Health and Human Resources
- \*520. By Sen. Gaunch, Trump, Ashley, Prezioso and Blair - **Allowing PEIA ability to recover benefits or claims obtained through fraud** (original similar to HB4543) - Introduced 2/5/2016 - To Judiciary - Com. sub. reported 2/18/2016 - Passed Senate 2/22/2016 - To House 2/22/2016 - To Judiciary - Laid over until 3/9/16 - Amended on 3rd reading - Passed House 3/9/2016 - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 190, Acts, Regular Session, 2016
521. By Sen. Hall, Blair, Prezioso, Kessler, Facemire, Boley, Romano, Beach, Trump, Plymale, Williams, Miller and Gaunch - **Allowing county commissions and municipalities impose hotel occupancy taxes** (original similar to HB4377, HB4430) - Introduced 2/5/2016 - To Government Organization then Finance
- \*522. By Sen. Snyder and Unger - **Relating to public service districts** (original similar to HB4584, SB633) - Introduced 2/5/2016 - To Government Organization - Com. sub. reported 2/10/2016 - On second reading to Rules 6/30/2016



523. By Sen. Sypolt - **Relating to taxing water used in natural gas hydraulic fracturing** - Introduced 2/5/2016 - To Energy, Industry and Mining then Finance
- \*524. By Sen. Blair - **Rewriting Board of Barbers and Cosmetologists article** - Introduced 2/5/2016 - To Government Organization - Com. sub. reported 2/9/2016 - Passed Senate 2/15/2016 - To House 2/16/2016 - To Government Organization - Amended - House rejected 3/8/2016 - Motion to reconsider rejection 3/9/2016 - Passed House 3/9/2016 - Senate concurred in House amendment as amended and passed bill 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 4/1/16 - Chapter 188, Acts, Regular Session, 2016
- \*525. By Sen. Gaunch, Hall, Trump, Ashley, Mullins, Plymale, Prezioso and Stollings - **Relating to WV Insurance Guaranty Association Act** - Introduced 2/5/2016 - To Banking and Insurance - Com. sub. reported 2/23/2016 - Passed Senate 2/26/2016 - To House 2/26/2016 - To Banking and Insurance then Judiciary - To House Judiciary 3/7/2016
526. By Sen. Sypolt and Stollings - **Authorizing county commissions add surcharge for trash collection service** - Introduced 2/5/2016 - To Government Organization
527. By Sen. Blair - **Eliminating preference for resident vendors bidding on state contracts** - Introduced 2/5/2016 - To Government Organization
- \*528. By Sen. Walters, Boso, Carmichael and Ferns - **Altering power of Higher Education Policy Commission** - Introduced 2/5/2016 - To Education then Government Organization - Com. sub. reported 2/28/2016 - 2nd reference dispensed - Recommitted to Education on 3rd reading 3/2/2016
- \*529. By Sen. Ferns, Blair, Carmichael, Palumbo, Stollings, Trump and Woelfel - **Making certain sport and educational fantasy games lawful** (original similar to HB4583) - Introduced 2/5/2016 - To Judiciary - Com. sub. reported 2/15/2016 - Passed Senate 2/18/2016 - To House 2/19/2016 - To Judiciary then Finance
530. By Sen. Gaunch, Miller and Laird - **Authorizing Community Health Equity Initiative Demonstration Project** - Introduced 2/5/2016 - To Health and Human Resources
531. By Sen. Ferns - **Providing for court-appointed special advocate in each judicial circuit** - Introduced 2/6/2016 - To Judiciary then Finance - To Finance 2/22/2016
532. By Sen. Snyder, Romano, Facemire, Kessler, Kirkendoll, Laird, Miller, Prezioso, Yost, Stollings, Plymale and Williams - **Increasing surcharge on fire and casualty insurance policies** - Introduced 2/6/2016 - To Banking and Insurance then Finance
533. By Sen. Snyder, Kirkendoll, Stollings and Unger - **Changing distribution of net terminal income from racetrack video lottery** (original similar to HB4300) - Introduced 2/6/2016 - To Finance

- \*534. By Sen. Trump, Kessler, Palumbo, Romano, Walters, Woelfel, Stollings, Plymale and Blair - **Relating to procedures for driver's license suspension and revocation in criminal proceedings** - Introduced 2/6/2016 - To Judiciary - Com. sub. reported 2/26/2016 - Amended - Passed Senate with amended title 3/2/2016 - Effective July 1, 2016 - To House 3/2/2016 - To Roads and Transportation then Judiciary
535. By Sen. Boso, Carmichael, Ferns, Maynard, Mullins, Trump, Plymale and Blair - **Requiring DEP review rules and requirements in regard to federal Clean Water Act** - Introduced 2/6/2016 - To Energy, Industry and Mining then Judiciary
536. By Sen. Mullins, Carmichael, Boso, Maynard, Trump and Plymale - **Directing DEP Division of Air Quality promulgate legislative rule relating to air emission permitting** - Introduced 2/6/2016 - To Energy, Industry and Mining then Judiciary
537. By Sen. Carmichael, Boso, Ferns, Gaunch, Maynard, Mullins, Palumbo, Trump and Plymale - **Requiring cabinet secretaries review all rules under their jurisdiction similar to federal rules where state rules are more stringent** - Introduced 2/6/2016 - To Government Organization
538. By Sen. Blair - **Relating to salaries of appointed officers fixed by Governor** - Introduced 2/6/2016 - To Government Organization then Finance - To Finance 2/17/2016 - Passed Senate with amended title 2/26/2016 - To House 2/26/2016 - To Finance
- \*539. By Sen. Carmichael - **Relating to condemnation proceedings** - Introduced 2/6/2016 - To Judiciary - Com. sub. reported 2/27/2016 - Amended - Passed Senate with amended title 3/2/2016 - Effective from passage - To House 3/2/2016 - To Judiciary - On 2nd reading, House Calendar 3/12/2016
540. By Sen. Carmichael, Boso and Trump - **Providing civil immunity to company insurance adjusters** (original similar to HB4286, HB4408) - Introduced 2/6/2016 - To Judiciary
541. By Sen. Ferns, Carmichael, Blair, Boso, Maynard, Mullins, Palumbo, Sypolt, Trump, Williams and Plymale - **Requiring agencies analyze impact of proposed and existing regulations on small business** - Introduced 2/6/2016 - To Government Organization
- \*542. By Sen. Ferns, Carmichael and Gaunch - **Admissibility of certain evidence in civil action on use or nonuse of safety belt** - Introduced 2/6/2016 - To Judiciary - Com. sub. reported 2/24/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - To Judiciary
543. By Sen. Maynard, Carmichael, Blair, Boso, Ferns, Gaunch, Leonhardt, Mullins, Palumbo, Trump and Plymale - **Requiring agencies provide additional information when submitting proposed legislative rule** - Introduced 2/6/2016 - To Government Organization
544. By Sen. Carmichael, Boso, Ferns, Gaunch, Maynard, Mullins, Palumbo, Trump, Blair and Plymale - **Requiring executive branch agencies review rules with**

- regard to federal rules** (original similar to SB357) - Introduced 2/8/2016 - To Government Organization
- \*545. By Sen. Boso - **Relating to asbestos abatement on oil and gas pipelines** - Introduced 2/8/2016 - To Judiciary - Com. sub. reported 2/26/2016 - Passed Senate 3/1/2016 - To House 3/2/2016 - To Judiciary - Passed House 3/10/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 204, Acts, Regular Session, 2016
546. By Sen. Hall, Palumbo and Trump - **Relating generally to Public Defender Services** - Introduced 2/8/2016 - To Judiciary then Finance
547. By Sen. Gaunch, Carmichael and Cline - **Adjusting limits on consumer loans for which finance charges can be imposed** - Introduced 2/8/2016 - To Banking and Insurance then Judiciary - To Judiciary 2/16/2016
- \*548. By Sen. Snyder, Beach, Blair, Prezioso, Trump, Unger and Williams - **Relating to number of magistrates in certain counties** - Introduced 2/8/2016 - To Judiciary then Finance - Com. sub. reported 2/19/2016 - To Finance 2/19/2016
549. By Sen. Romano, Stollings, Boley, Kirkendoll, Laird, Miller, Plymale, Snyder, Sypolt and Williams - **Requiring school counselors spend 100 percent of time on comprehensive school counseling programs** - Introduced 2/8/2016 - To Education
550. By Sen. Boso, Carmichael, Blair, Ferns, Gaunch, Maynard and Trump - **Lessening regulatory burdens on small businesses** - Introduced 2/8/2016 - To Government Organization
551. By Sen. Karnes, Ashley, Blair, Maynard, Sypolt and Plymale - **Allowing residents to purchase senior hunting, fishing and trapping licenses at the beginning of the year they turn 65** - Introduced 2/8/2016 - To Natural Resources
552. By Sen. Miller, Beach, Carmichael, Williams, Woelfel, Blair and Plymale - **Eliminating requirement sheriff pay jury costs to State Treasury** (original similar to HB4644) - Introduced 2/8/2016 - To Government Organization - Passed Senate 2/20/2016 - To House 2/22/2016 - To Government Organization - Tabled on 3rd reading, Special Calendar 3/8/2016
553. By Sen. Trump - **Merging purposes and provisions of Volunteer Fire Department Workers' Compensation Subsidy Program and Fund** (original similar to HB4547) - Introduced 2/8/2016 - To Government Organization - Passed Senate 2/20/2016 - Effective July 1, 2016 - To House 2/22/2016 - To Finance
554. By Sen. Leonhardt, Trump, Walters, Takubo, Palumbo, Boso, Kessler, Stollings, Snyder, Kirkendoll, Unger, Miller, Laird, Plymale and Williams - **Issuing tax credits for land conservation** - Introduced 2/8/2016 - To Finance
- \*555. By Sen. Carmichael, Gaunch and Plymale - **Providing for 3-cent tax increase on sale of fuel when cost is less than \$2 per gallon** - Introduced 2/8/2016 - To Finance - Com. sub. reported 2/29/2016 - Amended - Passed Senate with amended title 3/2/2016 - To House 3/2/2016 - To Finance

556. By Sen. Walters - **Providing owner of conservation easement be given right of first refusal to purchase land** - Introduced 2/8/2016 - To Judiciary
557. By Sen. Sypolt, Plymale and Williams - **Eliminating sunset provisions on DOH public-private partnership agreements** - Introduced 2/8/2016 - To Transportation and Infrastructure
558. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Maintaining solvency of Unemployment Compensation Fund** (original similar to HB4642) - Introduced 2/8/2016 - To Finance - Passed Senate 2/15/2016 - Effective from passage - To House 2/16/2016 - To Finance - Passed House 3/1/2016 - Effective from passage - To Governor 3/3/16 - Approved by Governor 3/3/16 - Chapter 248, Acts, Regular Session, 2016
559. By Sen. Yost, Kessler, Unger and Ferns - **Supplemental appropriation to Greater Weirton Area Senior Center** - Introduced 2/9/2016 - To Finance
560. By Sen. Carmichael, Ashley, Ferns, Palumbo, Plymale, Prezioso, Trump, Walters, Woelfel, Blair and Stollings - **Permitting operation of unmanned aircraft system** (original similar to SB291) - Introduced 2/10/2016 - To Judiciary
561. By Sen. Ferns - **Setting rates for accident and sickness insurance** - Introduced 2/10/2016 - To Health and Human Resources
562. By Sen. Snyder - **Providing for licensing of advance deposit wagering** - Introduced 2/10/2016 - To Finance
563. By Sen. Gaunch, Blair, Leonhardt, Plymale and Walters - **Increasing retirement benefit multiplier for WV Emergency Medical Services Retirement System members** (original similar to HB4425) - Introduced 2/10/2016 - To Pensions then Finance - To Finance 2/18/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Finance - Passed House 3/11/2016 - To Governor 3/23/16 - Approved by Governor 4/1/16 - Chapter 221, Acts, Regular Session, 2016
564. By Sen. Boso, Ashley, Carmichael, Mullins and Sypolt - **Restricting Oil and Gas Conservation Commission's authority to regulate setback and spacing between deep wells** - Introduced 2/10/2016 - To Energy, Industry and Mining
- \*565. By Sen. Boso and Walters - **Allowing well pad and road construction for oil and gas activities** - Introduced 2/10/2016 - To Energy, Industry and Mining - Com. sub. reported 2/19/2016 - Passed Senate 2/23/2016 - To House 2/23/2016 - To Energy then Judiciary
566. By Sen. Ferns - **Creating new tax on insurance reserves held by accident and sickness insurance carriers** - Introduced 2/10/2016 - To Health and Human Resources
- \*567. By Sen. Boso, Ashley, Blair, Gaunch, Kirkendoll, Maynard, Miller, Mullins, Romano, Williams, Stollings, Plymale and Ferns - **Providing protection against property crimes committed against coal mines, railroads, utilities and other industrial facilities** - Introduced 2/10/2016 - To Judiciary - Com. sub. reported 2/28/2016 - Constitutional rule suspended - Passed Senate 3/1/2016 - To House

- 3/2/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 65, Acts, Regular Session, 2016
568. By Sen. Snyder - **Providing for licensing of out-of-state simulcast facilities** - Introduced 2/10/2016 - To Finance
569. By Sen. Ferns - **Regulation of chronic pain clinics** (original similar to HB4537) - Introduced 2/10/2016 - To Health and Human Resources
570. By Sen. Karnes, Carmichael, Cline, Maynard, Mullins and Sypolt - **Allowing local units of government lower personal property taxes** - Introduced 2/10/2016 - To Government Organization
571. By Sen. Karnes, Boso, Cline, Ferns, Leonhardt, Maynard, Mullins, Sypolt and Trump - **Prohibiting abortion coverage in qualified health care plans** - Introduced 2/10/2016 - To Judiciary
572. By Sen. Ferns - **Defining criteria private insurance carriers must consider in setting rates** - Introduced 2/10/2016 - To Health and Human Resources
573. By Sen. Blair - **Prohibiting municipal annexation which would result in unincorporated territory within municipality** - Introduced 2/10/2016 - To Government Organization - Passed Senate 2/20/2016 - To House 2/22/2016 - To Political Subdivisions then Government Organization - To House Government Organization - Amended - Passed House 3/8/2016 - Senate refused to concur in House amendment 3/10/2016 - House refused to recede and requested conference 3/10/2016 - To conference 3/11/2016
574. By Sen. Blair - **Requiring state personal income tax return include short survey** - Introduced 2/10/2016 - To Finance
- \*575. By Sen. Blair - **Requiring leases for state office space provide landlord or owner be responsible for cleaning or janitorial services** - Introduced 2/10/2016 - To Government Organization - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Government Organization - Laid over until 3/9/16 - Passed House 3/9/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 117, Acts, Regular Session, 2016
576. By Sen. Sypolt, Ashley, Blair and Karnes - **Requiring payment of funds due in partition suits of oil and gas interests** (original similar to HB4550) - Introduced 2/10/2016 - To Judiciary
577. By Sen. Sypolt, Ashley, Blair, Boso, Karnes and Stollings - **Permitting surface owners purchase mineral interests** - Introduced 2/10/2016 - To Judiciary
578. By Sen. Boso, Ashley, Blair, Gaunch, Karnes, Kirkendoll, Maynard, Miller, Mullins, Romano, Williams, Stollings and Plymale - **Protecting utility workers from crimes against person** - Introduced 2/11/2016 - To Judiciary - Passed Senate 2/27/2016 - To House 2/29/2016 - To Judiciary - Amended - Passed House 3/12/2016 - Title amended - Senate concurred in House amendments and passed

bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 63, Acts, Regular Session, 2016

579. By Sen. Plymale and Prezioso - **Eliminating WV Port Authority** - Introduced 2/11/2016 - To Finance - Passed Senate 2/20/2016 - To House 2/22/2016 - To Finance
580. By Sen. Sypolt and Trump - **Relating to wind power projects** - Introduced 2/11/2016 - To Government Organization then Finance
- \*581. By Sen. Maynard, Ashley, Laird, Kessler, Palumbo, Woelfel, Romano and Stollings - **Eliminating sunset provision terminating pilot domestic violence court program** - Introduced 2/11/2016 - To Judiciary - Com. sub. reported 2/18/2016 - Passed Senate 2/22/2016 - To House 2/22/2016 - To Judiciary - Passed House 3/8/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 76, Acts, Regular Session, 2016
- \*582. By Sen. Plymale and Woelfel - **Providing refundable tax credit for motor fuel sold for use or consumed in railroad diesel locomotives** - Introduced 2/11/2016 - To Finance - Com. sub. reported 2/17/2016 - Passed Senate 2/20/2016 - To House 2/22/2016 - To Finance - Passed House 3/4/2016 - Title amended - Senate concurred in House title amendment 3/5/2016 - Passed Senate 3/5/2016 - To Governor 3/7/16 - Approved by Governor 3/12/16 - Chapter 230, Acts, Regular Session, 2016
583. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Administration** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
584. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by DEP** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
585. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by DHHR** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
586. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Military Affairs and Public Safety** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
587. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and

- Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Revenue** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
588. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Transportation** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/12/2016 - Effective from passage - To Governor 3/21/16 - Approved by Governor 4/1/16 - Chapter 152, Acts, Regular Session, 2016
589. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by miscellaneous agencies and boards** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
590. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Commerce** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
- \*591. By Sen. Trump, Gaunch, Walters, Ashley, Snyder, Beach, Takubo, Maynard, Kessler, Palumbo, Blair, Miller, Williams, Kirkendoll, Woelfel, Romano, Mullins, Unger, Laird, Sypolt, Stollings and Plymale - **Relating to voter registration list maintenance and combined voter registration and driver licensing fund** - Introduced 2/12/2016 - To Judiciary - Com. sub. reported 2/19/2016 - Passed Senate 2/23/2016 - Effective from passage - To House 2/23/2016 - To Judiciary - Amended - Laid over until 3/8/16 - Amended on 3rd reading - Passed House 3/8/2016 - Title amended - Effective from passage - Senate concurred in House amendment as amended and passed bill 3/9/2016 - Effective from passage - House concurred in Senate title amendment 3/11/2016 - Passed House 3/11/2016 - Effective from passage - To Governor 3/21/16 - Approved by Governor 3/21/16 - Chapter 97, Acts, Regular Session, 2016
- \*592. By Sen. Hall - **Relating to pipeline safety** - Introduced 2/12/2016 - To Government Organization - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Energy - Passed House 3/8/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 216, Acts, Regular Session, 2016
- \*593. By Sen. Carmichael - **Clarifying disqualification from unemployment benefits** - Introduced 2/12/2016 - To Judiciary - Com. sub. reported 2/23/2016 - Amended - Passed Senate 2/26/2016 - To House 2/26/2016 - To Judiciary
- \*594. By Sen. Prezioso, Plymale and Gaunch - **Requiring State Auditor consider for payment claim submitted by electronically generated invoice** (original similar to HB4608, SB174) - Introduced 2/12/2016 - To Government Organization -

Com. sub. reported 2/25/2016 - Passed Senate 2/29/2016 - To House 3/1/2016 - Passed House 3/3/2016 - To Governor 3/7/16 - Approved by Governor 3/8/16 - Chapter 119, Acts, Regular Session, 2016

- \*595. By Sen. Gaunch, Blair, Boso, Carmichael, Kirkendoll, Maynard, Prezioso, Stollings, Walters, Plymale and Williams - **Relating to retirement credit for members of WV National Guard** - Introduced 2/12/2016 - To Pensions then Finance - Com. sub. reported 2/18/2016 - To Finance 2/18/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - To Finance - Passed House 3/10/2016 - To Governor 3/23/16 - Approved by Governor 4/1/16 - Chapter 219, Acts, Regular Session, 2016
- \*596. By Sen. Carmichael and Walters - **Permitting natural gas companies enter upon real property in certain instances** (original similar to SB698) - Introduced 2/12/2016 - To Judiciary - Com. sub. reported 2/25/2016 - Rejected by Senate 2/29/2016
- \*597. By Sen. Ferns and Plymale - **Relating generally to Health Care Authority** - Introduced 2/12/2016 - To Health and Human Resources then Finance - Com. sub. reported 2/17/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 2/20/2016 - Effective from passage - To House 2/22/2016 - To Health and Human Resources - Motion to table motion to commit bill to the Committee on the Judiciary adopted - Amended - Motion to take motion to commit bill to the Committee on the Judiciary off the table rejected - Passed House 3/5/2016 - Title amended - Motion to take motion to refer bill to the Committee on the Judiciary off the table adopted - Motion to refer the bill to the Committee on the Judiciary adopted - To House Judiciary 3/5/2016 - Amended - Passed House 3/9/2016 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/10/2016 - House refused to recede and requested conference 3/10/2016 - To conference 3/11/2016 - Senate adopted conference report and passed bill 3/12/2016 - Effective from passage - House adopted conference report and passed bill 3/12/2016 - Effective from passage - To Governor 3/18/16 - Approved by Governor 318/16 - Chapter 203, Acts, Regular Session, 2016
598. By Sen. Walters, Boso and Carmichael - **Transferring all funds in Greyhound Breeding Development Fund to Excess Lottery Revenue Fund** - Introduced 2/12/2016 - To Finance
- \*599. By Sen. Hall, Carmichael, Prezioso and Plymale - **Relating generally to Uniform Unclaimed Property Act** - Introduced 2/15/2016 - To Judiciary - Com. sub. reported 2/28/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Judiciary - Motion to postpone action one day adopted - Passed House 3/11/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
600. By Sen. Palumbo, Williams, Walters, Woelfel, Snyder, Takubo, Miller, Stollings, Kessler and Plymale - **Requiring vacancies in certain elected offices be filled by person of same political party as person vacating office at time of election or appointment** (original similar to SB50) - Introduced 2/15/2016 - To Judiciary then Rules
- \*601. By Sen. Boso - **Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities** - Introduced 2/15/2016



- To Judiciary - Com. sub. reported 2/28/2016 - Passed Senate 3/2/2016 - Effective from passage - To House 3/2/2016 - To Judiciary - Laid over until 3/10/16 - Amended - Passed House 3/11/2016 - Effective from passage - Senate concurred in House amendments and passed bill 3/12/2016 - Effective from passage - To Governor 3/14/16 - Vetoed by Governor 3/14/16 - Senate reconsidered action - Senate amended, repassed to meet objections of Governor 3/15/2016 - Effective from passage - House concurred in Senate amendment 3/15/2016 - Repassed House to meet the objections of the Governor 3/15/2016 - Effective from passage - To Governor 3/28/16 - Approved by Governor 4/1/16 - Chapter 213, Acts, Regular Session, 2016
- \*602. By Sen. Trump - **Relating to Patient Injury Compensation Fund** - Introduced 2/15/2016 - To Judiciary then Finance - Com. sub. reported 2/26/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/2/2016 - Effective July 1, 2016 - To House 3/3/2016 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 3/11/2016 - Title amended - Effective July 1, 2016 - Senate concurred in House amendments and passed bill 3/12/2016 - Effective July 1, 2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 155, Acts, Regular Session, 2016
603. By Sen. Carmichael, Stollings, Boso and Prezioso - **Relating to emergency shelters for elderly or disabled persons** - Introduced 2/15/2016 - To Government Organization then Finance
604. By Sen. Takubo and Stollings - **Increasing excise tax on bottled soft drinks, syrups and dry mixtures** - Introduced 2/15/2016 - To Finance
605. By Sen. Ferns, Yost and Boso - **Continuing personal income tax adjustment to certain retirees** - Introduced 2/15/2016 - To Finance
606. By Sen. Stollings, Boso, Mullins and Takubo - **Establishing advisory council on rare diseases** (original similar to HB4526) - Introduced 2/15/2016 - To Government Organization then Finance
607. By Sen. Takubo and Stollings - **Relating to increasing tax rate on cigarettes and tobacco products** (original similar to HB4494, SB420) - Introduced 2/15/2016 - To Finance
608. By Sen. Ashley, Hall, Kessler, Palumbo, Romano, Williams, Woelfel, Yost, Plymale and Facemire - **WV Court Reporter Act of 2016** (original similar to HB4450) - Introduced 2/16/2016 - To Government Organization then Judiciary
609. By Sen. Plymale - **Relating to jurisdiction of Health Care Authority** - Introduced 2/16/2016 - To Health and Human Resources then Finance
610. By Sen. Gaunch, Yost, Stollings, Beach, Palumbo, Kirkendoll, Facemire, Kessler, Mullins, Boso, Snyder, Cline, Miller, Prezioso, Williams, Plymale, Takubo, Hall, Trump and Romano - **Relating to generating and maintaining revenue for maintenance of roads and infrastructure** - Introduced 2/16/2016 - To Finance

611. By Sen. Stollings, Plymale, Unger and Prezioso - **Including protocols for responding to after-school injuries or emergencies in school crisis response plans** - Introduced 2/17/2016 - To Education
612. By Sen. Gaunch and Ashley - **Limiting charges secured lender may recover from borrower on default** (original similar to HB4623) - Introduced 2/17/2016 - To Judiciary
613. By Sen. Gaunch, Ashley and Plymale - **Defining total capital for purposes of calculating state-chartered bank's lending limit** (original similar to HB4621) - Introduced 2/17/2016 - To Banking and Insurance - Passed Senate 2/26/2016 - To House 2/26/2016 - To Banking and Insurance then Judiciary - To House Judiciary - Passed House 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 29, Acts, Regular Session, 2016
- \*614. By Sen. Gaunch and Ashley - **Conforming statute with court interpretation by replacing "unconscionable" with "fraudulent" when referring to conduct** (original similar to HB4603) - Introduced 2/17/2016 - To Judiciary - Com. sub. reported 2/27/2016 - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Judiciary - Passed House 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/29/16 - Chapter 41, Acts, Regular Session, 2016
615. By Sen. Plymale - **Including municipal land bank as agency within WV Land Reuse Agency Authorization Act** (original similar to HB4390) - Introduced 2/17/2016 - To Government Organization
616. By Sen. Boso, Ashley, Blair, Kirkendoll, Sypolt, Walters, Yost and Ferns - **Defining professional firefighter for purposes of workers' compensation disability and death benefits** - Introduced 2/17/2016 - To Judiciary then Finance - To Finance 2/23/2016
- \*617. By Sen. Blair - **Returning all salaried and hourly state employees to semimonthly payment schedule for wages** - Introduced 2/17/2016 - To Government Organization - Com. sub. reported 2/19/2016 - Referred to Finance 2/19/2016
618. By Sen. Carmichael, Hall and Unger - **Allowing Economic Development Authority to make loans to certain whitewater outfitters** (original similar to SB622) - Introduced 2/17/2016 - To Economic Development then Finance - 2nd reference dispensed - Passed Senate 2/29/2016 - To House 3/1/2016 - To Finance - Amended - Passed House 3/11/2016 - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 82, Acts, Regular Session, 2016
- \*619. By Sen. Blair, Carmichael, Cline, Gaunch, Karnes, Mullins and Trump - **2016 Regulatory Reform Act** - Introduced 2/17/2016 - To Government Organization - Com. sub. reported 2/24/2016 - Amended - Passed Senate with amended title 2/27/2016 - To House 2/29/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Effective from passage - Senate concurred in House amendment as amended and passed bill 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - Effective ninety days from passage - To Governor 3/24/16 - Approved by Governor 4/1/16 - Chapter 146, Acts, Regular Session, 2016

620. By Sen. Hall, Plymale, Unger and Prezioso - **Exempting State Police from Purchasing Division requirements** - Introduced 2/17/2016 - To Government Organization
- \*621. By Sen. Palumbo, Ashley, Gaunch, Karnes, Mullins, Walters and Ferns - **Exempting taxicab companies with independent contract drivers from providing workers' compensation coverage** (original similar to HB4530) - Introduced 2/17/2016 - To Judiciary - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Roads and Transportation then Judiciary - To House Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/12/2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Title amended - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 254, Acts, Regular Session, 2016
- \*622. By Sen. Walters, Blair, Mullins, Takubo and Carmichael - **Composition of PEIA Finance Board** - Introduced 2/18/2016 - To Government Organization - Com. sub. reported 2/27/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Government Organization - Laid over until 3/10/16 - On 3rd reading, House Calendar 3/12/2016
623. By Sen. Plymale (By Request), Woelfel (By Request) and Facemire - **Creating West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act** - Introduced 2/18/2016 - To Government Organization
624. By Sen. Gaunch, Cline, Takubo, Trump, Walters, Woelfel, Plymale, Prezioso, Boso, Ferns and Facemire - **Creating felony offenses and penalties for human trafficking** (original similar to HB4489) - Introduced 2/18/2016 - To Judiciary
- \*625. By Sen. Trump, Kessler, Unger, Walters, Prezioso and Facemire - **Revising exceptions from FOIA provided for in Aboveground Storage Tank Act** - Introduced 2/18/2016 - To Judiciary - Com. sub. reported 2/27/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Judiciary - Passed House 3/10/2016 - Title amended - Senate concurred in House amendments and passed bill 3/11/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 193, Acts, Regular Session, 2016
626. By Sen. Takubo, Mullins, Stollings and Plymale - **Requiring DHHR secretary seek waiver within Supplemental Nutrition Assistance Program limiting purchases under WIC program** - Introduced 2/18/2016 - To Health and Human Resources - Passed Senate 2/29/2016 - To House 3/1/2016 - To Health and Human Resources
627. By Sen. Takubo, Maynard, Mullins, Stollings, Trump and Plymale - **Permitting physician to decline prescribing controlled substance** - Introduced 2/18/2016 - To Judiciary - Passed Senate 2/27/2016 - To House 2/29/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary - Laid over until 3/8/16 - Amended - Passed House 3/9/2016 - Title amended - Senate concurred in House amendments and passed bill 3/10/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 180, Acts, Regular Session, 2016

- \*628. By Sen. Takubo, Mullins, Stollings, Plymale and Unger - **Permitting treating physician direct palliative or emergent treatment for patients** - Introduced 2/18/2016 - To Health and Human Resources - Com. sub. reported 2/27/2016 - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Health and Human Resources - On 2nd reading, House Calendar 3/12/2016
629. By Sen. Takubo, Maynard, Mullins, Stollings and Plymale - **Regarding reports by Board of Pharmacy** - Introduced 2/18/2016 - To Health and Human Resources then Government Organization
630. By Sen. Walters, Plymale and Gaunch - **Ratio of pupils per licensed school psychologist** (original similar to SB89) - Introduced 2/18/2016 - To Education then Finance
- \*631. By Sen. Walters - **Authorizing higher education boards of governors develop retirement and incentive packages** - Introduced 2/18/2016 - To Pensions then Finance - Com. sub. reported 2/24/2016 - To Finance 2/24/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Finance
632. By Sen. Sypolt - **Requiring county superintendent of schools and county board members meet regarding established goals for public education** - Introduced 2/18/2016 - To Education
633. By Sen. Snyder - **Relating generally to Public Service Commission** (original similar to SB522) - Introduced 2/19/2016 - To Government Organization then Finance
- \*634. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Creating William R. Laird IV Second Chance Driver's License Act** (original similar to HB4683) - Introduced 2/19/2016 - To Judiciary - Com. sub. reported 2/24/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - To Roads and Transportation then Judiciary - To House Judiciary - Amended - Passed House 3/10/2016 - Title amended - Senate concurred in House amendment as amended and passed bill 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 161, Acts, Regular Session, 2016
- \*635. By Sen. Ashley, Carmichael and Gaunch - **Limiting action to recover unpaid balance on contract made by consumer purchase** (original similar to HB4641) - Introduced 2/19/2016 - To Judiciary - Com. sub. reported 2/26/2016 - To Rules 8/2/2016
636. By Sen. Plymale, Beach, Facemire, Kirkendoll, Prezioso, Romano, Stollings, Yost, Woelfel, Williams, Unger and Kessler - **Increasing salaries for teachers through fiscal year 2020** - Introduced 2/19/2016 - To Finance
- \*637. By Sen. Trump and Gaunch - **Creating WV Uniform Fiduciary Access to Digital Assets Act of 2016** - Introduced 2/19/2016 - To Judiciary - Com. sub. reported 2/25/2016 - Passed Senate 2/29/2016 - To House 3/1/2016 - To Judiciary
638. By Sen. Walters, Mullins and Kessler - **Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers provide**

- discounts** (original similar to HB4655) - Introduced 2/19/2016 - To Banking and Insurance then Judiciary
639. By Sen. Romano, Palumbo, Snyder, Stollings, Prezioso, Kessler and Williams - **Requiring disclosure of dark money political expenditures** - Introduced 2/20/2016 - To Judiciary then Finance
640. By Sen. Kessler, Carmichael, Stollings, Prezioso and Plymale - **Creating Compassionate Use Act for Medical Cannabis** - Introduced 2/20/2016 - To Health and Human Resources then Judiciary
- \*641. By Sen. Hall - **Relating to dog and horse racing and lottery** - Introduced 2/20/2016 - To Finance - Com. sub. reported 2/24/2016 - Amended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Finance
- \*642. By Sen. Sypolt - **Relating to temporary higher education classified employees annual salary schedule** - Introduced 2/20/2016 - To Education then Finance - Com. sub. reported 2/24/2016 - To Finance 2/24/2016
- \*643. By Sen. Blair - **Requiring individuals receiving unemployment compensation seek seasonal employment** - Introduced 2/20/2016 - To Judiciary - Com. sub. reported 2/28/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Judiciary
644. By Sen. Blair - **Authorizing counties to offer license plates customized to county** - Introduced 2/20/2016 - To Government Organization - Passed Senate 3/2/2016 - To House 3/2/2016 - To Roads and Transportation then Government Organization
645. By Sen. Blair and Yost - **Classifying Convention and Visitor's Bureau as public agency** - Introduced 2/20/2016 - To Judiciary
646. By Sen. Carmichael - **Providing consent of lawful use of mineral property is not waste and does not constitute trespass** - Introduced 2/20/2016 - To Judiciary
- \*647. By Sen. Blair and Williams - **Exempting certain complimentary hotel rooms from occupancy tax** - Introduced 2/20/2016 - To Government Organization then Finance - Com. sub. reported 2/25/2016 - To Finance 2/25/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Small Business, Entrepreneurship and Economic Development then Finance
648. By Sen. Blair - **Allowing local authorities permit flashing traffic signals during low traffic times** - Introduced 2/20/2016 - To Government Organization - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Government Organization - Passed House 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/16/16 - Chapter 239, Acts, Regular Session, 2016
649. By Sen. Walters - **Creating Minority Economic Development Advisory Team** - Introduced 2/20/2016 - To Government Organization
650. By Sen. Romano, Facemire and Stollings - **Creating DEP Public Improvements Fund** - Introduced 2/20/2016 - To Government Organization

651. By Sen. Trump - **Modifying controlled substance monitoring program** - Introduced 2/20/2016 - To Health and Human Resources then Judiciary
652. By Sen. Kessler and Yost - **Prohibiting DHHR from discontinuing bundled service funding and reimbursement system** (original similar to HB4591) - Introduced 2/20/2016 - To Health and Human Resources
653. By Sen. Karnes - **Requiring higher education course catalogs include certain information** - Introduced 2/20/2016 - To Education then Finance
654. By Sen. Maynard, Cline, Mullins and Leonhardt - **Lowering severance tax on extracting coal** - Introduced 2/20/2016 - To Finance
655. By Sen. Ferns, Cline, Mullins and Leonhardt - **Reducing severance tax on coal to 4 percent** - Introduced 2/20/2016 - To Finance
656. By Sen. Laird, Stollings, Unger, Miller and Palumbo - **Creating Upper Kanawha Valley Resiliency and Revitalization Program** - Introduced 2/20/2016 - To Government Organization - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Government Organization - Passed House 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/16/16 - Chapter 78, Acts, Regular Session, 2016
657. By Sen. Blair - **Relating to damages for medical monitoring** - Introduced 2/20/2016 - To Judiciary - Amended - Passed Senate with amended title 3/2/2016 - To House 3/2/2016 - To Judiciary
658. By Sen. Gaunch, Carmichael, Stollings, Ferns, Takubo, Prezioso, Plymale, Unger, Leonhardt and Romano - **Allowing licensed professionals donate time to care of indigent and needy in clinical setting** - Introduced 2/20/2016 - To Health and Human Resources - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Health and Human Resources - Passed House 3/7/2016 - To Governor 3/11/16 - Vetoed by Governor 4/1/16
659. By Sen. Stollings (By Request), Prezioso, Yost and Miller - **Requiring drug testing for driver involved in accident resulting in death** - Introduced 2/20/2016 - To Judiciary
660. By Sen. Blair - **Modifying requirements for board members of Board of Accountancy** - Introduced 2/20/2016 - To Government Organization
661. By Sen. Miller and Laird - **Authorizing Division of Justice and Community Services make grants providing civil legal services to low income persons** - Introduced 2/20/2016 - To Finance
662. By Sen. Miller and Yost - **Creating Food Production Act** - Introduced 2/20/2016 - To Agriculture and Rural Development then Judiciary
663. By Sen. Maynard, Gaunch, Karnes and Takubo - **Authorizing Commissioner of Highways permit DOH participate in construction or maintenance of publicly funded highway jobs** - Introduced 2/22/2016 - To Finance

664. By Sen. Stollings, Ashley, Williams and Plymale - **Relating to licensing practice of athletic training** - Introduced 2/22/2016 - To Health and Human Resources then Government Organization
665. By Sen. Kessler - **Providing for recordkeeping and creating database of sale or purchase total loss vehicles** (original similar to HB4717) - Introduced 2/22/2016 - To Judiciary
666. By Sen. Trump - **Exempting certain veterans' organizations and video lottery licenses from local indoor smoking prohibition** - Introduced 2/22/2016 - To Judiciary
667. By Sen. Karnes - **Protecting right to farm** - Introduced 2/22/2016 - To Judiciary
668. By Sen. Miller, Kessler and Stollings - **Increasing excise tax on bottled soft drinks, syrups and dry mixtures** - Introduced 2/22/2016 - To Finance
669. By Sen. Boley, Plymale and Blair - **Requiring proficiency in civics as condition for high school or GED diploma** - Introduced 2/22/2016 - To Education - Amended - Passed Senate with amended title 3/2/2016 - To House 3/2/2016 - To Education
670. By Sen. Carmichael and Ferns - **Relating to filling vacancies in elected offices** - Introduced 2/22/2016 - To Judiciary - Amended - On third reading to Rules 8/3/2016
671. By Sen. Carmichael and Blair - **Creating digital learning pilot project** (original similar to HB4627) - Introduced 2/22/2016 - To Education then Finance
672. By Sen. Hall and Trump - **Clarifying lottery prize is WV source income for nonresident** - Introduced 2/22/2016 - To Finance
673. By Sen. Boso - **Providing safe harbor valuation for measure of tax on limestone and sandstone** (original similar to HB4626, SB675) - Introduced 2/22/2016 - To Finance
674. By Sen. Kessler - **Relating to taxes on alcohol** - Introduced 2/22/2016 - To Finance
675. By Sen. Snyder - **Providing safe harbor valuation for measure of tax on limestone and sandstone** (original similar to HB4626, SB673) - Introduced 2/22/2016 - To Finance
676. By Sen. Sypolt - **Relating to comprehensive statewide student assessment** - Introduced 2/22/2016 - To Education
- \*677. By Sen. Takubo, Ashley, Gaunch, Maynard and Walters - **Relating to tuition rates set by higher education institutional governing boards** - Introduced 2/22/2016 - To Education - Com. sub. reported 2/28/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Education then Finance
678. By Sen. Walters - **Relating to ownership and use of conduit providing telephone service** - Introduced 2/22/2016 - To Government Organization -

- Amended - Passed Senate with amended title 3/2/2016 - To House 3/2/2016 - To Government Organization - Passed House 3/8/2016 - To Governor 3/15/16 - Approved by Governor 3/18/16 - Chapter 215, Acts, Regular Session, 2016
679. By Sen. Maynard, Karnes and Cline - **Establishing specific valuation for timberland for ad valorem property tax purposes** (original similar to HB4689) - Introduced 2/22/2016 - To Finance
680. By Sen. Unger - **Establishing Board of Music Therapy** - Introduced 2/22/2016 - To Government Organization
681. By Sen. Maynard, Ashley, Boley, Leonhardt and Cline - **Providing teachers' lessons plans be available on Internet to student and parents** - Introduced 2/22/2016 - To Education
682. By Sen. Maynard, Ashley, Boley, Gaunch, Karnes, Leonhardt, Miller, Romano, Takubo, Woelfel, Williams, Plymale, Stollings, Cline and Ferns - **Authorizing telephone public utilities provide system of centrally located cellular telephone hot spots where signals are weak or unavailable** - Introduced 2/22/2016 - To Government Organization
683. By Sen. Maynard, Ashley, Boley, Carmichael, Gaunch, Miller, Romano, Woelfel, Plymale, Stollings, Blair, Cline and Laird - **Allowing old or abandoned railway beds be used for lawful recreational purposes** - Introduced 2/22/2016 - To Judiciary
684. By Sen. Maynard, Boley, Carmichael, Karnes, Leonhardt, Miller, Romano, Takubo, Woelfel, Stollings, Cline and Laird - **Authorizing Director of DNR lease unused or abandoned railway routes to operate tourist excursions** - Introduced 2/22/2016 - To Finance
685. By Sen. Maynard, Gaunch, Karnes and Blair - **Allowing individuals twenty-one years of age operate or ride motorcycle without helmet** - Introduced 2/22/2016 - To Judiciary
- \*686. By Sen. Maynard, Carmichael, Gaunch, Karnes, Takubo, Walters and Blair - **Authorizing local governing authorities hold sanctioned motor vehicle races on roads, streets or airports under their jurisdiction** - Introduced 2/22/2016 - To Judiciary - Com. sub. reported 2/28/2016 - Amended - Passed Senate 3/2/2016 - To House 3/3/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/30/16 - Chapter 158, Acts, Regular Session, 2016
687. By Sen. Maynard, Walters, Stollings and Cline - **Allowing mine reclamation sites be used for military installations or homeland security offices** - Introduced 2/22/2016 - To Judiciary
688. By Sen. Maynard, Ashley, Boley, Carmichael, Karnes, Miller, Romano, Takubo and Woelfel - **Relating to county and regional solid waste facility siting plans** - Introduced 2/22/2016 - To Government Organization



689. By Sen. Maynard, Cline, Kirkendoll, Mullins, Plymale, Romano, Stollings and Woelfel - **Seeking funding for completing construction of I-73 and I-74** (original similar to SB693) - Introduced 2/22/2016 - To Finance
690. By Sen. Mullins and Cline - **Making second Friday of February in even-numbered years primary election day in WV beginning 2018** - Introduced 2/22/2016 - To Judiciary
- \*691. By Sen. Boso - **Modifying certain air pollution standards** - Introduced 2/22/2016 - To Judiciary - Com. sub. reported 2/26/2016 - Passed Senate 3/1/2016 - To House 3/2/2016 - To Judiciary - Passed House 3/10/2016 - Effective from passage - House requests Senate to concur in changed effective date 3/10/2016 - Senate concurred in House changed effective date 3/11/2016 - Effective from passage - To Governor 3/23/16 - Approved by Governor 3/23/16 - Chapter 107, Acts, Regular Session, 2016
692. By Sen. Mullins, Walters, Stollings, Cline and Ferns - **Establishing incentives for public schools to make recreational facilities available for public use** (original similar to HB4018) - Introduced 2/22/2016 - To Education then Finance
693. By Sen. Mullins, Plymale and Cline - **Seeking funding for completing construction of Coalfields Expressway** (original similar to SB689) - Introduced 2/22/2016 - To Finance
694. By Sen. Gaunch - **Regulation of pharmacy benefits managers** - Introduced 2/22/2016 - To Health and Human Resources then Finance
695. By Sen. Boso - **Discontinuing requirements pertaining to payment of wages to workers employed by public agency in construction of public improvements** (original similar to HB4005, SB2) - Introduced 2/22/2016 - To Government Organization
696. By Sen. Karnes - **Relating to disposition of seized firearms** (original similar to HB4279) - Introduced 2/22/2016 - To Judiciary
697. By Sen. Snyder, Romano, Kessler and Williams - **Clarifying reporting and disclosure requirements relating to election campaign contributions and spending** (original similar to HB4527) - Introduced 2/22/2016 - To Judiciary then Finance
698. By Sen. Boso, Boley and Walters - **Permitting natural gas companies enter upon real property in certain instances for limited purposes** (original similar to SB596) - Introduced 2/22/2016 - To Judiciary
699. By Sen. Karnes - **Reauthorizing amendment allowing certain food products produced in private home kitchen for sale at farmers market** - Introduced 2/22/2016 - To Health and Human Resources
700. By Sen. Blair, Boso, Facemire, Ferns, Maynard, Mullins and Walters (Originating in Senate Government Organization) - **Authorizing Berkeley County Council own or operate a drug treatment or drug rehabilitation facility** - Introduced 2/25/2016 - Rejected by Senate 2/29/2016

701. By Sen. Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael (Originating in Senate Judiciary) - **Relating generally to resort area districts** - Introduced 2/28/2016 - Passed Senate 3/2/2016 - To House 3/3/2016 - To Judiciary
702. By Sen. Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael (Originating in Senate Judiciary) - **Allowing title of real estate to pass to individuals entitled to sale proceeds if executor fails to do so within 5 years of closing estate** - Introduced 2/28/2016 - Passed Senate 3/2/2016 - To House 3/3/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Senate concurred in House amendment as amended and passed bill 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/28/16 - Approved by Governor 3/29/16 - Chapter 110, Acts, Regular Session, 2016
703. By Sen. Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael (Originating in Senate Judiciary) - **Relating to deposit of overpayment of certain fees into Children's Trust Fund** - Introduced 2/28/2016 - Passed Senate 3/2/2016 - To House 3/3/2016 - To Finance
704. By Sen. Blair, Walters, Ferns, Gaunch and Mullins (Originating in Senate Government Organization) - **Dispatching of towing service for emergency towing of vehicles** - Introduced 2/28/2016 - Rejected by Senate 3/2/2016
705. By Sen. Hall, Blair, Boso, Mullins, Sypolt and Takubo (Originating in Senate Finance) - **Reducing coal severance tax to 3 percent over two years** (original similar to HB 4210, HB 4486, HB 4536, SB 421, SB 654, SB 655) - Introduced 2/29/2016 - Amended - Passed Senate with amended title 3/2/2016 - To House 3/3/2016 - To Finance

### ALL SENATE JOINT RESOLUTIONS OFFERED

- \*1. By Sen. Leonhardt - **County Economic Development Amendment** - Introduced 1/13/2016 - To Judiciary then Finance - Com. sub. reported 2/19/2016 - To Finance 2/19/2016 - Adopted by Senate 3/1/2016 - To House 3/2/2016 - To Finance then Judiciary
2. By Sen. Snyder and Unger - **Homestead Exemption Calculation Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
3. By Sen. Kessler - **Future Fund Amendment** - Introduced 1/13/2016 - To Judiciary then Finance
4. By Sen. Boley - **School Board Election Amendment** - Introduced 1/13/2016 - To Education then Judiciary
5. By Sen. Boley - **School Board Membership Amendment** - Introduced 1/13/2016 - To Education then Judiciary

- \*6. By Sen. Trump, Plymale, Stollings and Williams - **WV Better Roads Amendment of 2016** - Introduced 1/13/2016 - To Judiciary then Finance - Com. sub. reported 2/24/2016 - To Finance 2/24/2016
7. By Sen. Trump, Carmichael, Karnes, Leonhardt, Walters, Takubo and Unger - **Right to Hunt, Fish and Harvest Wildlife Amendment** - Introduced 1/13/2016 - To Natural Resources then Judiciary
8. By Sen. Gaunch - **Constitutional Officers Term Limit Amendment** - Introduced 1/18/2016 - To Judiciary
9. By Sen. Sypolt, Blair, Karnes, Mullins, Takubo, Trump and Leonhardt - **Proposing amendment to WV Constitution protecting electronic communication and data** - Introduced 2/1/2016 - To Judiciary
10. By Sen. Sypolt, Boley, Boso, Gaunch, Karnes, Walters, Plymale, Leonhardt and Unger - **Homestead Exemption Increase Amendment** (original similar to SB37) - Introduced 2/3/2016 - To Judiciary then Finance
11. By Sen. Plymale, Beach, Prezioso, Romano, Stollings, Yost, Williams and Unger - **Homestead Exemption Increase Amendment** - Introduced 2/19/2016 - To Judiciary then Finance
12. By Sen. Blair and Unger - **Homestead Home Value Exemption** - Introduced 2/20/2016 - To Judiciary then Finance
13. By Sen. Blair - **No Protected Class Amendment** - Introduced 2/20/2016 - To Judiciary
- \*14. By Sen. Karnes, Leonhardt, Blair, Cline, Maynard, Sypolt, Beach, Laird, Miller, Williams and Woelfel (Originating in Senate Agriculture and Rural Development) - **Right to Farm and Ranch Amendment** - Introduced 2/25/2016 - Referred to Judiciary 2/25/2016 - Com. sub. reported 2/27/2016 - Adopted by Senate 3/2/2016 - To House 3/3/2016 - To Agriculture and Natural Resources then Judiciary - On 1st reading, House Calendar 3/12/2016

### **ALL SENATE CONCURRENT RESOLUTIONS OFFERED**

1. By Sen. Cole (Mr. President), Gaunch, Karnes, Trump and Leonhardt - **Urging Congress propose regulation freedom amendment** - Introduced 1/13/2016 - To Judiciary - Adopted by Senate 3/8/2016 - To House 3/8/2016 - To Rules - To House Rules 3/8/2016 - Adopted by House 3/12/2016
2. By Sen. Leonhardt, Boley, Ashley, Facemire, Sypolt, Yost, Beach, Boso, Ferns, Miller, Palumbo, Plymale, Romano, Takubo, Unger, Williams, Prezioso and Blair - **Urging Congress provide funding for WV National Guard** - Introduced 1/19/2016 - To Military - Adopted by Senate 1/29/2016 - To House 2/1/2016 - To Rules - To House Rules 2/1/2016 - Adopted by House 3/12/2016
3. By Sen. Stollings, Kirkendoll, Miller and Plymale - **Julian, Earl and Edward Hill Brothers Memorial Bridge** - Introduced 1/19/2016 - To Transportation and

Infrastructure - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/12/2016

4. By Sen. Beach - **Petitioning Congress to call convention for proposing amendments to US Constitution** - Introduced 1/19/2016 - To Judiciary
5. By Sen. Beach, Facemire, Kessler, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel, Yost, Laird, Leonhardt and Gaunch - **Coach Bill Stewart Exit** - Introduced 1/19/2016 - To Transportation and Infrastructure - Adopted by Senate 2/4/2016 - To House 2/5/2016 - To Rules - To House Rules 2/5/2016 - Adopted by House 2/23/2016
6. By Sen. Stollings, Kirkendoll and Plymale - **USMC PFC Marshall Lee King Memorial Bridge** - Introduced 1/20/2016 - To Transportation and Infrastructure - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/12/2016
- \*7. By Sen. Beach, Kessler, Kirkendoll, Leonhardt, Prezioso, Unger, Williams, Plymale, Palumbo, Stollings, Blair and Romano - **Rosie the Riveters Memorial Bridge** - Introduced 1/20/2016 - To Transportation and Infrastructure - Com. sub. reported 3/3/2016 - Adopted by Senate 3/3/2016 - To House 3/3/2016 - To Rules - To House Rules 3/3/2016 - Adopted by House 3/12/2016
8. By Sen. Maynard, Plymale and Stollings - **US Army PFC Ernest D. Marcum Bridge** - Introduced 1/20/2016 - To Transportation and Infrastructure - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/12/2016
9. By Sen. Maynard, Stollings and Plymale - **US Army First Sergeant Jesse T. McPeake Memorial Road** - Introduced 1/21/2016 - To Transportation and Infrastructure - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/13/2016
10. By Sen. Karnes, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, Leonhardt, Maynard, Mullins and Trump - **Urging Congress call convention to amend Constitution of United States** - Introduced 1/21/2016 - To Judiciary - Adopted by Senate 2/23/2016 - To House 2/23/2016 - To Judiciary then Rules - To House Judiciary 2/23/2016
11. By Sen. Stollings and Plymale - **US Marine Corps Sergeant Gerald Leslie Perry Memorial Bridge** - Introduced 1/25/2016 - To Transportation and Infrastructure - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/13/2016
12. By Sen. Maynard, Yost, Stollings, Leonhardt, Plymale, Miller and Woelfel - **Wayne County Veterans Memorial Highway** - Introduced 1/26/2016 - To Transportation and Infrastructure - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/13/2016
13. By Sen. Palumbo, Walters, Plymale, Stollings, Williams and Unger - **Tom Williams Family Bridge** - Introduced 1/27/2016 - To Transportation and Infrastructure - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/13/2016

14. By Sen. Maynard, Stollings and Plymale - **US Marine Corps PFC Billy Joe Vickers Memorial Bridge** - Introduced 1/28/2016 - To Transportation and Infrastructure - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/12/2016
15. By Sen. Maynard, Stollings, Woelfel and Plymale - **US Army SFC Jesse Muncy Memorial Bridge** - Introduced 1/29/2016 - To Transportation and Infrastructure - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/12/2016
16. By Sen. Romano, Facemire, Williams and Stollings - **US Army CPL John Belcastro Bridge** - Introduced 2/1/2016 - Committee reference dispensed - Adopted by Senate 2/2/2016 - To House 2/3/2016 - To Rules - To House Rules 2/3/2016 - Adopted by House 2/15/2016
- \*17. By Sen. Maynard, Plymale and Stollings - **US Army Sergeant Charles Edward Smith Memorial Bridge** (original similar to SB365, SCR12) - Introduced 2/1/2016 - To Transportation and Infrastructure - Com. sub. reported 2/10/2016 - Adopted by Senate 2/10/2016 - To House 2/11/2016 - To Rules - To House Rules 2/11/2016 - Adopted by House 3/12/2016
- \*18. By Sen. Williams, Sypolt and Plymale - **Wilbur Lee Clayton Memorial Bridge** - Introduced 2/2/2016 - To Transportation and Infrastructure - Com. sub. reported 2/17/2016 - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/9/2016
19. By Sen. Stollings, Plymale and Unger - **Rev. Rexford Montgomery Workman Memorial Bridge** - Introduced 2/3/2016 - To Transportation and Infrastructure - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/12/2016
- \*20. By Sen. Ashley, Stollings and Plymale - **US Army CPL Troy Matthews Memorial Bridge** - Introduced 2/3/2016 - To Transportation and Infrastructure - Com. sub. reported 2/17/2016 - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 2/23/2016
21. By Sen. Ashley, Stollings and Plymale - **US Army S/SGT Delmer R. Jones Memorial Bridge** - Introduced 2/3/2016 - To Transportation and Infrastructure - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/7/2016
22. By Sen. Stollings, Woelfel, Plymale and Maynard - **Trautwein Family Bridge** - Introduced 2/4/2016 - To Transportation and Infrastructure - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/12/2016
23. By Sen. Kirkendoll, Stollings, Unger and Plymale - **Johnny Mack Bryant Memorial Bridge** - Introduced 2/5/2016 - To Transportation and Infrastructure - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/7/2016

24. By Sen. Mullins, Stollings, Unger and Plymale - **US Army PFC Arland W. Hatcher Memorial Bridge** - Introduced 2/5/2016 - To Transportation and Infrastructure - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/12/2016
25. By Sen. Kirkendoll, Stollings, Plymale and Unger - **US Army PFC Cornelius Vance Memorial Bridge** - Introduced 2/6/2016 - To Transportation and Infrastructure - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/7/2016
26. By Sen. Maynard, Stollings and Plymale - **Charles Edward Ellis and Ira Virgil Ellis Memorial Bridge** - Introduced 2/6/2016 - To Transportation and Infrastructure - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/12/2016
- \*27. By Sen. Walters, Stollings and Plymale - **Herman Daner Rogers Memorial Bridge** - Introduced 2/6/2016 - To Transportation and Infrastructure - Com. sub. reported 2/17/2016 - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/12/2016
28. By Sen. Kirkendoll, Unger, Plymale and Stollings - **US Marine Corps CPL Ronald "Duke" Varney Memorial Bridge** - Introduced 2/8/2016 - To Transportation and Infrastructure - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/7/2016
29. By Sen. Carmichael, Hall, Ashley, Stollings and Plymale - **US Army SSG Landon Clair Ray and US Army SPC4 Garry Dwight Haynes Memorial Bridge** - Introduced 2/10/2016 - To Transportation and Infrastructure - Adopted by Senate 2/17/2016 - To House 2/18/2016 - To Rules - To House Rules 2/18/2016 - Adopted by House 3/7/2016
30. By Sen. Stollings, Plymale and Kirkendoll - **Lester W. and Ida C. Ellis Memorial Bridge** - Introduced 2/10/2016 - To Transportation and Infrastructure - Adopted by Senate 2/24/2016 - To House 2/24/2016 - To Rules - To House Rules 2/24/2016 - Adopted by House 3/12/2016
31. By Sen. Kirkendoll, Stollings, Plymale and Kessler - **US Air Force Staff Sgt Bethel Howard McNeely and US Marine Staff Sgt Clyde Elmo Bryant Bridge** - Introduced 2/10/2016 - To Transportation and Infrastructure - Adopted by Senate 2/24/2016 - To House 2/24/2016 - To Rules - To House Rules 2/24/2016 - Adopted by House 3/7/2016
32. By Sen. Leonhardt and Stollings - **CW2 Robert D. Taylor Memorial Bridge** - Introduced 2/11/2016 - To Transportation and Infrastructure - Adopted by Senate 2/24/2016 - To House 2/24/2016 - To Rules - To House Rules 2/24/2016 - Adopted by House 3/12/2016
- \*33. By Sen. Snyder, Boso and Stollings - **Requesting WV Infrastructure and Jobs Development Council study and report on consolidation regarding public water and sewer utilities** - Introduced 2/11/2016 - To Government Organization - Com. sub. reported 2/22/2016 - Adopted by Senate 2/23/2016 - To House 2/23/2016 - To Rules - To House Rules 2/23/2016 - Adopted by House 3/9/2016

34. By Sen. Karnes, Maynard, Ashley, Boso, Hall, Leonhardt, Takubo, Facemire, Laird, Snyder and Williams - **Requesting Joint Committee on Government and Finance study simplifying hunting, fishing and trapping licenses** - Introduced 2/11/2016 - Referred to Rules 2/11/2016
35. By Sen. Stollings, Plymale, Gaunch, Sypolt, Kessler and Prezioso - **Requesting WV Legislature proclaim week of March 7 through March 13, 2016, as MS Awareness Week** - Introduced 2/12/2016 - To Health and Human Resources
36. By Sen. Ferns and Plymale - **US Army SPC5 Joseph Richard "Rick" Schafer Memorial Bridge** - Introduced 2/15/2016 - To Transportation and Infrastructure - Adopted by Senate 2/24/2016 - To House 2/24/2016 - To Rules - To House Rules 2/24/2016 - Adopted by House 3/12/2016
- \*37. By Sen. Stollings, Plymale, Unger and Maynard - **US Army PFC Willie Paul Wilson bridge** - Introduced 2/17/2016 - To Transportation and Infrastructure - Com. sub. reported 3/3/2016 - Adopted by Senate 3/3/2016 - To House 3/3/2016 - To Rules - To House Rules 3/3/2016 - Adopted by House 3/12/2016
38. By Sen. Plymale, Woelfel, Stollings, Maynard and Facemire - **Army PFC Denver Holy Memorial Bridge** - Introduced 2/18/2016 - To Transportation and Infrastructure - Adopted by Senate 3/3/2016 - To House 3/3/2016 - To Rules - To House Rules 3/3/2016 - Adopted by House 3/12/2016
39. By Sen. Miller, Plymale, Laird and Unger - **Clifford Family Memorial Bridge** - Introduced 2/19/2016 - To Transportation and Infrastructure - Adopted by Senate 3/3/2016 - To House 3/3/2016 - To Rules - To House Rules 3/3/2016 - Adopted by House 3/12/2016
40. By Sen. Leonhardt, Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Maynard, Mullins, Takubo, Walters, Williams, Yost and Stollings - **Encouraging Congress pass Toxic Exposure Research Act of 2016** - Introduced 2/20/2016 - To Health and Human Resources - Adopted by Senate 3/11/2016
41. By Sen. Stollings and Plymale - **US Army SGT Philip Ray Casto Memorial Bridge** - Introduced 2/20/2016 - To Transportation and Infrastructure - Adopted by Senate 3/3/2016 - To House 3/3/2016 - To Rules - To House Rules 3/3/2016 - Adopted by House 3/12/2016
42. By Sen. Kirkendoll, Stollings and Plymale - **US Navy LCDR Helen Elizabeth Peck Memorial Bridge** - Introduced 2/20/2016 - To Transportation and Infrastructure - Adopted by Senate 3/3/2016 - To House 3/3/2016 - To Rules - To House Rules 3/3/2016 - Adopted by House 3/7/2016
43. By Sen. Maynard, Gaunch and Karnes - **Requesting Joint Committee on Government and Finance study if economically beneficial to map, name and promote all existing unpaved trails** - Introduced 2/22/2016 - To Natural Resources then Rules - To Rules 2/24/2016
44. By Sen. Laird, Stollings, Unger and Plymale - **US Marine Corps SGT Mike Plasha Memorial Bridge** - Introduced 2/24/2016 - To Transportation and

- Infrastructure - Adopted by Senate 3/3/2016 - To House 3/3/2016 - To Rules - To House Rules 3/3/2016 - Adopted by House 3/9/2016
45. By Sen. Hall, Stollings, Unger and Plymale - **US Army SGT Deforest Lee Talbert Memorial Bridge** - Introduced 2/24/2016 - To Transportation and Infrastructure - Adopted by Senate 3/3/2016 - To House 3/3/2016 - To Rules - To House Rules 3/3/2016 - Adopted by House 3/12/2016
46. By Sen. Boso and Karnes - **Requesting US General Services Administration support KVC Health Systems, Inc., plan to reuse Navy Information Operations Command Sugar Grove Support Facility** - Introduced 2/24/2016 - To Government Organization
47. By Sen. Kirkendoll, Stollings, Unger and Plymale - **WV State Police SGT Harold E. Dailey Bridge** - Introduced 2/24/2016 - To Transportation and Infrastructure - Adopted by Senate 3/3/2016 - To House 3/3/2016 - To Rules - To House Rules 3/3/2016 - Adopted by House 3/9/2016
48. By Sen. Ferns and Stollings - **Requesting Joint Committee on Government and Finance study addition of medical review panels in medical malpractice cases** - Introduced 2/25/2016 - To Judiciary then Rules - To Judiciary 2/26/2016
49. By Sen. Karnes, Maynard, Ashley, Boso, Leonhardt, Takubo, Beach, Facemire, Laird, Miller, Snyder and Williams (Originating in Senate Natural Resources) - **Requesting study of funding options for ATV and off-highway recreational vehicle trail development** - Introduced 2/25/2016 - Referred to Rules 2/25/2016
50. By Sen. Karnes, Maynard, Ashley, Boley, Leonhardt, Takubo, Beach, Facemire, Laird, Miller, Snyder and Williams (Originating in Senate Natural Resources) - **Requesting study of fiscal impact of relatives of landowner to hunt, trap and fish without obtaining license** - Introduced 2/25/2016 - Referred to Rules 2/25/2016
51. By Sen. Sypolt, Williams, Stollings and Boso - **Requesting interim study of structure of Regional Educational Service Agencies** - Introduced 2/27/2016 - To Education then Rules - To Education 2/29/2016
52. By Sen. Palumbo, Laird, Woelfel, Prezioso, Williams, Stollings and Plymale - **Requesting study of feasibility of home modification tax credit to make homes more accessible for older adults and disabled** - Introduced 2/27/2016 - To Finance then Rules - To Finance 2/29/2016
- \*53. By Sen. Prezioso, Williams, Stollings and Plymale - **Harry C. "Buck" Markley, Jr. Memorial Bridge** - Introduced 2/27/2016 - To Transportation and Infrastructure - Com. sub. reported 3/8/2016 - Adopted by Senate 3/8/2016 - To House 3/9/2016 - To Rules - To House Rules 3/9/2016 - Adopted by House 3/12/2016
54. By Sen. Williams, Stollings and Plymale - **Union Army CPT John Bond Memorial Bridge** - Introduced 3/1/2016 - To Transportation and Infrastructure - Adopted by Senate 3/8/2016 - To House 3/9/2016 - To Rules - To House Rules 3/9/2016 - Adopted by House 3/12/2016



- \*55. By Sen. Maynard, Stollings and Plymale - **Dewey "Duke" Maynard Memorial Road** (original similar to HB4498) - Introduced 3/1/2016 - To Transportation and Infrastructure - Com. sub. reported 3/8/2016 - Adopted by Senate 3/8/2016 - To House 3/9/2016 - To Rules - To House Rules 3/9/2016 - Adopted by House 3/12/2016
56. By Sen. Williams, Sypolt, Stollings, Ashley, Unger and Plymale - **Judge Ronald G. Pearson Bridge** - Introduced 3/2/2016 - To Transportation and Infrastructure - Adopted by Senate 3/8/2016 - To House 3/9/2016 - To Rules - To House Rules 3/9/2016 - Adopted by House 3/12/2016
57. By Sen. Unger and Stollings - **Requesting study on county animal shelter dog and cat population and costs** - Introduced 3/2/2016 - To Government Organization then Rules - To Government Organization 3/3/2016
58. By Sen. Sypolt and Stollings - **Requesting study on issue and advantages of tax map legislation** - Introduced 3/2/2016 - To Government Organization then Rules - To Government Organization 3/3/2016
59. By Sen. Miller, Laird, Stollings, Unger and Plymale - **US Army SPC 4 Everette R. Johnson Memorial Bridge** - Introduced 3/2/2016 - To Transportation and Infrastructure - Adopted by Senate 3/8/2016 - To House 3/9/2016 - To Rules - To House Rules 3/9/2016 - Adopted by House 3/12/2016
60. By Sen. Sypolt, Stollings, Williams, Plymale, Cline and Unger - **Requesting interim study of feasibility of public virtual online schools** - Introduced 3/3/2016 - To Education then Rules - To Education 3/4/2016
61. By Sen. Sypolt, Stollings, Plymale, Williams, Cline and Unger - **Requesting study on best methods to enhance communication between teachers, parents and students** - Introduced 3/3/2016 - To Education then Rules - To Rules 3/8/2016
62. By Sen. Walters, Beach, Boley, Kirkendoll, Leonhardt and Plymale (Originating in Senate Transportation and Infrastructure) - **Requesting study of benefits of allowing DOH continue entering comprehensive agreements with developer under Public-Private Transportation Facilities Act** - Introduced 3/3/2016 - Referred to Rules 3/3/2016
63. By Sen. Boley, Unger, Stollings and Ashley - **Requesting study of demand for and shortage of teachers in WV** - Introduced 3/5/2016 - To Education then Rules - To Rules 3/8/2016
64. By Sen. Cole (Mr. President), Carmichael, Trump and Cline - **Requesting DOH study 2015 performance audit and report to Joint Committee on Government and Finance any action taken as result of audit** - Introduced 3/7/2016 - Committee reference dispensed - Adopted by Senate 3/8/2016 - To House 3/8/2016 - To Rules - To House Rules 3/8/2016 - Adopted by House 3/12/2016
65. By Sen. Williams and Stollings - **John and Wilbur Hahn Dutch Hollow Pioneers Bridge** - Introduced 3/9/2016 - To Transportation and Infrastructure - Adopted by Senate 3/12/2016

66. By Sen. Snyder, Stollings, Romano and Unger - **Requesting study of lottery, gaming and live racing industries in WV** - Introduced 3/9/2016 - To Rules - Adopted by Senate 3/12/2016
67. By Sen. Boley, Plymale and Stollings - **Requesting study on effectiveness of civics education in WV schools** - Introduced 3/10/2016 - To Rules - Adopted by Senate 3/12/2016
68. By Sen. Unger, Prezioso and Yost - **Requesting Lewis and Clark National Historic Trail be extended through WV** - Introduced 3/11/2016 - To Transportation and Infrastructure
69. By Sen. Walters - **Requesting study of possible operation of daily fantasy sports industry by WV casinos** - Introduced 3/11/2016 - To Rules - Adopted by Senate 3/12/2016
70. By Sen. Takubo - **Requesting study of allowing hunting on Sundays and effect on WV economy** - Introduced 3/12/2016 - Referred to Rules 3/12/2016
71. By Sen. Takubo - **Requesting study on line item reporting of TANF spending in WV** - Introduced 3/12/2016 - Referred to Rules 3/12/2016

### ALL SENATE RESOLUTIONS OFFERED

1. By Sen. Carmichael - **Raising committee to notify House of Delegates Senate has assembled** - Introduced 1/13/2016 - Committee reference dispensed - Adopted 1/13/2016
2. By Sen. Carmichael - **Raising committee to notify Governor Legislature has assembled** - Introduced 1/13/2016 - Committee reference dispensed - Adopted 1/13/2016
3. By Sen. Beach, Prezioso, Williams, Sypolt, Stollings, Plymale, Laird, Leonhardt and Unger - **Recognizing achievements and contributions of Monongalia County** - Introduced 1/13/2016 - Committee reference dispensed - Adopted 1/14/2016
4. By Sen. Blair, Trump, Sypolt, Williams, Stollings, Laird and Unger - **Honoring Mineral County's 150th anniversary** - Introduced 1/13/2016 - Committee reference dispensed - Adopted 1/13/2016
5. By Sen. Snyder, Unger, Romano, Plymale, Kessler and Stollings - **Congratulating Jefferson High School** - Introduced 1/18/2016 - Committee reference dispensed - Adopted 1/18/2016
6. By Sen. Sypolt, Stollings, Leonhardt, Plymale, Prezioso, Unger, Boso, Miller and Romano - **Designating January 19, 2016, as Higher Education Day** - Introduced 1/19/2016 - Committee reference dispensed - Adopted 1/19/2016
7. By Sen. Hall - **Authorizing appointment of employees** - Introduced 1/25/2016 - Committee reference dispensed - Adopted 1/25/2016

8. By Sen. Karnes, Boley, Cole (Mr. President), Carmichael, Hall, Sypolt, Unger, Kirkendoll, Yost, Ashley, Laird, Trump, Kessler, Stollings, Palumbo, Walters, Facemire, Ferns, Maynard, Mullins, Miller, Blair, Boso, Romano, Snyder, Takubo, Beach, Leonhardt, Woelfel, Williams and Plymale - **Designating January 25, 2016, as Homeschool Day at Legislature** - Introduced 1/25/2016 - Committee reference dispensed - Adopted 1/25/2016
9. By Sen. Gaunch, Palumbo, Stollings and Plymale - **Congratulating George Washington High School Patriots Girls' Volleyball team on winning 2015 AAA championship** - Introduced 1/25/2016 - Committee reference dispensed - Adopted 1/25/2016
10. By Sen. Miller, Yost, Stollings, Trump, Williams, Leonhardt, Plymale, Unger and Laird - **Designating January 26, 2016, as WV Local Foods Day at Legislature** - Introduced 1/26/2016 - Committee reference dispensed - Adopted 1/26/2016
11. By Sen. Walters, Yost, Stollings, Williams, Plymale, Unger and Miller - **Designating January 26, 2016, as Broadband Day at Legislature** - Introduced 1/26/2016 - Committee reference dispensed - Adopted 1/26/2016
12. By Sen. Walters, Plymale, Stollings, Williams and Unger - **Recognizing Innovation and Entrepreneurship Day at Capitol** - Introduced 1/27/2016 - Committee reference dispensed - Adopted 1/27/2016
13. By Sen. Kirkendoll, Yost, Plymale, Stollings, Beach, Prezioso, Williams, Gaunch, Romano and Unger - **Designating January 31, 2016, as Day of Prayer for Coalfields** - Introduced 1/27/2016 - Committee reference dispensed - Adopted 1/27/2016
14. By Sen. Miller, Stollings, Woelfel, Yost, Kessler, Unger, Williams and Plymale - **Earned Income Tax Credit Awareness Day at Legislature** - Introduced 1/29/2016 - Committee reference dispensed - Adopted 1/29/2016
15. By Sen. Stollings, Yost, Kessler, Unger, Williams and Plymale - **School Counselors Day at Legislature** - Introduced 1/29/2016 - Committee reference dispensed - Adopted 1/29/2016
16. By Sen. Unger, Snyder, Plymale, Trump, Blair, Williams and Stollings - **Recognizing Leadership Berkeley** - Introduced 2/1/2016 - Committee reference dispensed - Adopted 2/1/2016
17. By Sen. Miller, Plymale, Yost, Williams, Stollings and Unger - **Recognizing WV School of Osteopathic Medicine** - Introduced 2/1/2016 - Committee reference dispensed - Adopted 2/1/2016
18. By Sen. Miller, Plymale, Stollings, Unger, Prezioso, Kessler and Laird - **Designating February 2, 2016, as Library Day at the Legislature** - Introduced 2/2/2016 - Committee reference dispensed - Adopted 2/2/2016

19. By Sen. Cole (Mr. President), Plymale and Stollings - **Recognizing UniCare Health Plan of West Virginia** - Introduced 2/2/2016 - Committee reference dispensed - Adopted 2/2/2016
20. By Sen. Williams, Walters, Hall, Plymale, Stollings and Unger - **Recognizing Putnam Area Robotics Team** - Introduced 2/2/2016 - Committee reference dispensed - Adopted 2/2/2016
21. By Sen. Takubo, Cole (Mr. President), Plymale, Stollings, Prezioso, Kessler and Unger - **Designating February 5, 2016, as Go Red for Women Day** - Introduced 2/2/2016 - Committee reference dispensed - Adopted 2/2/2016
22. By Sen. Ashley, Plymale, Stollings and Carmichael - **Recognizing Roane County High School golf team** - Introduced 2/4/2016 - Committee reference dispensed - Adopted 2/4/2016
23. By Sen. Boso, Plymale, Stollings, Unger, Blair, Leonhardt, Carmichael, Laird, Williams, Prezioso and Kessler - **Recognizing WV firefighters** - Introduced 2/4/2016 - Committee reference dispensed - Adopted 2/4/2016
24. By Sen. Plymale, Woelfel and Stollings - **Honoring life and legacy of Dr. Carter G. Woodson** - Introduced 2/5/2016 - Committee reference dispensed - Adopted 2/5/2016
25. By Sen. Mullins, Walters, Beach, Stollings, Woelfel, Unger, Miller, Plymale, Kessler and Blair - **Down Syndrome Awareness Day at Capitol** - Introduced 2/5/2016 - Committee reference dispensed - Adopted 2/5/2016
26. By Sen. Miller, Facemire, Leonhardt, Plymale, Williams and Laird - **Recognizing Bryan Humphreys as West Virginia's Outstanding Logger** - Introduced 2/9/2016 - Committee reference dispensed - Adopted 2/9/2016
27. By Sen. Kessler, Leonhardt, Beach, Williams and Laird - **Designating February 9, 2016, as Fairness West Virginia Day at the Legislature** - Introduced 2/9/2016 - Committee reference dispensed - Adopted 2/9/2016
28. By Sen. Karnes, Plymale, Williams and Kessler - **Designating February 9, 2016, as Forestry Day at Legislature** - Introduced 2/9/2016 - Committee reference dispensed - Adopted 2/9/2016
29. By Sen. Ferns, Plymale, Williams, Beach, Kessler and Laird - **Designating February 9, 2016, as Women's and Girls' Day at the Legislature** - Introduced 2/9/2016 - Committee reference dispensed - Adopted 2/9/2016
30. By Sen. Gaunch, Stollings, Williams and Kessler - **Recognizing John Canfield for leadership and service to West Virginia's Insurance community** - Introduced 2/10/2016 - Committee reference dispensed - Adopted 2/10/2016
31. By Sen. Gaunch, Palumbo, Stollings and Williams - **Congratulating Ross Johnson for being named 2015 Earle S. Dillard Agent of the Year** - Introduced 2/10/2016 - Committee reference dispensed - Adopted 2/10/2016

32. By Sen. Ferns, Stollings, Unger, Prezioso, Williams, Leonhardt and Kessler - **Designating February 10, 2016, as Disability Advocacy Day at the Legislature** - Introduced 2/10/2016 - Committee reference dispensed - Adopted 2/10/2016
33. By Sen. Ashley, Stollings, Plymale and Williams - **Congratulating Wirt County Ladies Volleyball team** - Introduced 2/11/2016 - Committee reference dispensed - Adopted 2/11/2016
34. By Sen. Palumbo, Walters, Gaunch, Takubo, Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Cole (Mr. President), Facemire, Ferns, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Williams, Woelfel and Yost - **Memorializing life of Virginia Mae Ellars** - Introduced 2/12/2016 - Committee reference dispensed - Adopted 2/12/2016
35. By Sen. Laird, Stollings, Palumbo, Kessler, Plymale, Williams and Yost - **Designating February 15, 2016, as Corrections Day** - Introduced 2/15/2016 - Committee reference dispensed - Adopted 2/15/2016
36. By Sen. Leonhardt, Palumbo, Stollings, Kessler, Plymale, Williams, Prezioso and Yost - **Designating February 15, 2016, as Veterans Visibility Day at Legislature** - Introduced 2/15/2016 - Committee reference dispensed - Adopted 2/15/2016
37. By Sen. Romano, Facemire, Kessler, Stollings, Plymale and Yost - **Recognizing Harrison County, West Virginia, as County of Champions** - Introduced 2/15/2016 - Committee reference dispensed - Adopted 2/15/2016
38. By Sen. Kessler, Yost, Stollings, Laird, Unger, Prezioso, Williams, Plymale, Romano and Facemire - **Recognizing WV Federation of Democratic Women** - Introduced 2/16/2016 - Committee reference dispensed - Adopted 2/16/2016
39. By Sen. Leonhardt, Ferns, Cline, Unger, Blair, Beach, Boley, Stollings and Laird - **Designating February 17, 2016, as Nurses Unity Day at the Legislature** - Introduced 2/17/2016 - Committee reference dispensed - Adopted 2/17/2016
40. By Sen. Ferns, Yost, Stollings, Plymale, Maynard, Unger, Leonhardt, Prezioso, Williams and Kessler - **Designating February 18, 2016, as WV Kids at Risk Day at Legislature** - Introduced 2/18/2016 - Committee reference dispensed - Adopted 2/18/2016
41. By Sen. Maynard, Cole (Mr. President), Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost - **Memorializing life of Honorable A. Keith Wagner** - Introduced 2/19/2016 - Committee reference dispensed - Adopted 2/19/2016
42. By Sen. Williams, Beach, Prezioso, Kessler, Sypolt, Leonhardt, Stollings, Plymale, Yost and Unger - **Designating February 19, 2016, as WVU and WVU Extension Service Day** - Introduced 2/19/2016 - Committee reference dispensed - Adopted 2/19/2016

43. By Sen. Carmichael, Kessler, Williams, Prezioso, Stollings, Blair, Boso and Laird - **Designating February 22, 2016, as WV Arts Day** - Introduced 2/22/2016 - Committee reference dispensed - Adopted 2/22/2016
44. By Sen. Unger, Trump, Kessler, Williams, Prezioso, Sypolt, Plymale, Stollings and Laird - **Recognizing WV State Historic Preservation Office** - Introduced 2/22/2016 - Committee reference dispensed - Adopted 2/22/2016
45. By Sen. Unger, Snyder, Stollings, Plymale, Williams, Prezioso, Trump, Blair and Miller - **Recognizing Leadership Jefferson** - Introduced 2/23/2016 - Committee reference dispensed - Adopted 2/23/2016
46. By Sen. Cole (Mr. President), Maynard, Stollings, Plymale and Miller - **Designating February 23, 2016, as Mercer County Day** - Introduced 2/23/2016 - Committee reference dispensed - Adopted 2/23/2016
47. By Sen. Stollings, Plymale, Unger, Williams and Prezioso - **Designating March 7-13, 2016, as Multiple Sclerosis Awareness Week** - Introduced 2/23/2016 - Committee reference dispensed - Adopted 2/23/2016
48. By Sen. Gaunch, Stollings, Plymale, Laird, Unger and Miller - **Recognizing Sylvia Shafer for her tireless efforts in advocating for humane treatment of animals** - Introduced 2/23/2016 - Committee reference dispensed - Adopted 2/23/2016
49. By Sen. Walters, Gaunch, Palumbo, Takubo, Stollings, Plymale, Unger and Prezioso - **Designating February 23, 2016, as West Virginia State University Day** - Introduced 2/23/2016 - Committee reference dispensed - Adopted 2/23/2016
50. By Sen. Palumbo, Takubo, Walters, Gaunch, Williams, Stollings, Unger and Plymale - **Congratulating Charleston Catholic High School girls' soccer team** - Introduced 2/24/2016 - Committee reference dispensed - Adopted 2/24/2016
51. By Sen. Plymale, Woelfel, Williams, Stollings and Unger - **Congratulating Cabell Midland High School boys' cross country team** - Introduced 2/24/2016 - Committee reference dispensed - Adopted 2/24/2016
52. By Sen. Plymale, Woelfel, Maynard, Ashley, Romano, Stollings, Prezioso, Williams, Unger, Laird, Kessler, Trump and Facemire - **Designating February 26, 2016, as Marshall University Day** - Introduced 2/26/2016 - Committee reference dispensed - Adopted 2/26/2016
53. By Sen. Plymale, Woelfel, Maynard, Romano, Stollings, Prezioso, Williams, Unger, Kessler and Facemire - **Honoring William "Red" Dawson for dedication and service to Marshall University and West Virginia** - Introduced 2/26/2016 - Committee reference dispensed - Adopted 2/26/2016
54. By Sen. Sypolt, Williams, Unger, Kessler, Prezioso and Stollings - **Designating February 29, 2016, as Preston County Day** - Introduced 2/29/2016 - Committee reference dispensed - Adopted 2/29/2016

55. By Sen. Boso, Unger, Stollings, Williams and Gaunch - **Designating March, 2016, as Healthy Bodies Healthy Spirits Month** - Introduced 3/1/2016 - Committee reference dispensed - Adopted 3/1/2016
56. By Sen. Kessler, Prezioso, Williams, Unger, Stollings, Plymale and Ashley - **Reaffirming sister-state relationship between West Virginia and Taiwan** - Introduced 3/1/2016 - Committee reference dispensed - Adopted 3/1/2016
57. By Sen. Ashley, Stollings, Kessler and Plymale - **Recognizing Sistersville Tank Works** - Introduced 3/2/2016 - Committee reference dispensed - Adopted 3/2/2016
58. By Sen. Cole (Mr. President), Stollings, Ashley, Unger, Kessler, Prezioso, Williams and Plymale - **Designating March 2, 2016, as Domestic Violence Prevention Day** - Introduced 3/2/2016 - Committee reference dispensed - Adopted 3/2/2016
59. By Sen. Carmichael, Beach, Williams, Prezioso, Stollings, Plymale, Ashley, Cline, Unger, Leonhardt and Kessler - **Designating March 3, 2016, as Cancer Survivorship Day** - Introduced 3/3/2016 - Committee reference dispensed - Adopted 3/3/2016
60. By Sen. Karnes, Williams, Stollings, Plymale, Ashley, Cline, Unger and Leonhardt - **Recognizing June 12, 2016, as 75th Anniversary of American Tree Farm System** - Introduced 3/3/2016 - Committee reference dispensed - Adopted 3/3/2016
61. By Sen. Cline, Mullins, Unger, Kessler and Stollings - **Designating March 7, 2016, as Wyoming County Day** - Introduced 3/7/2016 - Committee reference dispensed - Adopted 3/7/2016
62. By Sen. Palumbo, Stollings and Unger - **Congratulating Charleston Catholic golf team for 2015 Class A State Championship** - Introduced 3/9/2016 - Committee reference dispensed - Adopted 3/9/2016
63. By Sen. Trump, Kessler, Ashley, Maynard, Palumbo, Gaunch, Unger, Laird, Romano, Miller, Boso, Kirkendoll, Cline, Walters, Plymale, Stollings, Yost and Williams - **Recognizing contributions of drug courts to WV** - Introduced 3/10/2016 - Committee reference dispensed - Adopted 3/10/2016
64. By Sen. Leonhardt, Kessler, Beach, Prezioso, Williams, Sypolt, Plymale, Stollings, Ashley and Yost - **Supporting Morgantown High School marching band's efforts to represent USS West Virginia at 75th Anniversary Pearl Harbor Memorial Parade** - Introduced 3/10/2016 - Committee reference dispensed - Adopted 3/10/2016
65. By Sen. Walters, Plymale, Stollings, Gaunch, Yost, Williams and Prezioso - **Recognizing YMCA WV Alliance on YMCA Day at Capitol** - Introduced 3/10/2016 - Committee reference dispensed - Adopted 3/10/2016
66. By Sen. Walters, Gaunch, Palumbo, Takubo, Ashley, Beach, Blair, Boley, Boso, Carmichael, Cole (Mr. President), Cline, Facemire, Ferns, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Plymale, Prezioso,

- Romano, Snyder, Stollings, Sypolt, Trump, Unger, Williams, Woelfel and Yost - **Memorializing life of Honorable Darrell E. Holmes** - Introduced 3/12/2016 - Committee reference dispensed - Adopted 3/12/2016
67. By Sen. Miller, Cole (Mr. President), Kessler, Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost - **Recognizing dedicated public service of Hon. William R. Laird IV** - Introduced 3/12/2016 - Committee reference dispensed - Adopted 3/12/2016
68. By Sen. Unger, Cole (Mr. President), Kessler, Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Yost - **Recognizing dedicated public service of the Hon. Herb Snyder** - Introduced 3/12/2016 - Committee reference dispensed - Adopted 3/12/2016
69. By Sen. Unger, Cole (Mr. President), Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Yost - **Recognizing dedicated public service of Hon. Jeffrey V. Kessler** - Introduced 3/12/2016 - Committee reference dispensed - Adopted 3/12/2016
70. By Sen. Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Walters, Williams, Woelfel and Yost - **Recognizing dedicated public service of Honorable William P. Cole III** - Introduced 3/12/2016 - Committee reference dispensed - Adopted 3/12/2016
71. By Sen. Cole (Mr. President), Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost - **Recognizing dedicated public service of Honorable Howard Wellman** - Introduced 3/12/2016 - Committee reference dispensed - Adopted 3/12/2016
72. By Sen. Carmichael - **Raising committee to notify House of Delegates Senate is ready to adjourn sine die** - Introduced 3/15/2016 - Committee reference dispensed - Adopted 3/15/2016
73. By Sen. Carmichael - **Raising committee to notify Governor Legislature is ready to adjourn sine die** - Introduced 3/15/2016 - Committee reference dispensed - Adopted 3/15/2016

## SENATE BILLS COMMUNICATED TO HOUSE

- \*12. By Sen. Leonhardt - **Relating to County Local Powers Act** (original similar to HB4009, SB135) - Introduced 1/13/2016 - To Transportation and Infrastructure



then Finance - Com. sub. reported 1/29/2016 - To Finance 1/29/2016 - Com. sub. for com. sub. reported 2/26/2016 - Passed Senate 3/1/2016 - To House 3/5/2016 - To Judiciary

- \*16. By Sen. Ashley, Plymale, Williams, Miller, Stollings and Unger - **Providing tax credit for providing broadband service to unserved areas** - Introduced 1/13/2016 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/1/2016 - To Finance 2/1/2016 - Com. sub. for com. sub. reported 2/12/2016 - Passed Senate 2/17/2016 - To House 2/18/2016 - To Finance
- \*25. By Sen. Karnes, Leonhardt and Blair - **Providing selection procedure for state delegates to Article V convention** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/28/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Judiciary
- \*40. By Sen. Stollings - **Changing definition of facilities eligible for funding assistance from Courthouse Facilities Improvement Authority** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/1/2016 - Passed Senate 2/4/2016 - Effective from passage - To House 2/5/2016 - To Judiciary then Finance
- \*73. By Sen. Yost and Miller - **Creating felony crime of knowingly leaving scene of crash resulting in serious bodily injury** (original similar to HB4478) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/9/2016 - Passed Senate 2/12/2016 - To House 2/15/2016 - To Judiciary
- \*105. By Sen. Trump and Gaunch - **Creating Tim Tebow Act allowing nonpublic school student participate in SSAC member school athletics** - Introduced 1/13/2016 - To Education then Judiciary - Com. sub. reported 2/12/2016 - 2nd reference dispensed - Amended - Passed Senate 2/17/2016 - To House 2/18/2016 - To Education then Judiciary
- \*106. By Sen. Trump - **Waiver of warranty on sale of used manufactured home under certain circumstances** (original similar to HB4205) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/23/2016 - Passed Senate 2/26/2016 - To House 2/26/2016 - To Judiciary
- \*109. By Sen. Trump - **Repealing code provisions related to certain reports by trustees for property** - Introduced 1/13/2016 - To Banking and Insurance then Judiciary - Com. sub. reported 1/27/2016 - To Judiciary 1/27/2016 - Amended - Passed Senate with amended title 2/4/2016 - To House 2/5/2016 - To Banking and Insurance then Judiciary
- \*116. By Sen. Kessler and Beach - **Increasing number of limited video lottery terminals allowed at retail location** (original similar to HB4523) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/8/2016 - Referred to Finance on 2nd reading 2/11/2016 - Com. sub. for com. sub. reported 2/24/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - To Judiciary then Finance
- 147. By Sen. Romano, Snyder and Facemire - **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** - Introduced 1/13/2016 - To Finance - Amended - Passed Senate 2/16/2016 - To House 2/17/2016 - To Finance

- \*216. By Sen. Maynard - **Authorizing Human Rights Commission promulgate legislative rule relating to Pregnant Workers' Fairness Act** (original similar to HB4141) - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 1/26/2016 - Passed Senate 1/29/2016 - Effective from passage - To House 2/1/2016 - To Judiciary
- \*252. By Sen. Trump - **Amending Wiretapping and Electronic Surveillance Act to exclude from protection oral communications** - Introduced 1/13/2016 - To Judiciary - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Judiciary
- \*263. By Sen. Blair and Snyder - **Allowing travel and other expense reimbursement for members of Municipal Home Rule Board** - Introduced 1/13/2016 - To Government Organization - Com. sub. reported 1/15/2016 - Passed Senate 1/20/2016 - To House 1/21/2016 - To Political Subdivisions then Finance - To House Finance 3/3/2016
- \*268. By Sen. Blair - **Abolishing Council of Finance and Administration** - Introduced 1/13/2016 - To Government Organization - Com. sub. reported 1/29/2016 - Passed Senate 2/3/2016 - To House 2/4/2016 - To Government Organization then Finance - To House Finance 2/10/2016
- \*269. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Budget Bill** - Introduced 1/13/2016 - To Finance 1/14/2016 - Com. sub. reported 3/8/2016 - Passed Senate 3/10/2016 - Effective from passage - To House 3/10/2016 - Constitutional Rule dispensed - Amended - Passed House 3/11/2016 - Senate refused to concur in House amendment 3/12/2016 - House refused to recede and requested conference 3/12/2016 - To conference 3/12/2016
- \*287. By Sen. Boso and Trump - **Creating West Virginia Safer Workplaces Act** - Introduced 1/14/2016 - To Labor then Judiciary - Com. sub. reported 2/25/2016 - 2nd reference dispensed - Amended - Passed Senate 2/29/2016 - To House 3/1/2016 - To Judiciary
- \*288. By Sen. Trump, Blair, Takubo, Walters, Romano and Palumbo - **Creating one-day special license for charitable events to sell nonintoxicating beer** (original similar to HB4571) - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 1/27/2016 - Passed Senate 2/1/2016 - Effective from passage - To House 2/2/2016 - To Judiciary then Finance
- \*290. By Sen. Trump - **Assignment of wages by employers and payment by payroll card** - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 1/25/2016 - Amended - Passed Senate with amended title 1/28/2016 - To House 1/29/2016 - To Judiciary
- \*291. By Sen. Trump and Plymale - **Law enforcement use of unmanned aircraft systems** (original similar to SB560) - Introduced 1/14/2016 - To Judiciary - Com. sub. reported 2/20/2016 - Passed Senate 2/24/2016 - To House 2/24/2016 - To Judiciary - Amended - Amended on 3rd reading - Passed House 3/11/2016 - Title amended - Senate refused to concur in House amendment 3/12/2016 - Senate requests return of bill from House - Senate reconsidered action - Senate concurred in House amendment as amended and passed bill 3/12/2016

299. By Sen. Plymale, Laird and Miller - **Creating Library Facilities Improvement Fund** (original similar to HB4488) - Introduced 1/15/2016 - To Education then Finance - 2nd reference dispensed - Passed Senate 2/15/2016 - To House 2/16/2016 - To Education then Finance - To House Finance 3/2/2016
- \*313. By Sen. Boso, Miller, Romano, Mullins, Facemire and Takubo - **Relating to school calendar and allowing unused accrued instructional time count toward 180-day requirement** - Introduced 1/19/2016 - To Education then Finance - Com. sub. reported 2/12/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 2/19/2016 - Effective July 1, 2016 - To House 2/20/2016 - To Education
- \*315. By Sen. Walters, Ashley, Beach, Boley, Boso, Gaunch, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Snyder, Stollings, Sypolt, Takubo, Trump, Williams and Blair - **Providing for construction of statewide fiber optic broadband infrastructure network** - Introduced 1/19/2016 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 1/28/2016 - To Government Organization 1/28/2016 - Com. sub. for com. sub. reported 2/15/2016 - Passed Senate 2/18/2016 - To House 2/19/2016 - To Political Subdivisions then Finance
- \*328. By Sen. Gaunch, Ashley, Carmichael, Facemire, Karnes, Kirkendoll, Leonhardt, Stollings, Takubo, Walters, Plymale, Unger, Blair, Prezioso, Williams and Romano - **Creating West Virginia Veterans Program Fund** (original similar to SB77) - Introduced 1/20/2016 - To Judiciary then Finance - Com. sub. reported 2/11/2016 - 2nd reference dispensed - Passed Senate 2/15/2016 - To House 2/16/2016 - To Veterans' Affairs and Homeland Security then Finance
336. By Sen. Karnes and Leonhardt - **Relating to crossbow hunting** (original similar to HB4389) - Introduced 1/20/2016 - To Natural Resources - Passed Senate 2/2/2016 - To House 2/3/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 3/3/2016
- \*337. By Sen. Stollings, Boso, Hall, Kessler, Kirkendoll, Palumbo, Plymale, Prezioso, Snyder, Walters, Woelfel and Gaunch - **Creating 5-year tax credit for businesses on post-mine sites** (original similar to HB4596) - Introduced 1/20/2016 - To Energy, Industry and Mining then Finance - Com. sub. reported 2/25/2016 - To Finance 2/25/2016 - Amended - Passed Senate 3/2/2016 - To House 3/2/2016 - To Energy then Finance - Motion to table motion to discharge bill from committee adopted
- \*343. By Sen. Cole (Mr. President), Hall, Kessler and Trump - **Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records** (original similar to HB4206, HB4289) - Introduced 1/21/2016 - To Judiciary - Com. sub. reported 1/28/2016 - Amended - Passed Senate with amended title 2/2/2016 - Effective from passage - To House 2/3/2016 - To Judiciary - Amended - Passed House 3/8/2016 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/9/2016 - House refused to recede and requested conference 3/9/2016 - To conference 3/12/2016
- \*344. By Sen. Cole (Mr. President), Hall, Kessler and Trump - **Clarifying composition and chairmanship of Commission on Special Investigations** (original similar

- to HB4302) - Introduced 1/21/2016 - To Judiciary - Com. sub. reported 2/24/2016 - Passed Senate 2/29/2016 - Effective from passage - To House 3/1/2016 - To Judiciary
- \*363. By Sen. Walters - **Creating exemption for autocycles** (original similar to SB19) - Introduced 1/21/2016 - To Transportation and Infrastructure then Judiciary - To Judiciary 1/27/2016 - Com. sub. reported 2/27/2016 - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Roads and Transportation then Judiciary
- \*378. By Sen. Trump, Carmichael, Williams, Ashley, Gaunch, Leonhardt, Palumbo, Romano, Miller, Boso, Stollings, Sypolt, Blair and Plymale - **Relating to truancy intervention** (original similar to HB4638) - Introduced 1/25/2016 - To Judiciary - Com. sub. reported 2/8/2016 - Passed Senate 2/11/2016 - To House 2/12/2016 - To Judiciary - Amended - Passed House 3/11/2016 - Title amended - Senate refused to concur in House amendment 3/12/2016 - House refused to recede and requested conference 3/12/2016 - To conference 3/12/2016 - Senate adopted conference report and passed bill 3/12/2016 - House rejected conference report 3/12/2016
385. By Sen. Trump - **Allowing defendants 180 days to identify nonparties wholly or partially at fault in civil actions** - Introduced 1/25/2016 - To Judiciary - Passed Senate 2/5/2016 - To House 2/8/2016 - To Judiciary
398. By Sen. Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller - **Revocation of certificate of authority to conduct business** (original similar to HB4354) - Introduced 1/27/2016 - To Government Organization - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Judiciary
- \*399. By Sen. Karnes, Miller, Plymale, Stollings, Boso, Prezioso, Williams, Leonhardt and Unger - **Establishing personal and corporate income tax credits for farmers donating edible agricultural products** (original similar to SB418) - Introduced 1/27/2016 - To Agriculture and Rural Development then Finance - Com. sub. reported 2/23/2016 - To Finance 2/23/2016 - Passed Senate 2/29/2016 - To House 3/1/2016 - To Finance
403. By Sen. Leonhardt and Williams - **Relating to cooperative extension workers** - Introduced 1/27/2016 - To Government Organization - Passed Senate 2/15/2016 - To House 2/16/2016 - To Agriculture and Natural Resources then Government Organization
- \*411. By Sen. Walters, Laird, Kessler, Miller, Facemire, Romano and Gaunch - **Creating Second Chance for Employment Act** - Introduced 1/28/2016 - To Judiciary - Com. sub. reported 2/24/2016 - Amended - Passed Senate 2/27/2016 - To House 2/29/2016 - To Industry and Labor then Judiciary - Motion to table motion to discharge bill from committee adopted
- \*420. By Sen. Kessler [By Request of the Executive] - **Increasing tax rate on cigarette and tobacco products** (original similar to HB4494, SB607) - Introduced 1/28/2016 - To Finance - Com. sub. reported 2/19/2016 - Amended - Passed Senate 2/23/2016 - Effective April 1, 2016 - To House 2/23/2016 - To Finance

423. By Sen. Hall, Boso and Plymale - **Providing for disposition of unclaimed and unredeemed savings bond** - Introduced 1/29/2016 - To Finance - Passed Senate 2/16/2016 - To House 2/17/2016 - To Finance
- \*424. By Sen. Boso, Blair, Karnes, Kessler, Kirkendoll, Leonhardt, Miller, Mullins, Snyder, Stollings, Sypolt, Takubo, Unger, Walters, Williams, Woelfel, Gaunch and Ferns - **Allowing fire departments assess fees** - Introduced 1/29/2016 - To Government Organization - Com. sub. reported 2/12/2016 - Amended - Passed Senate 2/18/2016 - To House 2/19/2016 - To Finance
- \*434. By Sen. Karnes and Takubo - **Allowing home-based micro-processed foods sold at farmers markets** - Introduced 1/29/2016 - To Agriculture and Rural Development - Com. sub. reported 2/16/2016 - Passed Senate 2/19/2016 - To House 2/20/2016 - To Agriculture and Natural Resources then Health and Human Resources
435. By Sen. Leonhardt, Walters, Williams, Miller, Trump, Woelfel, Unger and Plymale - **Allowing farm winery enter alternating wine proprietorship agreements with farm owners** (original similar to HB4539) - Introduced 1/29/2016 - To Agriculture and Rural Development then Government Organization - To Government Organization 2/2/2016 - Amended - Passed Senate 2/29/2016 - To House 3/1/2016 - To Government Organization then Judiciary - To House Judiciary 3/2/2016
- \*436. By Sen. Kirkendoll, Boley, Mullins and Walters - **Defining adequate shelter for dogs and cats** (original similar to HB4373) - Introduced 2/1/2016 - To Judiciary - Com. sub. reported 2/12/2016 - Passed Senate with amended title 2/17/2016 - To House 2/18/2016 - To Agriculture and Natural Resources then Judiciary
438. By Sen. Ferns - **Requiring DHHR be present at judicial proceedings** - Introduced 2/1/2016 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Passed Senate 2/24/2016 - To House 2/24/2016 - To Judiciary
455. By Sen. Walters and Boso - **Allowing person to be both limited video lottery operator and retailer** (original similar to SB413) - Introduced 2/2/2016 - To Judiciary then Finance - To Finance 2/18/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - To Judiciary then Finance
478. By Sen. Walters and Palumbo - **Authorizing licensees who sell growlers to offer samples** - Introduced 2/2/2016 - To Judiciary - Amended - Passed Senate with amended title 2/22/2016 - To House 2/22/2016 - To Health and Human Resources then Judiciary - To House Judiciary 3/3/2016
- \*481. By Sen. Walters - **Authorizing distillery operators to offer liquor for purchase and consumption on premises** (original similar to HB4565) - Introduced 2/2/2016 - To Judiciary - Com. sub. reported 2/18/2016 - Passed Senate 2/22/2016 - To House 2/22/2016 - To Judiciary
- \*485. By Sen. Karnes, Maynard, Plymale and Boso - **Establishing regional recreation authorities and areas** - Introduced 2/3/2016 - To Natural Resources then Judiciary - Com. sub. reported 2/19/2016 - 2nd reference dispensed - Passed Senate 2/23/2016 - To House 2/23/2016 - To Judiciary

488. By Sen. Takubo, Stollings and Plymale - **Requiring WV Secondary School Activities Commission manage hypertrophic cardiomyopathy** - Introduced 2/3/2016 - To Education - Amended - Amended - Passed Senate 2/20/2016 - To House 2/22/2016 - To Education
- \*501. By Sen. Trump - **Relating to trusts** - Introduced 2/3/2016 - To Banking and Insurance - Com. sub. reported 2/9/2016 - Passed Senate 2/12/2016 - To House 2/15/2016 - To Banking and Insurance then Judiciary - To House Judiciary 3/7/2016
- \*508. By Sen. Ferns, Kirkendoll, Carmichael, Mullins and Palumbo - **Relating to civil claims for private nuisance** - Introduced 2/4/2016 - To Judiciary - Com. sub. reported 2/19/2016 - Passed Senate 2/23/2016 - To House 2/23/2016 - To Judiciary
- \*510. By Sen. Walters, Plymale, Trump, Boso, Ashley, Hall, Unger, Kessler, Woelfel, Blair and Ferns - **Establishing Adult Drug Court Participation Fund** - Introduced 2/4/2016 - To Finance - Com. sub. reported 2/11/2016 - Passed Senate 2/16/2016 - To House 2/17/2016 - To Finance
- \*511. By Sen. Ashley, Plymale, Hall, Trump, Boso, Kessler and Unger - **Establishing Court Advanced Technology Subscription Fund** - Introduced 2/4/2016 - To Finance - Com. sub. reported 2/11/2016 - Passed Senate 2/16/2016 - To House 2/17/2016 - To Finance
- \*525. By Sen. Gaunch, Hall, Trump, Ashley, Mullins, Plymale, Prezioso and Stollings - **Relating to WV Insurance Guaranty Association Act** - Introduced 2/5/2016 - To Banking and Insurance - Com. sub. reported 2/23/2016 - Passed Senate 2/26/2016 - To House 2/26/2016 - To Banking and Insurance then Judiciary - To House Judiciary 3/7/2016
- \*529. By Sen. Ferns, Blair, Carmichael, Palumbo, Stollings, Trump and Woelfel - **Making certain sport and educational fantasy games lawful** (original similar to HB4583) - Introduced 2/5/2016 - To Judiciary - Com. sub. reported 2/15/2016 - Passed Senate 2/18/2016 - To House 2/19/2016 - To Judiciary then Finance
- \*534. By Sen. Trump, Kessler, Palumbo, Romano, Walters, Woelfel, Stollings, Plymale and Blair - **Relating to procedures for driver's license suspension and revocation in criminal proceedings** - Introduced 2/6/2016 - To Judiciary - Com. sub. reported 2/26/2016 - Amended - Passed Senate with amended title 3/2/2016 - Effective July 1, 2016 - To House 3/2/2016 - To Roads and Transportation then Judiciary
538. By Sen. Blair - **Relating to salaries of appointed officers fixed by Governor** - Introduced 2/6/2016 - To Government Organization then Finance - To Finance 2/17/2016 - Passed Senate with amended title 2/26/2016 - To House 2/26/2016 - To Finance
- \*539. By Sen. Carmichael - **Relating to condemnation proceedings** - Introduced 2/6/2016 - To Judiciary - Com. sub. reported 2/27/2016 - Amended - Passed Senate with amended title 3/2/2016 - Effective from passage - To House 3/2/2016 - To Judiciary - On 2nd reading, House Calendar 3/12/2016

- \*542. By Sen. Ferns, Carmichael and Gaunch - **Admissibility of certain evidence in civil action on use or nonuse of safety belt** - Introduced 2/6/2016 - To Judiciary - Com. sub. reported 2/24/2016 - Passed Senate 2/27/2016 - To House 2/29/2016 - To Judiciary
552. By Sen. Miller, Beach, Carmichael, Williams, Woelfel, Blair and Plymale - **Eliminating requirement sheriff pay jury costs to State Treasury** (original similar to HB4644) - Introduced 2/8/2016 - To Government Organization - Passed Senate 2/20/2016 - To House 2/22/2016 - To Government Organization - Tabled on 3rd reading, Special Calendar 3/8/2016
553. By Sen. Trump - **Merging purposes and provisions of Volunteer Fire Department Workers' Compensation Subsidy Program and Fund** (original similar to HB4547) - Introduced 2/8/2016 - To Government Organization - Passed Senate 2/20/2016 - Effective July 1, 2016 - To House 2/22/2016 - To Finance
- \*555. By Sen. Carmichael, Gaunch and Plymale - **Providing for 3-cent tax increase on sale of fuel when cost is less than \$2 per gallon** - Introduced 2/8/2016 - To Finance - Com. sub. reported 2/29/2016 - Amended - Passed Senate with amended title 3/2/2016 - To House 3/2/2016 - To Finance
- \*565. By Sen. Boso and Walters - **Allowing well pad and road construction for oil and gas activities** - Introduced 2/10/2016 - To Energy, Industry and Mining - Com. sub. reported 2/19/2016 - Passed Senate 2/23/2016 - To House 2/23/2016 - To Energy then Judiciary
573. By Sen. Blair - **Prohibiting municipal annexation which would result in unincorporated territory within municipality** - Introduced 2/10/2016 - To Government Organization - Passed Senate 2/20/2016 - To House 2/22/2016 - To Political Subdivisions then Government Organization - To House Government Organization - Amended - Passed House 3/8/2016 - Senate refused to concur in House amendment 3/10/2016 - House refused to recede and requested conference 3/10/2016 - To conference 3/11/2016
579. By Sen. Plymale and Prezioso - **Eliminating WV Port Authority** - Introduced 2/11/2016 - To Finance - Passed Senate 2/20/2016 - To House 2/22/2016 - To Finance
583. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Administration** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
584. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by DEP** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary

585. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by DHHR** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
586. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Military Affairs and Public Safety** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
587. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Revenue** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
589. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by miscellaneous agencies and boards** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
590. By Sen. Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (Originating in Senate Judiciary) - **Repealing certain obsolete legislative rules by Department of Commerce** - Introduced 2/11/2016 - Passed Senate 2/16/2016 - Effective from passage - To House 2/17/2016 - To Judiciary
- \*593. By Sen. Carmichael - **Clarifying disqualification from unemployment benefits** - Introduced 2/12/2016 - To Judiciary - Com. sub. reported 2/23/2016 - Amended - Passed Senate 2/26/2016 - To House 2/26/2016 - To Judiciary
- \*622. By Sen. Walters, Blair, Mullins, Takubo and Carmichael - **Composition of PEIA Finance Board** - Introduced 2/18/2016 - To Government Organization - Com. sub. reported 2/27/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Government Organization - Laid over until 3/9/16 - Laid over until 3/10/16 - On 3rd reading, House Calendar 3/12/2016
626. By Sen. Takubo, Mullins, Stollings and Plymale - **Requiring DHHR secretary seek waiver within Supplemental Nutrition Assistance Program limiting purchases under WIC program** - Introduced 2/18/2016 - To Health and Human Resources - Passed Senate 2/29/2016 - To House 3/1/2016 - To Health and Human Resources
- \*628. By Sen. Takubo, Mullins, Stollings, Plymale and Unger - **Permitting treating physician direct palliative or emergent treatment for patients** - Introduced 2/18/2016 - To Health and Human Resources - Com. sub. reported 2/27/2016 - Constitutional rule suspended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Health and Human Resources - On 2nd reading, House Calendar 3/12/2016



- \*631. By Sen. Walters - **Authorizing higher education boards of governors develop retirement and incentive packages** - Introduced 2/18/2016 - To Pensions then Finance - Com. sub. reported 2/24/2016 - To Finance 2/24/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Finance
- \*637. By Sen. Trump and Gaunch - **Creating WV Uniform Fiduciary Access to Digital Assets Act of 2016** - Introduced 2/19/2016 - To Judiciary - Com. sub. reported 2/25/2016 - Passed Senate 2/29/2016 - To House 3/1/2016 - To Judiciary
- \*641. By Sen. Hall - **Relating to dog and horse racing and lottery** - Introduced 2/20/2016 - To Finance - Com. sub. reported 2/24/2016 - Amended - Passed Senate 3/1/2016 - To House 3/2/2016 - To Finance
- \*643. By Sen. Blair - **Requiring individuals receiving unemployment compensation seek seasonal employment** - Introduced 2/20/2016 - To Judiciary - Com. sub. reported 2/28/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Judiciary
644. By Sen. Blair - **Authorizing counties to offer license plates customized to county** - Introduced 2/20/2016 - To Government Organization - Passed Senate 3/2/2016 - To House 3/2/2016 - To Roads and Transportation then Government Organization
- \*647. By Sen. Blair and Williams - **Exempting certain complimentary hotel rooms from occupancy tax** - Introduced 2/20/2016 - To Government Organization then Finance - Com. sub. reported 2/25/2016 - To Finance 2/25/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Small Business, Entrepreneurship and Economic Development then Finance
657. By Sen. Blair - **Relating to damages for medical monitoring** - Introduced 2/20/2016 - To Judiciary - Amended - Passed Senate with amended title 3/2/2016 - To House 3/2/2016 - To Judiciary
669. By Sen. Boley, Plymale and Blair - **Requiring proficiency in civics as condition for high school or GED diploma** - Introduced 2/22/2016 - To Education - Amended - Passed Senate with amended title 3/2/2016 - To House 3/2/2016 - To Education
- \*677. By Sen. Takubo, Ashley, Gaunch, Maynard and Walters - **Relating to tuition rates set by higher education institutional governing boards** - Introduced 2/22/2016 - To Education - Com. sub. reported 2/28/2016 - Passed Senate 3/2/2016 - To House 3/2/2016 - To Education then Finance
701. By Sen. Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael (Originating in Senate Judiciary) - **Relating generally to resort area districts** - Introduced 2/28/2016 - Passed Senate 3/2/2016 - To House 3/3/2016 - To Judiciary
703. By Sen. Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael (Originating in Senate Judiciary) - **Relating to deposit of overpayment of**

**certain fees into Children's Trust Fund** - Introduced 2/28/2016 - Passed Senate 3/2/2016 - To House 3/3/2016 - To Finance

705. By Sen. Hall, Blair, Boso, Mullins, Sypolt and Takubo (Originating in Senate Finance) - **Reducing coal severance tax to 3 percent over two years** (original similar to HB 4210, HB 4486, HB 4536, SB 421, SB 654, SB 655) - Introduced 2/29/2016 - Amended - Passed Senate with amended title 3/2/2016 - To House 3/3/2016 - To Finance

## SENATE JOINT RESOLUTIONS COMMUNICATED TO HOUSE

- \*1. By Sen. Leonhardt - **County Economic Development Amendment** - Introduced 1/13/2016 - To Judiciary then Finance - Com. sub. reported 2/19/2016 - To Finance 2/19/2016 - Adopted by Senate 3/1/2016 - To House 3/2/2016 - To Finance then Judiciary
- \*14. By Sen. Karnes, Leonhardt, Blair, Cline, Maynard, Sypolt, Beach, Laird, Miller, Williams and Woelfel (Originating in Senate Agriculture and Rural Development) - **Right to Farm and Ranch Amendment** - Introduced 2/25/2016 - Referred to Judiciary 2/25/2016 - Com. sub. reported 2/27/2016 - Adopted by Senate 3/2/2016 - To House 3/3/2016 - To Agriculture and Natural Resources then Judiciary - On 1st reading, House Calendar 3/12/2016

## SENATE CONCURRENT RESOLUTIONS COMMUNICATED TO HOUSE

10. By Sen. Karnes, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, Leonhardt, Maynard, Mullins and Trump - **Urging Congress call convention to amend Constitution of United States** - Introduced 1/21/2016 - To Judiciary - Adopted by Senate 2/23/2016 - To House 2/23/2016 - To Judiciary then Rules - To House Judiciary 2/23/2016
40. By Sen. Leonhardt, Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Maynard, Mullins, Takubo, Walters, Williams, Yost and Stollings - **Encouraging Congress pass Toxic Exposure Research Act of 2016** - Introduced 2/20/2016 - To Health and Human Resources - Adopted by Senate 3/11/2016
65. By Sen. Williams and Stollings - **John and Wilbur Hahn Dutch Hollow Pioneers Bridge** - Introduced 3/9/2016 - To Transportation and Infrastructure - Adopted by Senate 3/12/2016
66. By Sen. Snyder, Stollings, Romano and Unger - **Requesting study of lottery, gaming and live racing industries in WV** - Introduced 3/9/2016 - To Rules - Adopted by Senate 3/12/2016
67. By Sen. Boley, Plymale and Stollings - **Requesting study on effectiveness of civics education in WV schools** - Introduced 3/10/2016 - To Rules - Adopted by Senate 3/12/2016

69. By Sen. Walters - **Requesting study of possible operation of daily fantasy sports industry by WV casinos** - Introduced 3/11/2016 - To Rules - Adopted by Senate 3/12/2016

## HOUSE BILLS COMMUNICATED TO SENATE

- \*2101. By Del. Morgan, Caputo, Faircloth, Folk, Howell and Smith, R. - **Eliminating obsolete government entities** - Introduced 1/13/2016 - To Government Organization - Passed House 1/21/2016 - To Senate 1/25/2016 - To Government Organization - Amended - Passed Senate with amended title 2/4/2016 - House concurred in Senate amendment and passed 2/8/2016 - To Governor 2/9/16 - Approved by Governor 2/11/16 - Chapter 40, Acts, Regular Session, 2016
- \*2110. By Del. Howell, Moye, Storch, Moffatt, Hamrick, Householder, Statler, Walters, Arvon, Blair and Kessinger - **Relating generally to the tax treatment of manufacturing entities** - Introduced 1/13/2016 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance 2/19/2016 - Amended - Passed House 2/27/2016 - To Senate 2/29/2016 - To Finance - Amended - Passed Senate with amended title 3/12/2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*2122. By Del. Ambler, Cooper, Householder, Walters, Smith, R., Canterbury and Gearheart - **Making it illegal for first responders to photograph a corpse; Jonathan's Law** - Introduced 1/13/2016 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 2/16/2016 - Title amended - To Senate 2/17/2016 - To Judiciary - Amended - Passed Senate with amended title 3/7/2016 - House concurred in Senate amendment and passed 3/7/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 71, Acts, Regular Session, 2016
- \*2130. By Del. Westfall, Espinosa, Hamrick, McCuskey, Stansbury, White, B. and Ihle - **Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/27/2016 - To Senate 1/28/2016 - To Judiciary
2147. By Del. Folk, Hamilton, Frich, Shott, Householder, Ireland, Weld, Gearheart, Hanshaw and Azinger - **Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested attorneys in the circuit** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Amended - Passed House 1/26/2016 - Title amended - To Senate 1/27/2016 - To Judiciary
- \*2202. By Del. Rowan, Romine, Duke, Perry, Ambler, Butler, Evans, D., Pethel, Cooper, Espinosa and Householder - **Relating to more equitable disbursement of funds to county boards** - Introduced 1/13/2016 - To Education then Finance - To House Finance 2/9/2016 - Passed House 2/25/2016 - Effective July 1, 2016 - To Senate 2/26/2016 - To Education then Finance - To Education 2/26/2016 - On 2nd reading to Finance 3/8/2016

- \*2205. By Del. Howell, Stansbury, Ambler, Cooper, Miller, Faircloth, Zatezalo, Blair, Statler and Wagner - **Creating the crime of prohibited sexual contact by a psychotherapist** - Introduced 1/13/2016 - To Judiciary then Finance - 2nd reference dispensed - Passed House 2/27/2016 - To Senate 2/29/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 72, Acts, Regular Session, 2016
- \*2366. By Del. Rowan, Miller, Sobonya, Smith, P., Border, Arvon and Storch - **Relating generally to the solicitation of minors** - Introduced 1/13/2016 - To Judiciary - Passed House 2/8/2016 - To Senate 2/9/2016 - To Judiciary - Amended - Passed Senate with amended title 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 68, Acts, Regular Session, 2016
- \*2444. By Mr. Speaker (Mr. Armstead), Del. Miller, Waxman, Azinger, Upson, Kessinger, Summers, Hanshaw, Kurcaba, Hill and Nelson, E. - **Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals** - Introduced 1/13/2016 - To Small Business, Entrepreneurship and Economic Development - Passed House 2/10/2016 - To Senate 2/11/2016 - To Economic Development - Amended - Passed Senate 2/27/2016 - House concurred in Senate amendment and passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 77, Acts, Regular Session, 2016
- \*2474. By Del. Cowles, Rowan and Duke - **Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind** - Introduced 1/13/2016 - To Education then Finance - To House Finance 1/18/2016 - Passed House 2/19/2016 - To Senate 2/20/2016 - To Education then Finance - To Education 2/20/2016
2494. By Del. Weld, Fast, Sponaugle, Skinner and Shott - **Creating a provisional plea process in criminal cases** - Introduced 1/13/2016 - To Judiciary - Passed House 2/26/2016 - To Senate 2/27/2016 - To Judiciary - Amended - Passed Senate with amended title 3/10/2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 73, Acts, Regular Session, 2016
- \*2511. By Del. Walters, Howell, Ellington, Canterbury, Smith, R., Gearheart, Perry, Smith, P. and Ambler - **Health Care Sharing Ministries Freedom to Share Act** - Introduced 1/13/2016 - To Health and Human Resources then Judiciary - To House Judiciary 1/15/2016 - Passed House 2/8/2016 - To Senate 2/9/2016 - To Banking and Insurance - On second reading to Rules 6/13/2016
2584. By Del. Rohrbach, Sobonya, Shott, Miller, Hicks, Reynolds and Rowe - **Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Amended - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary

- \*2588. By Del. Nelson, E., Lane, Kurcaba, O'Neal, Westfall, McCuskey, Byrd, Gearheart, Storch and Espinosa - **Relating to the filing of financial statements with the Secretary of State** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary - Amended - Passed Senate with amended title 3/8/2016 - House concurred in Senate amendment and passed 3/10/2016 - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 100, Acts, Regular Session, 2016
2605. By Del. Moore, Hornbuckle and Shott - **Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor** - Introduced 1/13/2016 - To Judiciary - Passed House 2/22/2016 - To Senate 2/23/2016 - To Judiciary - Amended - Passed Senate 3/12/2016 - Title amended - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 1, Acts, Regular Session, 2016
- \*2615. By Del. Lane, Faircloth, Miller, Frich and Nelson, E. - **West Virginia Small Business Capital Act** - Introduced 1/13/2016 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance 1/22/2016 - Amended on 3rd reading - Passed House 2/15/2016 - To Senate 2/16/2016 - To Finance - Passed Senate 3/8/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 224, Acts, Regular Session, 2016
- \*2665. By Del. Folk, Skinner, Espinosa, Householder, Faircloth, Overington, Upson, Blair, Perdue, Sobonya and Waxman - **Relating to participation in Motor Vehicle Alcohol Test and Lock Program** - Introduced 1/13/2016 - To Roads and Transportation then Judiciary - To House Judiciary 2/17/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary - Amended - Passed Senate with amended title 3/12/2016 - Motion to refuse to concur and request Senate to recede rejected - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/30/2016 - Chapter 241, Acts, Regular Session, 2016
- \*2795. By Del. Westfall, White, B. and McCuskey - **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 1/13/2016 - To Judiciary - Laid over until 2/20 - Passed House 2/23/2016 - To Senate 2/24/2016 - To Judiciary - Amended - Passed Senate 3/12/2016 - Title amended - House concurred in Senate amend with amend, passed bill 3/12/2016 - Title amended
2796. By Mr. Speaker (Mr. Armstead) - **Providing paid leave for certain state officers and employees during a declared state of emergency** - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Government Organization - Passed Senate 3/7/2016 - To Governor 3/10/16 - Vetoed by Governor 4/1/16
- \*2800. By Del. Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge - **Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests** (original similar to SB310) - Introduced 1/13/2016 - To Judiciary - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Judiciary - Amended - Passed Senate with amended title 2/10/2016 - House refused to concur and requested

Senate to recede 2/12/2016 - Senate refused to recede and requested conference 2/15/2016 - To conference 2/16/2016 - House adopted conference report and passed bill 3/3/2016 - Senate adopted conference report and passed bill 3/3/2016 - To Governor 3/4/16 - Approved by Governor 3/9/16 - Chapter 122, Acts, Regular Session, 2016

- \*2801. By Del. Rowe, Pushkin, Lynch, Guthrie and Byrd - **Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas** - Introduced 1/13/2016 - To Political Subdivisions then Judiciary - To House Judiciary 2/3/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Government Organization - Passed Senate 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 52, Acts, Regular Session, 2016
- \*2823. By Del. Walters, Blair, Upson, Phillips, Nelson, J., Hanshaw, Nelson, E., Boggs and Caputo - **Eliminating the street and interurban and electric railways tax** - Introduced 1/13/2016 - To Finance - Passed House 2/24/2016 - To Senate 2/25/2016 - To Finance - Passed Senate 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 228, Acts, Regular Session, 2016
- \*2826. By Del. Butler, Trecost, Nelson, J., Eldridge, Longstreth, Boggs, Summers, Wagner, Smith, R., Perdue and Zatezalo - **Requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; "Sarah Nott's Law"** - Introduced 1/13/2016 - To Judiciary - Passed House 2/29/2016 - To Senate 3/1/2016 - To Transportation and Infrastructure then Judiciary - To Transportation and Infrastructure 3/1/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/10/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 222, Acts, Regular Session, 2016
- \*2849. By Mr. Speaker (Mr. Armstead), Del. Miller, Walters and Hanshaw - **Creating the West Virginia Sentencing Commission** - Introduced 1/13/2016 - To Judiciary - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary - On 2nd reading to Finance 3/10/2016
- \*2852. By Del. Hamrick, Trecost, Zatezalo, Waxman and Nelson, E. - **Relating to legalizing and regulating the sale and use of fireworks** - Introduced 1/13/2016 - To Judiciary then Finance - To House Finance 1/28/2016 - Amended - Passed House 2/19/2016 - Title amended - Effective from passage - To Senate 2/22/2016 - To Judiciary - Amended - Passed Senate with amended title 2/29/2016 - Effective from passage - House concurred in Senate amend with amend, passed bill 3/7/2016 - Effective from passage - Senate concurred in House amendments and passed bill 3/8/2016 - Effective from passage - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 121, Acts, Regular Session, 2016
- \*2897. By Del. Weld, Foster, Kessinger, Hill, Blair and Ihle - **Young Entrepreneur Reinvestment Act** - Introduced 1/13/2016 - To Small Business, Entrepreneurship and Economic Development then Finance - To House Finance 1/29/2016 - Passed House 2/25/2016 - To Senate 2/26/2016 - To Economic Development then Finance - To Economic Development 2/26/2016 - On 2nd reading to Finance 3/8/2016 - Amended - Passed Senate 3/12/2016 - Title amended - House refused to concur and requested Senate to recede 3/12/2016 - Senate receded and passed

3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 83, Acts, Regular Session, 2016

- \*2904. By Del. McGeehan and Zatezalo - **Requiring the clerk of a county commission to maintain a county ordinance book** - Introduced 1/13/2016 - To Political Subdivisions then Judiciary - To House Judiciary 1/20/2016 - Passed House 2/18/2016 - To Senate 2/19/2016 - To Government Organization - Amended - Passed Senate 3/9/2016 - House concurred in Senate amend with amend, passed bill 3/11/2016 - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 47, Acts, Regular Session, 2016
2960. By Del. Lane - **Permitting county boards of education to develop emergency preparedness drills in schools** - Introduced 1/13/2016 - To Education - Passed House 2/27/2016 - Effective July 1, 2016 - To Senate 2/29/2016 - To Education
- \*2963. By Del. Weld, White, B., Sobonya, Folk, Campbell and Byrd - **Expanding the definition of kidnapping** - Introduced 1/13/2016 - To Judiciary - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary
- \*3019. By Del. Ireland, Overington, Foster, Fast, Lynch, Azinger, Shott, Hicks and Hanshaw - **Requiring official business and records of the state and its political subdivisions be conducted in English** - Introduced 1/13/2016 - To Judiciary - Passed House 2/17/2016 - To Senate 2/18/2016 - To Government Organization - Passed Senate 2/25/2016 - To Governor 2/29/16 - Approved by Governor 3/4/16 - Chapter 172, Acts, Regular Session, 2016
- \*4001. By Del. Upton, Mr. Speaker (Mr. Armstead), Hamilton, Hill, Kurcaba, Weld, McCuskey, Rohrbach, Stansbury, Storch and Zatezalo - **Relating to candidates or candidate committees for legislative office disclosing contributions** (original similar to SB4) - Introduced 1/13/2016 - To Judiciary - Passed House 2/23/2016 - To Senate 2/24/2016 - To Judiciary - Amended - Passed Senate with amended title 3/12/2016 - House refused to concur and requested Senate to recede 3/12/2016
- \*4002. By Del. Howell, Anderson, Mr. Speaker (Mr. Armstead), Faircloth, Frich, Hanshaw, McCuskey, Rohrbach, Summers, Shott and Walters - **Relating to rule making under the state Administrative Procedures Act** (original similar to SB3) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended - To Senate 1/26/2016 - To Government Organization
4005. By Del. Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman, Westfall and Householder - **Repealing prevailing hourly rate of wages requirements** (original similar to SB2) - Introduced 1/13/2016 - To Government Organization - Laid over until 1/25/16 - Passed House 1/27/2016 - To Senate 1/28/2016 - To Government Organization - Passed Senate 2/4/2016 - To Governor 2/8/16 - Vetoed by Governor 2/11/16 - Motion to consider bill notwithstanding the objections of the Governor - House passed over veto 2/12/2016 - Senate reconsidered action - Passed Senate notwithstanding objections of the Governor 2/12/2016 - Chapter 39, Acts, Regular Session, 2016

- \*4007. By Del. Rohrbach, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Cowles, Hill and Anderson - **Relating generally to appointment of attorneys to assist the Attorney General** (original similar to SB8) - Introduced 1/13/2016 - To Judiciary - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - To Senate 1/26/2016 - To Judiciary - Amended - Passed Senate with amended title 2/6/2016 - House concurred in Senate amendment and passed 2/9/2016 - To Governor 2/11/16 - Vetoed by Governor 2/17/16 - House amended and repassed to meet the objections of the Governor 3/3/2016 - Senate reconsidered action - Title amended - Senate concurred in House amendment as amended and repassed bill 3/3/2016 - House concurred in Senate title amendment 3/3/2016 - Repassed House to meet the objections of the Governor 3/3/2016 - To Governor 3/4/16 - Approved by Governor 3/9/16 - Chapter 27, Acts, Regular Session, 2016
- \*4009. By Del. Statler, Ambler, Cooper, Ellington, Evans, D., Moffatt, Romine, Storch, Weld and Zatezalo - **Letting Our Counties Act Locally Act** (original similar to SB12, SB135) - Introduced 1/13/2016 - To Roads and Transportation then Finance - To House Finance 1/27/2016 - Passed House 2/26/2016 - To Senate 2/27/2016 - To Judiciary then Finance - To Judiciary 2/27/2016 - On 2nd reading to Finance 3/8/2016 - Amended - Passed Senate 3/12/2016 - Title amended - House concurred in Senate amendment 3/12/2016 - Passed House 3/12/2016 - To Governor 3/24/16 - Approved by Governor 4/1/2016 - Chapter 51, Acts, Regular Session, 2016
- \*4012. By Del. O'Neal, Mr. Speaker (Mr. Armstead), Hanshaw, Moye, Fast, Evans, A., Azinger, Waxman, Romine, Rowan and Phillips - **West Virginia Religious Freedom Restoration Act** (original similar to SB11) - Introduced 1/26/2016 - To Judiciary - Decision of the chair sustained - Amended - Passed House 2/11/2016 - To Senate 2/12/2016 - To Judiciary - Amended - Rejected by Senate 3/2/2016
- \*4013. By Del. Lane, Anderson, Blair, Hamrick, Ambler, Evans, D., Border, McCuskey, Householder, Ireland and Zatezalo - **Requiring a person desiring to vote to present documentation identifying the voter** (original similar to SB5) - Introduced 2/1/2016 - To Judiciary - Amended - Passed House 2/19/2016 - To Senate 2/20/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House refused to concur and requested Senate to recede 3/12/2016 - Senate refused to recede and requested conference 3/12/2016 - To conference 3/12/2016 - House adopted conference report and passed bill 3/12/2016 - Senate adopted conference report and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 96, Acts, Regular Session, 2016
- \*4014. By Del. Butler, Moffatt, Waxman, McGeehan, Espinosa, Kelly, Faircloth, Summers, Atkinson, Hamrick and Cowles - **Preventing the State Board of Education from implementing common core academic standards and assessments** (original similar to SB499) - Introduced 2/2/2016 - To Education - Amended - Passed House 2/26/2016 - Title amended - To Senate 2/27/2016 - To Education - Amended - Passed Senate with amended title 3/10/2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*4031. By Del. Frich, Sobonya, Howell, Moffatt, Hanshaw, McCuskey, Shott, Overington, Mr. Speaker (Mr. Armstead), Rowe and Fleischauser - **Requiring**



- agencies to respond to public comments received during the rule-making process** - Introduced 1/15/2016 - To Government Organization - Amended - Laid over until 1/25/16 - Passed House 1/25/2016 - Title amended - To Senate 1/26/2016 - To Government Organization
4033. By Del. Ellington, Summers, Householder, Rohrbach, Stansbury, Waxman, Perdue and Rodighiero (Originating in House Health and Human Resources) - **Adding criminal penalties for the unauthorized practice of pharmacists care** - Introduced 1/15/2016 - Passed House 1/20/2016 - To Senate 1/21/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 1/21/2016 - To Judiciary 2/20/2016 - Amended - Amended - Passed Senate 3/12/2016 - Title amended - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 181, Acts, Regular Session, 2016
- \*4035. By Del. Stansbury, Householder, Ellington, Summers, Rohrbach, Weld, Miller, Hanshaw, Westfall, White, B. and Perdue - **Permitting pharmacists to furnish naloxone hydrochloride** (original similar to HB4399) - Introduced 1/18/2016 - To Health and Human Resources then Judiciary - To House Judiciary 1/20/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/3/2016 - 2nd reference dispensed - Amended - On third reading to Rules 8/19/2016
- \*4038. By Del. Ellington, Summers, Bates, Faircloth, Householder, Rohrbach and Stansbury - **Relating to insurance requirements for the refilling of topical eye medication** - Introduced 1/18/2016 - To Health and Human Resources - Laid over until 1/25/16 - Passed House 1/26/2016 - To Senate 1/27/2016 - To Health and Human Resources - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 133, Acts, Regular Session, 2016
- \*4040. By Del. Kelly, Rohrbach, Cooper, Frich, Sobonya, Border, Faircloth, Atkinson, Perdue, Perry and Waxman - **Regulating step therapy protocols in health benefit plans** - Introduced 1/18/2016 - To Health and Human Resources - Passed House 2/20/2016 - To Senate 2/22/2016 - To Health and Human Resources - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 135, Acts, Regular Session, 2016 - Clerk's note: Enrolled bill not presented to Governor as passed by Legislature; bill is null and void
- \*4046. By Del. Sobonya, Frich and Moffatt - **Relating to the promulgation of rules by the Department of Administration** (original similar to SB149) - Introduced 1/18/2016 - To Government Organization then Judiciary - To House Judiciary 1/21/2016 - Passed House 3/2/2016 - To Senate 3/8/2016 - To Judiciary - Amended - Passed Senate with amended title 3/12/2016 - Effective from passage - Motion to take bill up for immediate consideration adopted - House concurred in Senate amendment with amendment 3/12/2016 - Passed House 3/12/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - Effective ninety days from passage - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 148, Acts, Regular Session, 2016

- \*4053. By Del. Sobonya, Frich and Moffatt - **Department of Environmental Protection, Air Quality, rule relating to the control of annual nitrogen oxide emissions** (original similar to SB176) - Introduced 1/18/2016 - To Energy then Judiciary - To House Judiciary 1/20/2016 - Amended - Passed House 2/20/2016 - To Senate 2/22/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - Effective from passage
- \*4060. By Del. Sobonya, Frich and Moffatt - **Relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety** (original similar to SB211) - Introduced 1/18/2016 - To Industry and Labor then Judiciary - To House Judiciary 1/20/2016 - Passed House 2/20/2016 - Effective from passage - To Senate 2/22/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - Effective from passage - House concurred in Senate amendment and passed 3/12/2016 - Effective from passage - To Governor 3/28/16 - Approved by Governor 3/29/2016 - Chapter 150, Acts, Regular Session, 2016
- \*4080. By Del. Sobonya, Frich and Moffatt - **Department of Veterans' Assistance, rule relating to VA headstones or markers** (original similar to SB245) - Introduced 1/18/2016 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary 1/21/2016 - Passed House 2/20/2016 - Effective from passage - To Senate 2/22/2016 - To Judiciary - Passed Senate 3/10/2016 - Effective from passage - To Governor 3/16/16 - Vetoed by Governor 4/1/16
- \*4145. By Del. Blair, Azinger, Butler, Cadle, Eldridge, Householder, Marcum, Overington, Phillips, Sobonya and Upson - **Relating to carry or use of a handgun or deadly weapon** - Introduced 1/19/2016 - To Judiciary - To House Judiciary 1/19/2016 - Amendments pending - Amended - Passed House 2/8/2016 - Title amended - To Senate 2/9/2016 - To Judiciary - Amended - Passed Senate with amended title 2/22/2016 - House concurred in Senate amend with amend, passed bill 2/24/2016 - Title amended - Senate concurred in House amendments and passed bill 2/24/2016 - To Governor 2/26/16 - Vetoed by Governor 3/3/16 - Motion to consider bill notwithstanding the objections of the Governor - House passed over veto 3/4/2016 - Senate reconsidered action - Passed Senate notwithstanding objections of the Governor 3/5/2016 - Chapter 252, Acts, Regular Session, 2016
- \*4146. By Del. Ellington, Summers, Bates, Faircloth, Householder, Rohrbach, Sobonya, Stansbury, Eldridge, McCuskey and Frich - **Providing insurance cover abuse-deterrent opioid analgesic drugs** (original similar to SB304) - Introduced 1/19/2016 - To Banking and Insurance then Select Committee on Prevention and Treatment of Substance Abuse - To House Banking and Insurance 1/19/2016 - To House Select Committee on Prevention and Treatment of Substance Abuse 1/22/2016 - Amended - Passed House 2/15/2016 - To Senate 2/16/2016 - To Banking and Insurance then Health and Human Resources - To Banking and Insurance 2/16/2016 - To Health and Human Resources 2/23/2016 - Amended - Passed Senate 3/5/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 134, Acts, Regular Session, 2016
4147. By Del. Rowan, Mr. Speaker (Mr. Armstead), Cowles, Perry, Duke, Miley, Hamilton, Espinosa, O'Neal, Anderson and Nelson, E. - **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** (original similar to HB4485) - Introduced 1/19/2016 - To Education then Finance - To House Education 1/19/2016 - 2nd reference dispensed - Passed House 2/12/2016 - Effective from passage - To Senate 2/15/2016 - To Finance
4148. 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 SB354) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/11/2016 - Title amended - Effective from passage - To Senate 2/12/2016 - To Finance - Passed Senate 2/19/2016 - Effective from passage - To Governor 2/23/16 - Approved by Governor 2/25/16 - Chapter 236, Acts, Regular Session, 2016
4150. 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 SB443) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/19/2016 - Effective from passage - To Senate 2/20/2016 - To Finance - Passed Senate 3/12/2016 - Effective from passage - To Governor 3/18/16 - Became law without Governor's signature - Chapter 10, Acts, Regular Session, 2016
4151. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Education** (original similar to SB446) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/19/2016 - Effective from passage - To Senate 2/20/2016 - To Finance - Passed Senate 3/12/2016 - Effective from passage - To Governor 3/18/16 - Became law without Governor's signature - Chapter 11, Acts, Regular Session, 2016
4152. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Division of Environmental Protection – Protect Our Water Fund** (original similar to SB464) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/22/2016 - Effective from passage - To Senate 2/23/2016 - To Finance - Passed Senate 3/12/2016 - Effective from passage - To Governor 3/18/16 - Became law without Governor's signature - Chapter 12, Acts, Regular Session, 2016
4155. 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, Division of Health – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund** (original similar to SB444) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/22/2016 - Effective from passage - To Senate 2/23/2016 - To Finance - Rereferred to Finance on 2nd reading 3/10/2016 - Amended - Passed Senate with amended title 3/12/2016 - Effective from passage - House concurred in Senate amendment and passed 3/12/2016 - Effective from passage - To Governor 3/18/16 - Became law without Governor's signature - Chapter 13, Acts, Regular Session, 2016
4157. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Supplementing, amending, and increasing items of the existing**

- appropriations from the State Road Fund to the Department of Transportation, Division of Highways** (original similar to SB441) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/22/2016 - Effective from passage - To Senate 2/23/2016 - To Finance - Passed Senate 3/7/2016 - Effective from passage - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 14, Acts, Regular Session, 2016
- \*4158. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act** (original similar to SB447) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/11/2016 - Effective from passage - To Senate 2/12/2016 - To Finance - Passed Senate 2/19/2016 - Effective from passage - To Governor 2/23/16 - Approved by Governor 2/25/16 - Chapter 15, Acts, Regular Session, 2016
4159. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Public Services Commission – Motor Carrier Division** (original similar to SB442) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/19/2016 - Effective from passage - To Senate 2/20/2016 - To Finance - Passed Senate 3/7/2016 - Effective from passage - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 16, Acts, Regular Session, 2016
4160. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Revenue, Tax Division** (original similar to SB448) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/22/2016 - Effective from passage - To Senate 2/23/2016 - To Finance - Passed Senate 3/7/2016 - Effective from passage - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 17, Acts, Regular Session, 2016
4161. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to levies on classifications of property by the Board of Public Works** (original similar to SB432) - Introduced 1/19/2016 - To Finance - To House Finance 1/19/2016 - Passed House 2/11/2016 - To Senate 2/12/2016 - To Finance - Passed Senate 2/22/2016 - To Governor 2/24/16 - Approved by Governor 2/25/16 - Chapter 227, Acts, Regular Session, 2016
- \*4163. By Del. Howell, Arvon, Moffatt, Westfall, McCuskey, Miller, Cadle, Walters, Zatezalo, Kelly and Ellington - **Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes** - Introduced 1/20/2016 - To Political Subdivisions then Judiciary - To House Political Subdivisions 1/20/2016 - To House Judiciary 1/27/2016 - Passed House 2/8/2016 - To Senate 2/9/2016 - To Government Organization - Amended - Passed Senate with amended title 2/27/2016 - House concurred in Senate amendment and passed 3/2/2016 - To Governor 3/4/16 - Approved by Governor 3/8/16 - Chapter 165, Acts, Regular Session, 2016
- \*4168. By Del. Howell, Frich, Storch, Arvon, Eldridge, Moffatt, Faircloth, Upson, Westfall, Phillips and Miller - **Creating a special motor vehicle collector license plate** - Introduced 1/20/2016 - To Roads and Transportation then Finance

- To House Roads and Transportation 1/20/2016 - To House Finance 2/17/2016  
- Passed House 3/2/2016 - Effective July 1, 2016 - To Senate 3/3/2016 - To Transportation and Infrastructure then Finance - To Transportation and Infrastructure 3/3/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/11/2016 - Effective July 1, 2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Title amended - Effective July 1, 2016 - Senate concurred in House amendments and passed bill 3/12/2016 - Effective July 1, 2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*4171. By Del. Cooper, Evans, D., Ambler, Perry, Moye, Lynch, Kelly, Wagner, Rowan and Smith, R. - **Relating to the public school calendar** (original similar to HB4028, HB4298) - Introduced 1/20/2016 - To Education - To House Education 1/20/2016 - Amended - Passed House 2/25/2016 - Title amended - Effective July 1, 2016 - To Senate 2/26/2016 - To Education - Passed Senate 3/9/2016 - Effective from passage - Senate requests House to concur in changed effective date 3/9/2016 - House concurred in Senate effective date 3/9/2016 - Effective from passage - To Governor 3/14/16 - Vetoed by Governor 4/1/16
- \*4174. By Del. Kurcaba, Statler, Weld, Fast, Kelly, Azinger, Waxman, Blair, Upson, Frich and Phillips - **Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house** - Introduced 1/20/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/3/2016 - Passed House 2/18/2016 - To Senate 2/19/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House refused to concur and requested Senate to recede 3/12/2016 - Senate refused to recede and requested conference 3/12/2016 - To conference 3/12/2016 - House adopted conference report and passed bill 3/12/2016 - Senate adopted conference report and passed bill 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/30/2016 - Chapter 250, Acts, Regular Session, 2016
- \*4175. By Del. Kurcaba, Faircloth, Statler, Espinosa, McGeehan, Azinger, Upson, Kelly, Trecoast and Ihle - **Relating generally to home schooling** (original similar to SB318) - Introduced 1/20/2016 - To Education - To House Education 1/20/2016 - Passed House 2/2/2016 - To Senate 2/3/2016 - To Education - Amended - Passed Senate with amended title 2/20/2016 - House concurred in Senate amendment and passed 2/23/2016 - To Governor 2/26/16 - Approved by Governor 3/3/16 - Chapter 93, Acts, Regular Session, 2016
- \*4176. By Del. Stansbury, Howell, Householder, Ellington, Summers, Rohrbach, Weld, Miller, Hanshaw, Westfall and White, B. - **Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program** - Introduced 1/20/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary - To House Select Committee on Prevention and Treatment of Substance Abuse 1/20/2016 - To House Judiciary 2/3/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/2/2016 - On 2nd reading to Judiciary 3/9/2016 - Amended - Passed Senate with amended title 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 225, Acts, Regular Session, 2016

- \*4183. By Del. Stansbury, Rohrbach, Perdue, Smith, R., Campbell, Bates, White, B., Weld, McCuskey, Westfall and Ellington - **Relating generally to reporting opioid overdoses** - Introduced 1/20/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources - To House Select Committee on Prevention and Treatment of Substance Abuse 1/20/2016 - To House Health and Human Resources 2/20/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Health and Human Resources
- \*4186. By Del. Cadle, Cooper, Foster, Ambler, Howell, Butler, Householder, Moffatt, Smith, R., Westfall and Hamrick - **Relating to additional duties of the Public Service Commission** (original similar to SB498) - Introduced 1/20/2016 - To Government Organization - To House Government Organization 1/20/2016 - Amended - Passed House 2/9/2016 - Title amended - Effective from passage - To Senate 2/10/2016 - To Government Organization - Amended - Passed Senate with amended title 3/12/2016 - Effective from passage - House concurred in Senate amendment and passed 3/12/2016 - Effective from passage - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 163, Acts, Regular Session, 2016
- \*4188. By Del. Hamrick, Ambler, Boggs, Cadle, Guthrie, Longstreth, Rohrbach and Gearheart (Originating in House Roads and Transportation) - **Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas** - Introduced 1/20/2016 - To House Finance 1/20/2016 - Passed House 2/15/2016 - To Senate 2/16/2016 - To Transportation and Infrastructure then Finance - To Transportation and Infrastructure 2/16/2016 - To Finance 2/24/2016 - On third reading to Rules 8/9/2016
- \*4196. By Del. Howell, Frich, Arvon, Moffatt, Storch, Eldridge, Faircloth, Westfall, Phillips, Miller and Cadle - **Relating to abandoned antique vehicles** - Introduced 1/21/2016 - To Roads and Transportation then Judiciary - To House Judiciary 2/20/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Transportation and Infrastructure
- \*4197. By Del. Kelly, Cooper, Faircloth, Atkinson, Weld, Frich, Blair, Waxman, Zatezalo, Howell and Ireland - **Allowing required HIV and hepatitis testing for the protection of law-enforcement officers who may have been exposed** - Introduced 1/21/2016 - To Health and Human Resources then Finance - To House Finance 2/3/2016 - Passed House 2/22/2016 - To Senate 2/23/2016 - To Health and Human Resources
- \*4201. By Del. Overington, Hanshaw, Blair, Shott, Statler, Sobonya, Summers, Weld, Kessinger, White, B. and Fleischauer - **Increasing the criminal penalties for participating in an animal fighting venture** (original similar to HB4251, HB4458) - Introduced 1/21/2016 - To Judiciary - Amended - Passed House 2/26/2016 - To Senate 2/27/2016 - To Judiciary - Amended - Passed Senate with amended title 3/12/2016 - House concurred in Senate amendment with amendment 3/12/2016 - Passed House 3/12/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/30/2016 - Chapter 70, Acts, Regular Session, 2016
- \*4209. By Del. Ellington, Summers, Householder, Rohrbach, Stansbury, Campbell and Fleischauer (Originating in House Health and Human Resources) - **Relating**

- generally to health care provider taxes** - Introduced 1/20/2016 - To House Finance 1/20/2016 - Passed House 2/17/2016 - Effective July 1, 2016 - To Senate 2/18/2016 - To Health and Human Resources then Finance - To Health and Human Resources 2/18/2016 - To Finance 2/27/2016 - Passed Senate 3/8/2016 - Effective July 1, 2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 238, Acts, Regular Session, 2016
- \*4213. By Del. Storch, Faircloth, Smith, P. and Ferro - **Uniform Deployed Parents Custody and Visitation Act** (original similar to SB422) - Introduced 1/21/2016 - To Judiciary - Passed House 2/19/2016 - To Senate 2/20/2016 - To Judiciary - Amended - Passed Senate with amended title 3/8/2016
- \*4218. By Del. Miley and Cowles [By Request of the Executive] - **Expanding the definition of “underground facility” in the One-Call System Act** (original similar to SB425) - Introduced 1/21/2016 - To Energy then Judiciary - To House Judiciary 1/27/2016 - Passed House 2/15/2016 - To Senate 2/16/2016 - To Judiciary - Passed Senate 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 247, Acts, Regular Session, 2016
- \*4225. By Del. Overington, Sobonya, Hanshaw, Gearheart, Cadle, Householder, Butler, Moffatt, Frich, Rowan and Kelly - **Relating to patriotic displays at public buildings** - Introduced 1/22/2016 - To Judiciary - Passed House 3/1/2016 - To Senate 3/2/2016 - To Government Organization - Passed Senate 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 189, Acts, Regular Session, 2016
- \*4227. By Del. Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan - **Relating to qualifications of members of the Real Estate Appraiser Licensing and Certification Board** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - Title amended - To Senate 2/1/2016 - To Government Organization
- \*4228. By Del. Cowles, White, B., Shott, Espinosa, Nelson, E., Howell, Upson, Trecoast, Reynolds, Gearheart and Hamrick - **Relating to transportation network companies** (original similar to SB324) - Introduced 1/22/2016 - To Roads and Transportation then Finance - To House Finance 2/2/2016 - Passed House 2/15/2016 - Effective July 1, 2016 - To Senate 2/16/2016 - To Judiciary - Amended - Passed Senate with amended title 3/1/2016 - Effective July 1, 2016 - House concurred in Senate amend with amend, passed bill 3/4/2016 - Effective July 1, 2016 - Senate concurred in House amendments and passed bill 3/5/2016 - Effective July 1, 2016 - To Governor 3/9/16 - Approved by Governor 3/15/16 - Chapter 159, Acts, Regular Session, 2016
- \*4230. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Smith, R., Hamrick and Morgan - **Relating to qualifications of members of the Board of Registration For Professional Engineers** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - To Senate 2/1/2016 - To Government Organization
4235. By Del. Shott - **Relating to the publication requirements of the administration of estates** - Introduced 1/22/2016 - To Judiciary - Passed House 2/1/2016 - Title amended - To Senate 2/2/2016 - To Judiciary - Passed Senate with amended title 3/5/2016 - House concurred in Senate title amendment 3/5/2016 - Passed House

3/5/2016 - Approved by Governor 3/9/16 - Chapter 109, Acts, Regular Session, 2016

- \*4237. By Del. O'Neal, Arvon, Storch, Azinger, Butler, Hamrick, Kessinger, Rowan, Smith, P., Ferro and Longstreth - **Supporting and Strengthening Families Act** (original similar to SB319) - Introduced 1/22/2016 - To Judiciary - Passed House 2/27/2016 - To Senate 2/29/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 34, Acts, Regular Session, 2016
- \*4238. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Smith, R., Hamrick and Morgan - **Relating to qualifications of members of the board of Professional Surveyors** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - Title amended - To Senate 2/1/2016 - To Government Organization
- \*4239. By Del. Marcum, Phillips, O'Neal, Bates, Arvon, Gearheart, Shott, Cooper, White, P., Ellington and Moye - **Relating to construction of a modern highway from Pikeville, Kentucky to Beckley, West Virginia** (original similar to SB327) - Introduced 1/22/2016 - To Roads and Transportation then Finance - To House Finance 2/10/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Transportation and Infrastructure then Finance - To Transportation and Infrastructure 3/3/2016 - On 2nd reading to Finance 3/8/2016
- \*4240. By Del. Marcum, Phillips, Hamilton, Hicks, Rodighiero, Westfall, Sobonya, Smith, R., Storch, Summers and Byrd - **Relating to the Uniform Controlled Substances Act** (original similar to HB4292) - Introduced 1/22/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/17/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary
- \*4241. By Del. Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan - **Relating to qualifications of members of the Real Estate Commission** - Introduced 1/22/2016 - To Government Organization - Passed House 1/29/2016 - To Senate 2/1/2016 - To Government Organization
4243. By Del. Border, Ellington, Arvon, Kelly, Sobonya, Anderson, Deem and Ireland - **Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds** - Introduced 1/22/2016 - To Health and Human Resources - Passed House 2/3/2016 - To Senate 2/4/2016 - To Health and Human Resources - On second reading to Rules 8/19/2016
- \*4244. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Shott, Flanigan, Waxman, Perry and White, B. - **Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary - To House Judiciary 1/29/2016 - Passed House 2/5/2016 - To Senate 2/6/2016 - To Banking and Insurance - Passed Senate 2/19/2016 - To Governor 2/23/16 - Approved by Governor 2/25/16 - Chapter 58, Acts, Regular Session, 2016



- \*4245. By Del. Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Rowe, Flanigan, Waxman, Perry and White, B. - **Requiring the cashier or executive officer of a banking institution to provide shareholders with the institution's most recent year-end audited financial statement** - Introduced 1/25/2016 - To Banking and Insurance then Judiciary - To House Judiciary 1/29/2016 - Passed House 2/5/2016 - To Senate 2/6/2016 - To Banking and Insurance - Passed Senate 2/19/2016 - To Governor 2/23/16 - Approved by Governor 2/25/16 - Chapter 28, Acts, Regular Session, 2016
4246. By Del. Overington, Householder, Faircloth, Blair and Folk - **Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library** - Introduced 1/25/2016 - To Political Subdivisions then Government Organization - To House Government Organization 2/20/2016 - Passed House 3/2/2016 - Effective from passage - To Senate 3/3/2016 - To Government Organization - Passed Senate 3/9/2016 - Effective from passage - To Governor 3/14/16 - Vetoed by Governor 4/1/16
- \*4248. By Del. Rohrbach, Sobonya, Bates, Ellington, Householder, Miller, Perdue, Stansbury, Waxman, White, B. and Frich - **Relating to methadone regulation** - Introduced 1/25/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/3/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Health and Human Resources
- \*4261. By Del. Shott, McCuskey, Cowles, O'Neal, Butler, Marcum, Shaffer, Sobonya, Folk, Overington and Azinger - **Prohibiting the sale or transfer of student data to vendors and other profit making entities** - Introduced 1/25/2016 - To Education then Judiciary - To House Judiciary 2/4/2016 - Amended on 3rd reading - Passed House 2/19/2016 - To Senate 2/20/2016 - To Education - Amended - Passed Senate with amended title 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 85, Acts, Regular Session, 2016
- \*4265. By Del. Walters, Frich, Canterbury, McCuskey, Hanshaw, Skinner, Marcum and Perry - **Relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the bonds** (original similar to SB340) - Introduced 1/25/2016 - To Banking and Insurance then Finance - To House Finance 2/5/2016 - Passed House 2/22/2016 - To Senate 2/23/2016 - To Banking and Insurance then Finance - To Banking and Insurance 2/23/2016 - 2nd reference dispensed - Amended - Passed Senate 3/10/2016 - House concurred in Senate amendment and passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 223, Acts, Regular Session, 2016
- \*4271. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Ending discretionary transfers to the Licensed Racetrack Modernization Fund** (original similar to SB428) - Introduced 1/26/2016 - To Finance - Passed House 3/1/2016 - Effective from passage - To Senate 3/2/2016 - To Finance - Amended - Rejected by Senate 3/12/2016
- \*4279. By Del. Hamilton, Evans, A., Romine, Wagner, Ambler, Eldridge, Pethtel, Sponaule and Guthrie - **Relating to disposition of seized firearms** - Introduced 1/26/2016 - To Judiciary - Passed House 2/29/2016 - To Senate 3/1/2016 - To Natural Resources then Judiciary - To Natural Resources 3/1/2016 - 2nd

reference dispensed - Passed Senate 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 251, Acts, Regular Session, 2016

- \*4291. By Del. Nelson, J., Phillips, Moffatt, Espinosa, Westfall, Perdue, Upson, Lane, Moye, Mr. Speaker (Mr. Armstead) and Del. Miley - **Increasing penalties for teachers who commit sexual offenses against children** - Introduced 1/27/2016 - To Education then Judiciary - To House Judiciary 2/4/2016 - Amended - Passed House 2/17/2016 - To Senate 2/18/2016 - To Education then Judiciary - To Education 2/18/2016
- \*4295. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to the School Innovation Zones Act** (original similar to SB458) - Introduced 1/27/2016 - To Education then Finance - 2nd reference dispensed - Passed House 2/25/2016 - To Senate 2/26/2016 - To Education then Finance - To Education 2/26/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/8/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 92, Acts, Regular Session, 2016
4299. By Del. Nelson, J., Phillips, Moffatt, Smith, R., McCuskey, Wagner, Bates, Eldridge, Stansbury, Arvon and Miley - **Increasing the amount volunteer fire companies or paid fire departments may charge for reimbursement** - Introduced 1/27/2016 - To Political Subdivisions then Finance - To House Finance 2/3/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Government Organization then Finance - To Government Organization 2/29/2016 - On 2nd reading to Finance 3/10/2016
- \*4301. By Del. Espinosa, Westfall, Ambler, Cooper, Evans, D., Statler, Hamrick, Kurcaba, Rohrbach, Upson and Householder - **Relating to a framework for initiating comprehensive transformation of school leadership** - Introduced 1/27/2016 - To Education then Finance - To House Finance 2/2/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Education then Finance - To Education 3/3/2016 - 2nd reference dispensed - Passed Senate 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 87, Acts, Regular Session, 2016
- \*4307. By Del. Summers, Mr. Speaker (Mr. Armstead), Blair, Azinger, Waxman, McGeehan, Overington, Ihle, Phillips and Eldridge - **Clarifying that a firearm may be carried for self defense in state parks, state forests and state recreational areas** (original similar to SB122) - Introduced 1/27/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/23/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*4308. By Del. Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Duke, Phillips and Ferro - **Barring persons who are convicted of certain criminal offenses from acquiring property from their victims** - Introduced 1/27/2016 - To Senior Citizen Issues then Judiciary - To House Judiciary 2/19/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Judiciary
4309. By Del. Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Duke, Pethel and Ferro - **Increasing criminal penalties for conviction of**

- certain offenses of financial exploitation of an elderly person** (original similar to HB4306, SB362) - Introduced 1/27/2016 - To Senior Citizen Issues then Judiciary - To House Judiciary 1/29/2016 - Passed House 2/15/2016 - To Senate 2/16/2016 - To Judiciary - Amended - Passed Senate with amended title 3/9/2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 64, Acts, Regular Session, 2016
- \*4310. By Del. O'Neal, Anderson, Espinosa, Nelson, E., Arvon, Bates, Fleischauer, Frich, Statler, Kurcaba and Miley - **Relating to the West Virginia University Institute of Technology** (original similar to SB386) - Introduced 1/27/2016 - To Education - Motion to move bill to House Calendar rejected - Amended - Passed House 2/22/2016 - Title amended - Effective from passage - To Senate 2/23/2016 - To Education - Amended - Passed Senate 3/7/2016 - House concurred in Senate amendment 3/11/2016 - Passed House 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/25/16 - Chapter 123, Acts, Regular Session, 2016
- \*4311. By Del. Howell, Arvon, Blair, Phillips, Hartman, Ihle, Cadle, McGeehan, Moffatt, Atkinson and Morgan - **Relating to qualifications of members of the Board of Landscape Architects** (original similar to HB4313) - Introduced 1/27/2016 - To Government Organization - Passed House 2/4/2016 - To Senate 2/5/2016 - To Government Organization
- \*4313. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Moffatt, Atkinson and Morgan - **Relating to qualifications of members of the Board of Architects** (original similar to HB4311) - Introduced 1/27/2016 - To Government Organization - Passed House 2/4/2016 - To Senate 2/5/2016 - To Government Organization
- \*4314. By Del. Rohrbach, Stansbury, Bates, Ellington, Householder, Miller, Perdue, Waxman and White, B. - **Prohibiting the sale of powdered or crystalline alcohol** - Introduced 1/27/2016 - To Health and Human Resources then Judiciary - To House Judiciary 2/3/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 60, Acts, Regular Session, 2016
4315. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to air-ambulance fees for emergency treatment or air transportation** (original similar to SB456) - Introduced 1/27/2016 - To Banking and Insurance then Finance - To House Finance 1/29/2016 - Passed House 2/27/2016 - Title amended - To Senate 2/29/2016 - To Banking and Insurance then Finance - To Banking and Insurance 2/29/2016 - 2nd reference dispensed - Passed Senate 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 130, Acts, Regular Session, 2016
4316. By Del. Espinosa, Ellington, Duke, Perry, Moye, Upson, Wagner, Ambler, Cooper, Evans, D. and Kelly - **Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification** - Introduced 1/27/2016 - To Education then Finance - To House Finance 2/2/2016 - Passed House 2/22/2016 - To Senate 2/23/2016 - To Education - Passed Senate

3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 95, Acts, Regular Session, 2016

- \*4317. By Del. Foster, McGeehan, Butler, Ihle, Azinger, Fast, Moffatt, Nelson, J., Summers, Waxman and Miller - **Limiting factors in parenting plans** - Introduced 1/28/2016 - To Judiciary - Passed House 2/29/2016 - To Senate 3/1/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Title amended - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 75, Acts, Regular Session, 2016
- \*4319. By Del. Weld, McGeehan, Nelson, J., Cooper, Ireland, Longstreth, Anderson and Frich - **Including in the definition of “veteran” active members of the Guard and Reserve in order to exempt them from fees charged by the Secretary of State** - Introduced 1/28/2016 - To Veterans' Affairs and Homeland Security then Finance - To House Finance 2/4/2016 - Passed House 2/22/2016 - To Senate 2/23/2016 - To Government Organization - Referred to Finance on 2nd reading 3/5/2016
4321. By Del. Foster, Cadle, McGeehan, Butler, Ihle, Azinger, Fast, Moffatt, Nelson, J., Waxman and Summers - **Relating to tax credits for apprenticeship training in construction trades** (original similar to HB4296) - Introduced 1/28/2016 - To Industry and Labor then Finance - To House Finance 2/16/2016 - Passed House 2/27/2016 - Effect January 1, 2017 - To Senate 2/29/2016 - To Finance - Amended - Passed Senate with amended title 3/12/2016 - Effective January 1, 2017
- \*4322. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expanding the Learn and Earn Program** (original similar to SB440) - Introduced 1/28/2016 - To Education then Finance - To House Finance 2/4/2016 - Passed House 2/22/2016 - To Senate 2/23/2016 - To Education - Passed Senate 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 124, Acts, Regular Session, 2016
- \*4323. By Del. Cowles and Miley [By Request of the Executive] - **Relating to the reporting of emergency incidents by well operators and pipeline operators** (original similar to SB445) - Introduced 1/28/2016 - To Industry and Labor then Energy - To House Energy 2/3/2016 - Amended - Passed House 2/17/2016 - To Senate 2/18/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/30/2016 - Chapter 212, Acts, Regular Session, 2016
4324. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Authorizing information sharing by Workforce West Virginia** (original similar to SB457) - Introduced 1/28/2016 - To Government Organization then Judiciary - To House Judiciary 2/8/2016 - Passed House 2/29/2016 - To Senate 3/1/2016 - To Government Organization - Passed Senate 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 144, Acts, Regular Session, 2016

- \*4330. By Del. Cadle, Ihle, Butler, Weld, Ireland, Zatezalo, Azinger, Kelly, Anderson, Sobonya and Deem - **Relating to make unlawful to take a fish, water animal or other aquatic organism from state waters to stock a commercial pond or lake** - Introduced 1/29/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/10/2016 - Passed House 2/27/2016 - Effective from passage - To Senate 2/29/2016 - To Natural Resources then Judiciary - To Natural Resources 2/29/2016 - 2nd reference dispensed - Passed Senate 3/7/2016 - Effective from passage - To Governor 3/10/16 - Approved by Governor 3/16/16 - Chapter 171, Acts, Regular Session, 2016
4334. By Del. Summers, Campbell, Miller, Sobonya, Faircloth, Bates, Westfall, Householder, Cooper and Fleischauer - **Clarifying the requirements for a license to practice as an advanced practice registered nurse and expanding prescriptive authority** (original similar to SB17, SB519) - Introduced 1/29/2016 - To Health and Human Resources then Government Organization - To House Government Organization 2/17/2016 - Amended - Passed House 2/27/2016 - To Senate 2/29/2016 - To Health and Human Resources then Government Organization - To Health and Human Resources 2/29/2016 - 2nd reference dispensed - Amended - Passed Senate 3/10/2016 - Title amended - House concurred in Senate amend with amend, passed bill 3/12/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 175, Acts, Regular Session, 2016
- \*4339. By Del. Cadle, Foster, Butler, Ihle, Lynch, Atkinson, Smith, R., Gearheart, Ireland, Howell and Storch - **Relating to wildlife resources** - Introduced 2/1/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/17/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Natural Resources then Judiciary - To Natural Resources 2/29/2016
4340. By Del. Howell, Foster, Canterbury, Summers, Waxman, Azinger, Rohrbach, Storch, Cadle, Smith, R. and Perdue - **Amending licensing requirements for an act which may be called Lynette's Law** - Introduced 2/1/2016 - To Government Organization - Amended - Passed House 2/22/2016 - Effective from passage - To Senate 2/23/2016 - To Government Organization - Passed Senate 3/9/2016 - Effective from passage - To Governor 3/14/16 - Approved by Governor 3/25/16 - Chapter 176, Acts, Regular Session, 2016
4345. By Del. Howell, Arvon, Blair, Phillips, Hill, Hartman, Ihle, Cadle, Stansbury, Smith, R. and Morgan - **Repealing the West Virginia Permitting and Licensing Information Act** (original similar to SB260) - Introduced 2/1/2016 - To Government Organization then Judiciary - To House Judiciary 2/22/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Judiciary - Passed Senate 3/9/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 37, Acts, Regular Session, 2016
4346. By Del. Hamilton, Evans, A., Romine, Wagner and Guthrie - **Relating to bear hunting and offenses and penalties** (original similar to SB389) - Introduced 2/1/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/3/2016 - Passed House 2/29/2016 - Title amended - Effective from passage - To Senate 3/1/2016 - To Natural Resources then Judiciary - To Natural Resources 3/1/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/7/2016 - Effective from passage - House concurred in Senate

- amendment and passed 3/10/2016 - Effective from passage - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 169, Acts, Regular Session, 2016
4347. By Del. Ellington, Summers, Faircloth, Rohrbach, Sobonya, Stansbury, Storch, Upson, White, B. and Frich - **Providing pregnant women priority to substance abuse treatment** - Introduced 2/1/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources - To House Health and Human Resources 2/10/2016 - Passed House 2/17/2016 - To Senate 2/18/2016 - To Health and Human Resources - Passed Senate 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 127, Acts, Regular Session, 2016
4351. By Del. Westfall, Atkinson, Butler, Ihle, Cadle, White, B., Hamrick and McCuskey - **Transferring the Cedar Lakes Camp and Conference Center from the West Virginia Board of Education to the Department of Agriculture** (original similar to SB392) - Introduced 2/2/2016 - To Agriculture and Natural Resources then Education - To House Education 2/10/2016 - Amended - Passed House 2/26/2016 - Effective July 1, 2016 - To Senate 2/27/2016 - To Government Organization - Referred to Finance on 2nd reading 3/4/2016 - Passed Senate 3/10/2016 - Effective July 1, 2016 - To Governor 3/16/16 - Approved by Governor 3/24/16 - Chapter 120, Acts, Regular Session, 2016
- \*4352. By Del. Nelson, E., Ellington, Summers, Waxman and Lane - **Relating to the selling of certain state owned health care facilities by the Secretary of the Department of Health and Human Resources** - Introduced 2/2/2016 - To Health and Human Resources then Finance - To House Finance 2/10/2016 - Amended - Passed House 2/29/2016 - To Senate 3/1/2016 - To Health and Human Resources then Finance - To Health and Human Resources 3/1/2016 - 2nd reference dispensed - Rejected by Senate 3/11/2016
4358. By Del. Statler, Kurcaba, Rohrbach, Sobonya, Summers, Ellington, Blair, Flanigan, Butler, Frich and Fleischauer - **Relating to out of state physicians and surgeons traveling with sports teams within this state** - Introduced 2/2/2016 - To Health and Human Resources then Judiciary - To House Judiciary 2/19/2016 - Amended - Passed House 2/26/2016 - To Senate 2/27/2016 - To Health and Human Resources
- \*4360. By Del. Shaffer, Sponaule, Shott, Reynolds, Miley, Mr. Speaker (Mr. Armstead), Hanshaw and Weld - **Increasing the criminal penalty for the unlawful practice of law** - Introduced 2/2/2016 - To Judiciary - Passed House 2/23/2016 - To Senate 2/24/2016 - To Judiciary - Amended - Passed Senate with amended title 3/10/2016 - House concurred in Senate amendment and passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/23/16 - Chapter 177, Acts, Regular Session, 2016
4362. By Del. Kurcaba, Fleischauer, Statler, Householder, Espinosa, Overington, Weld, Summers, Blair, Byrd and Upson - **Establishing a felony offense of strangulation** (original similar to SB482) - Introduced 2/2/2016 - To Judiciary - Amended - Passed House 2/11/2016 - To Senate 2/12/2016 - To Judiciary - Amended - Passed Senate with amended title 3/5/2016 - House concurred in

Senate amendment and passed 3/5/2016 - Approved by Governor 3/9/16 - Chapter 61, Acts, Regular Session, 2016

4364. By Del. Skinner, McGeehan, Hamrick, Fluharty, Householder, Blair, Sponaugle, Manchin, Miley, Byrd and Marcum - **Internet Privacy Protection Act** - Introduced 2/2/2016 - To Judiciary - Passed House 3/2/2016 - To Senate 3/3/2016 - To Judiciary - Amended - Passed Senate with amended title 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 4/1/2016 - Chapter 143, Acts, Regular Session, 2016
- \*4365. By Del. Ellington, Arvon, Bates, Cooper, Householder, Rohrbach, Stansbury, Summers and Waxman - **Relating to the certificate of need process** (original similar to SB467) - Introduced 2/2/2016 - To Health and Human Resources then Judiciary - To House Judiciary 2/5/2016 - Laid over until 2/19 - Passed House 2/25/2016 - To Senate 2/26/2016 - To Health and Human Resources - Amended - Passed Senate 3/10/2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 195, Acts, Regular Session, 2016
- \*4366. By Del. Canterbury, Nelson, E., Frich, Westfall, Guthrie and Longstreth - **Finding and declaring certain claims against the state and its agencies to be moral obligations of the state** - Introduced 2/3/2016 - To Finance - Passed House 2/22/2016 - Effective from passage - To Senate 2/23/2016 - To Finance - Passed Senate 2/29/2016 - Effective from passage - To Governor 3/3/16 - Approved by Governor 3/3/16 - Chapter 35, Acts, Regular Session, 2016
- \*4377. By Del. Storch, Anderson, Trecost, Manchin, Fluharty, Zatezalo, Weld, Evans, D., Frich and Longstreth - **Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days** (original similar to HB4430, SB521) - Introduced 2/3/2016 - To Political Subdivisions then Finance - To House Finance 2/10/2016 - Passed House 2/29/2016 - To Senate 3/1/2016 - To Finance - Passed Senate 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/16/16 - Chapter 226, Acts, Regular Session, 2016
4378. By Del. Shott, Lane, McCuskey, Sobonya, Hanshaw, Miller, Arvon, Border and Kessinger - **Relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person** - Introduced 2/3/2016 - To Judiciary - Amended - Passed House 2/17/2016 - To Senate 2/18/2016 - To Judiciary - Amended - Passed Senate with amended title 3/9/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Vetoed by Governor 4/1/16
- \*4380. By Del. Ellington, Summers, Rohrbach and Stansbury - **Adding the spouse of an indigent person as a possible individual who may be liable for the funeral service expenses** (original similar to SB377) - Introduced 2/3/2016 - To Health and Human Resources then Finance - To House Finance 2/17/2016 - Amendments pending - Amended - Passed House 2/27/2016 - To Senate 2/29/2016 - To Health and Human Resources then Finance - To Health and Human Resources 3/10/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/12/2016

- \*4383. By Del. Phillips, Reynolds, Marcum, Hamrick, Walters, Sobonya, White, P., Butler, McCuskey, Weld and Hanshaw - **Making individuals responsible for the costs relating to the filing of excessive false complaints** - Introduced 2/3/2016 - To Judiciary - Passed House 2/23/2016 - To Senate 2/24/2016 - To Judiciary - Amended - Passed Senate with amended title 3/9/2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Title amended
- \*4388. By Del. Rohrbach, Ellington, Householder, Bates, Byrd, Sobonya, Summers, Upson and White, B. - **Relating to stroke centers** (original similar to SB401) - Introduced 2/3/2016 - To Health and Human Resources - Passed House 2/23/2016 - To Senate 2/24/2016 - To Health and Human Resources - Amended - Passed Senate 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 199, Acts, Regular Session, 2016
4411. By Del. Smith, R., Nelson, J., Evans, D., Rohrbach, Anderson, Hamrick, Ihle, Wagner and Stansbury - **Relating to penalty for illegally taking native brook trout** - Introduced 2/5/2016 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/17/2016 - Passed House 2/27/2016 - Effective from passage - To Senate 2/29/2016 - To Natural Resources then Judiciary - To Natural Resources 2/29/2016 - On 2nd reading to Judiciary 3/4/2016 - Amended - Passed Senate with amended title 3/10/2016 - Effective from passage - House concurred in Senate amendment and passed 3/11/2016 - Effective from passage - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 168, Acts, Regular Session, 2016
4417. By Del. Shott, Hanshaw, Rowe, Marcum, Shaffer, Manchin, Summers, Kessinger, Ireland and Skinner - **Increasing wages protected from garnishment** - Introduced 2/5/2016 - To Judiciary - Passed House 2/17/2016 - To Senate 2/18/2016 - To Judiciary - Passed Senate 3/9/2016 - To Governor 3/14/16 - Approved by Governor 3/16/16 - Chapter 42, Acts, Regular Session, 2016
4428. By Del. Householder, Faircloth, Rodighiero, Campbell, Perry and White, B. - **Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified** - Introduced 2/8/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources - 2nd reference dispensed - Passed House 3/1/2016 - To Senate 3/2/2016 - To Health and Human Resources - Passed Senate 3/12/2016 - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 183, Acts, Regular Session, 2016
- \*4433. By Del. Weld, Zatezalo, Storch and McGeehan - **Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees** - Introduced 2/8/2016 - To Finance - Passed House 2/26/2016 - Effective from passage - To Senate 2/27/2016 - To Finance - Passed Senate 3/8/2016 - Effective from passage - To Governor 3/11/16 - Vetoed by Governor 3/21/16
- \*4435. By Del. Smith, R., Ireland, McCuskey and Marcum - **Authorizing the Public Service Commission to approve expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects** - Introduced 2/8/2016 - To Energy then Finance - To House Finance 2/24/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Energy, Industry and Mining - Passed Senate



3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 214, Acts, Regular Session, 2016

- \*4445. By Del. Hanshaw, Espinosa, Perry, Moye, Ambler, Cooper, Evans, D., Westfall and Ellington - **Relating to the adoption of instructional educational resources** - Introduced 2/8/2016 - To Education - Amended - Passed House 2/22/2016 - To Senate 2/23/2016 - To Education
- \*4448. By Del. Walters, McCuskey, Frich and Westfall - **Clarifying that communication by a lender or debt collector which is allowed under the West Virginia Consumer Credit and Protection Act, likewise does not violate the provisions of the West Virginia Computer Crime and Abuse Act** (original similar to SB472) - Introduced 2/8/2016 - To Banking and Insurance then Judiciary - To House Judiciary 2/12/2016 - Passed House 2/29/2016 - To Senate 3/1/2016 - To Judiciary - Amended - Passed Senate 3/9/2016 - House concurred in Senate amend with title amend, passed 3/11/2016 - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 67, Acts, Regular Session, 2016
4461. By Del. Arvon, Duke, Espinosa, Howell, Hill, Blackwell and Border - **Relating to School Building Authority School Major Improvement Fund eligibility** - Introduced 2/9/2016 - To Education then Finance - To House Finance 2/12/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Education then Finance - To Education 2/29/2016 - 2nd reference dispensed - Passed Senate 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 94, Acts, Regular Session, 2016
- \*4463. By Del. Rohrbach, Sobonya, Waxman, Stansbury, Ellington, Summers, Kurcaba, Arvon, Perdue and Miller - **Permitting the practice of telemedicine** (original similar to SB320) - Introduced 2/9/2016 - To Health and Human Resources then Judiciary - To House Judiciary 2/19/2016 - Passed House 2/29/2016 - To Senate 3/1/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/1/2016 - 2nd reference dispensed - Passed Senate 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 179, Acts, Regular Session, 2016
- \*4466. By Del. Espinosa, Statler, Duke, Westfall, Rowan, Ambler, Romine, Rohrbach, Kelly, Cooper and Kurcaba - **Relating to public school support** - Introduced 2/9/2016 - To Education then Finance - To House Finance 2/20/2016 - Passed House 3/1/2016 - Effective July 1, 2016 - To Senate 3/2/2016 - To Education then Finance - To Education 3/2/2016
- \*4467. By Del. Espinosa, Statler, Duke, Westfall, Rowan, Rohrbach and Ambler - **Including financial aid planning and completion of the Free Application for Federal Student Aid in secondary school instruction in personal finance** - Introduced 2/9/2016 - To Education - Amended - Passed House 2/18/2016 - To Senate 2/19/2016 - To Education
4470. By Del. Rohrbach, Summers, Ellington, Waxman, Stansbury, Campbell, Longstreth, Arvon, Perdue and Miller - **Expanding newborn testing to include Adrenoleukodystrophy** - Introduced 2/9/2016 - To Health and Human Resources - Passed House 2/23/2016 - To Senate 2/24/2016 - To Health and Human Resources

- \*4480. By Del. Walters, Perdue, Nelson, J., Rohrbach, Stansbury, Phillips, Bates, Ellington, Hanshaw, Frich and Campbell - **The Ryan Brown Addiction Treatment Act** - Introduced 2/10/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources - To House Health and Human Resources 2/20/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Health and Human Resources
- \*4487. By Del. Folk, Walters, Kurcaba and Marcum - **Relating to state retirement systems** (original similar to HB4187) - Introduced 2/11/2016 - To Pensions and Retirement then Finance - To House Finance 2/12/2016 - Passed House 2/26/2016 - To Senate 2/27/2016 - To Pensions then Finance - To Pensions 2/27/2016 - On 2nd reading to Finance 3/3/2016 - Passed Senate 3/10/2016 - To Governor 3/16/16 - Approved by Governor 3/21/16 - Chapter 218, Acts, Regular Session, 2016
4489. By Del. Fleischauer, Shott, Storch, Guthrie, Border, Moore, Hamilton, Sobonya, Miller, Manchin and Shaffer - **Relating generally to human trafficking** - Introduced 2/11/2016 - To Judiciary - Passed House 2/23/2016 - To Senate 2/24/2016 - To Judiciary - Amended - Passed Senate with amended title 3/8/2016 - House concurred in Senate amendment with amendment 3/12/2016 - Passed House 3/12/2016 - Title amended
4499. By Del. O'Neal, Shott, Lane, Hanshaw, Overington, Sobonya, Azinger and Fast - **Relating to certain persons who have been disqualified or excused from jury service** - Introduced 2/11/2016 - To Judiciary - Passed House 2/19/2016 - To Senate 2/20/2016 - To Judiciary
- \*4500. By Del. Ireland, Anderson, Smith, R., Border, Miller, Ambler, Cooper, Zatezalo, Lynch and Eldridge - **Oil and Gas Royalty Payment and Transparency Act of 2016** (original similar to SB396) - Introduced 2/11/2016 - To Energy then Finance - To House Finance 2/20/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Energy, Industry and Mining then Finance - To Energy, Industry and Mining 3/2/2016
- \*4502. By Del. Lane, Miller and Sobonya - **Allowing reciprocity agreements with contiguous states to establish regulations, licensing requirements and taxes for small businesses** - Introduced 2/11/2016 - To Small Business, Entrepreneurship and Economic Development then Judiciary - To House Judiciary 2/19/2016 - Amended - Passed House 2/29/2016 - Title amended - To Senate 3/1/2016 - To Judiciary - Passed Senate 3/10/2016 - To Governor 3/16/16 - Approved by Governor 3/25/16 - Chapter 141, Acts, Regular Session, 2016
- \*4505. By Del. Skinner (By Request) - **Allowing powerball winners to remain anonymous** - Introduced 2/11/2016 - To Judiciary - Amended - Passed House 2/29/2016 - Title amended - To Senate 3/1/2016 - To Judiciary - Passed Senate with amended title 3/7/2016 - House concurred in Senate title amendment 3/7/2016 - Passed House 3/7/2016 - To Governor 3/10/16 - Vetoed by Governor 4/1/16
- \*4507. By Del. Upson, Nelson, J., Cooper, Blair, Trecost, Householder, Espinosa and Frich - **Providing an employer may grant preference in hiring to a veteran or disabled veteran** - Introduced 2/11/2016 - To Veterans' Affairs and Homeland

- Security then Judiciary - To House Judiciary 2/19/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Military then Judiciary - To Military 3/2/2016 - 2nd reference dispensed - Passed Senate with amended title 3/10/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 105, Acts, Regular Session, 2016
- \*4517. By Del. Manchin, Shott, Shaffer, Byrd, Skinner, Caputo, Longstreth, Lane, McCuskey and Hanshaw - **Limiting the ability of an agent under a power of attorney to take self-benefiting actions** - Introduced 2/11/2016 - To Judiciary - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary - Passed Senate 3/10/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 174, Acts, Regular Session, 2016
- \*4519. By Del. Hamilton, Campbell, Lynch, Smith, P., Pethtel, Marcum, Evans, A., Statler, Wagner, Moffatt and Frich - **Allowing certain municipalities to elect to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System** - Introduced 2/11/2016 - To Pensions and Retirement then Finance - To House Finance 2/12/2016 - Passed House 2/26/2016 - To Senate 2/27/2016 - To Pensions then Finance - To Pensions 2/27/2016 - On 2nd reading to Finance 3/3/2016 - Amended - Passed Senate 3/10/2016 - House concurred in Senate amendment and passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 4/1/2016 - Chapter 220, Acts, Regular Session, 2016
- \*4520. By Del. Hanshaw and Shott - **Clarifying that certain hospitals have only one governing body whose meetings shall be open to the public** (original similar to SB50) - Introduced 2/11/2016 - To Judiciary - Passed House 2/19/2016 - To Senate 2/20/2016 - To Judiciary - Passed Senate 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/23/16 - Chapter 200, Acts, Regular Session, 2016
- \*4521. By Del. Cowles and Shott - **Modifying the requirements that allow a child witness to testify by closed circuit television** - Introduced 2/12/2016 - To Judiciary - Passed House 2/20/2016 - To Senate 2/22/2016 - To Judiciary
- \*4537. By Del. Stansbury, Bates, Rohrbach, Perdue, Sobonya and Ellington - **Relating to the regulation of chronic pain clinics** (original similar to SB569) - Introduced 2/15/2016 - To Health and Human Resources then Judiciary - To House Judiciary 2/19/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Health and Human Resources then Judiciary - To Health and Human Resources 3/3/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 201, Acts, Regular Session, 2016
- \*4540. By Del. Evans, A., Hamilton, Kelly, Zatezalo, Romine, Wagner and Boggs - **Removing prohibition of disposal of certain electronics in landfills** (original similar to SB473) - Introduced 2/15/2016 - To Government Organization - Passed House 2/22/2016 - Title amended - To Senate 2/23/2016 - To Government Organization - Passed Senate 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 108, Acts, Regular Session, 2016
- \*4542. By Del. Canterbury and Ambler - **Allowing persons with property within rural fire protection districts to opt out of fire protection coverage** - Introduced 2/16/2016 - To Political Subdivisions then Judiciary - To House Judiciary

2/20/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Government Organization - On third reading to Rules 8/19/2016

- \*4554. By Del. Ambler, Gearheart, Trecost, Hamrick, Smith, P., Ireland, Cooper and Evans, D. - **Allowing an increase of gross weight limitations on certain roads in Greenbrier County** - Introduced 2/16/2016 - To Roads and Transportation then Government Organization - To House Government Organization 2/20/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Transportation and Infrastructure - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 255, Acts, Regular Session, 2016
4558. By Del. Frich, Shott, Arvon, Smith, P., Rowan, Sobonya, Miller, Border, Upson, Kessinger and Summers - **Relating to victim notification and designation of additional individuals to receive notice of an offender's release** - Introduced 2/16/2016 - To Judiciary - Passed House 2/26/2016 - To Senate 2/27/2016 - To Judiciary - Amended - Passed Senate with amended title 3/7/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 249, Acts, Regular Session, 2016
- \*4561. By Del. Kurcaba, Statler, Upson, Householder, McGeehan, Azinger, Overington, Ellington, Fast, Foster and Gearheart - **Creating a special hiring process for West Virginia Division of Highways employees** - Introduced 2/16/2016 - To Roads and Transportation then Government Organization - To House Government Organization 2/20/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Government Organization - Amended - Passed Senate with amended title 3/8/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Vetoed by Governor 4/1/16
- \*4566. By Del. Espinosa, Duke, Statler and Evans, D. - **Relating to school personnel** - Introduced 2/16/2016 - To Education then Finance - To House Finance 2/20/2016 - Passed House 3/1/2016 - Effective July 1, 2016 - To Senate 3/2/2016 - To Education - Amended - Passed Senate 3/12/2016 - Effective July 1, 2016 - Motion immediate consideration - House concurred in Senate amendment and adopted 3/12/2016 - Passed House 3/12/2016 - Effective ninety days from passage - To Governor 3/24/16 - Approved by Governor 4/1/2016 - Chapter 89, Acts, Regular Session, 2016
4572. By Del. Espinosa, Statler, Blackwell, Evans, D., Romine, Westfall, Stansbury and Smith, R. - **Excepting specialized contract instructors from the definition of teacher** - Introduced 2/16/2016 - To Education - Amended - Passed House 2/25/2016 - To Senate 2/26/2016 - To Education
- \*4575. By Del. McCuskey, Foster, Hanshaw, Sobonya and Frich - **Creating criminal offenses relating to money laundering** (original similar to SB388) - Introduced 2/17/2016 - To Judiciary - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amend with amend, passed bill 3/23/2016
- \*4577. By Del. Overington, Folk, Kessinger, Shaffer, Azinger, Frich and Sobonya - **Creating an additional penalty for use of a firearm in furtherance of a drug offense** (original similar to SB391) - Introduced 2/17/2016 - To Select Committee

on Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/19/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary

4578. By Del. Weld, Byrd, Sobonya, White, B., Foster, Moore, Hicks, Perdue and Frich - **Creating a criminal offense of conspiracy to violate the drug laws** (original similar to SB405) - Introduced 2/17/2016 - To Select Committee on Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/19/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary - Amended - Passed Senate 8/18/2016 - Title amended
- \*4586. By Del. Cowles - **Ensuring that the interest of protected persons, incarcerated persons and unknown owners are protected in condemnation actions filed by the Division of Highways** - Introduced 2/17/2016 - To Judiciary - Passed House 3/2/2016 - To Senate 3/3/2016 - To Judiciary - Passed Senate 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 103, Acts, Regular Session, 2016
- \*4587. By Del. Moffatt and Miller - **Relating to violations associated with absent voters' ballots** - Introduced 2/17/2016 - To Political Subdivisions then Judiciary - To House Judiciary 2/20/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Judiciary - Amended - Passed Senate with amended title 3/8/2016 - House concurred in Senate amendment and passed 3/10/2016 - To Governor 3/15/16 - Approved by Governor 3/21/16 - Chapter 101, Acts, Regular Session, 2016
4594. By Del. Howell, Sponaugle, Cadle, Hartman, Morgan, Blair, Hamilton and Butler - **Relating to predoctoral psychology internship qualifications** - Introduced 2/17/2016 - To Health and Human Resources then Government Organization - To House Government Organization 2/19/2016 - Passed House 2/25/2016 - To Senate 2/26/2016 - To Health and Human Resources then Government Organization - To Health and Human Resources 2/26/2016 - 2nd reference dispensed - Passed Senate 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/25/16 - Chapter 186, Acts, Regular Session, 2016
- \*4604. By Del. Householder, Mr. Speaker (Mr. Armstead), Kessinger, Upson, Shott, Folk and Lane - **Relating to violations of the Ethics Act** - Introduced 2/17/2016 - To Judiciary - Passed House 2/22/2016 - To Senate 2/23/2016 - To Judiciary - Amended - Passed Senate with amended title 3/7/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 112, Acts, Regular Session, 2016
- \*4605. By Del. Kessinger, Mr. Speaker (Mr. Armstead), Shott, Householder, Upson, Lane and Folk - **Prohibiting contracting with a state agency unless business entity submits disclosure of interested parties** - Introduced 2/17/2016 - To Judiciary - Passed House 2/22/2016 - To Senate 2/23/2016 - To Judiciary - Amended - Passed Senate with amended title 3/12/2016 - House refused to concur and requested Senate to recede 3/12/2016
- \*4606. By Del. Upson, Mr. Speaker (Mr. Armstead), Lane, Kessinger, Shott, Householder and Folk - **Relating to the recusal of certain public officials from voting for appropriation of moneys to nonprofit entities** - Introduced 2/17/2016 - To Judiciary - Amended - Passed House 2/23/2016 - Title amended - To Senate 2/24/2016 - To Judiciary - Amended - On third reading to Rules 8/19/2016

- \*4607. By Del. Shott, Lane, Folk, Kessinger and Householder - **Adding violations of law upon which a public servant's retirement plan may be forfeited** - Introduced 2/18/2016 - To Pensions and Retirement then Judiciary - To House Judiciary 2/19/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Pensions then Judiciary - To Pensions 2/29/2016
- \*4612. By Del. Nelson, E., Mr. Speaker (Mr. Armstead), Gearheart, Hamrick, Householder, Anderson, Shott, Storch, Espinosa, Howell and Boggs - **Relating generally to tax increment financing and economic opportunity development districts** - Introduced 2/18/2016 - To Finance - Passed House 2/26/2016 - To Senate 2/27/2016 - To Finance - Amended - Passed Senate with amended title 3/9/2016 - House concurred in Senate amendment and passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 3/24/16 - Chapter 53, Acts, Regular Session, 2016
4616. By Del. Moffatt and Eldridge - **Permitting county commissions the option of paying the salaries of county officials and their employees on a bi-weekly basis** - Introduced 2/18/2016 - To Government Organization - Passed House 3/2/2016 - To Senate 3/3/2016 - To Government Organization
4617. By Del. Espinosa and Duke - **Authorizing legislative rules of the Higher Education Policy Commission regarding the Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program** - Introduced 2/18/2016 - To Education - Passed House 2/25/2016 - To Senate 2/26/2016 - To Education - Passed Senate 3/8/2016 - To Governor 3/11/16 - Approved by Governor 3/15/16 - Chapter 147, Acts, Regular Session, 2016
4618. By Del. Sobonya, Ireland, Foster, Zatezalo, Fast, Rowe, Deem, Skinner, Folk, Manchin and Marcum (Originating in House Judiciary) - **Relating to limitations on use of a public official's name or likeness** - Introduced 2/19/2016 - Amended - Passed House 2/22/2016 - To Senate 2/23/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - House concurred in Senate amend with amend, passed bill 3/12/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 113, Acts, Regular Session, 2016
- \*4625. By Mr. Speaker (Mr. Armstead), Del. Sobonya, Kurcaba, Hanshaw, Overington, Hamrick, Kessinger, Gearheart and Shott - **Redirecting certain racing and gaming revenues from greyhound development funds to the State Road Fund** - Introduced 2/20/2016 - To Finance - Motion to recommit bill to the committee on Finance rejected - Passed House 3/1/2016 - To Senate 3/2/2016 - To Finance
- \*4633. By Del. Eldridge, Ambler, Skinner, White, P., Butler, Nelson, J., Phillips, Marcum, White, B., Storch and Summers - **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** - Introduced 2/20/2016 - To Judiciary - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary - Amended - Passed Senate with amended title 3/12/2016

- \*4636. By Del. Shott - **Increasing the penalties for violating the Whistle-blower Law** - Introduced 2/20/2016 - To Judiciary - Passed House 2/26/2016 - To Senate 2/27/2016 - To Judiciary - Amended - Passed Senate with amended title 3/10/2016 - House refused to concur and requested Senate to recede 3/12/2016
4644. By Del. Miller, Border, Evans, D., Statler, Moffatt, McCuskey, Sobonya and Rohrbach - **Relating to jury fees** (original similar to SB552) - Introduced 2/22/2016 - To Finance - Passed House 3/1/2016 - To Senate 3/2/2016 - To Government Organization - Passed Senate 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/15/16 - Chapter 57, Acts, Regular Session, 2016
4651. By Del. Howell, Arvon, Ihle, Hamrick, White, P. and Stansbury - **Relating to professional examination requirements for hearing-aid dealers and fitters** - Introduced 2/22/2016 - To Government Organization - Passed House 2/25/2016 - Effective from passage - To Senate 2/26/2016 - To Government Organization - Passed Senate 3/9/2016 - Effective from passage - To Governor 3/14/16 - Approved by Governor 3/25/16 - Chapter 187, Acts, Regular Session, 2016
4652. By Del. Howell, Cadle, Atkinson, Smith, R., Stansbury, Moffatt, White, P., Arvon, Foster, Hamrick and McGeehan - **Relating to the creation of an intermediate contractor's license** - Introduced 2/22/2016 - To Government Organization - Amended - Passed House 2/26/2016 - To Senate 2/27/2016 - To Government Organization
4654. By Del. Summers, Campbell, Ellington, Householder and Rohrbach - **Relating to the Executive Secretary of the Board of Registered Professional Nurses** - Introduced 2/22/2016 - To Government Organization - Passed House 3/1/2016 - Effective from passage - To Senate 3/2/2016 - To Government Organization - Passed Senate with amended title 3/7/2016 - Effective from passage - House concurred in Senate title amendment 3/7/2016 - Passed House 3/7/2016 - Effective from passage - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 182, Acts, Regular Session, 2016
4655. By Del. Walters and Perry - **Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers to provide discounts on noncovered services or materials** (original similar to SB638) - Introduced 2/22/2016 - To Health and Human Resources - Amended - Passed House 3/1/2016 - Title amended - To Senate 3/2/2016 - To Banking and Insurance then Judiciary - To Banking and Insurance 3/2/2016 - On 2nd reading to Judiciary 3/8/2016 - Amended - Passed Senate 3/12/2016 - Title amended - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 4/1/2016 - Chapter 138, Acts, Regular Session, 2016
4658. By Del. Howell, Arvon, Ihle, Moffatt, Hill, Cadle, Hamrick, Lynch, Blair, White, P. and Smith, R. - **Relating to the Board of Funeral Service Examiners** - Introduced 2/22/2016 - To Government Organization - Passed House 2/27/2016 - To Senate 2/29/2016 - To Government Organization
- \*4659. By Del. Ellington - **Authorizing local health departments to bill health insurance plans for services** - Introduced 2/22/2016 - To Health and Human Resources then Finance - To House Finance 2/24/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Health and Human Resources - Passed Senate with amended title 3/12/2016 - House concurred in Senate title amendment 3/12/2016

- Passed House 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 194, Acts, Regular Session, 2016
- \*4660. By Del. Espinosa - **Relating to the information required to be included in support of an application to the Public Service Commission for a certificate of convenience and necessity for a water, sewer and/or stormwater service project** - Introduced 2/22/2016 - To Government Organization - Passed House 3/1/2016 - To Senate 3/2/2016 - To Government Organization then Judiciary - To Government Organization 3/2/2016 - 2nd reference dispensed - Rejected by Senate 3/12/2016
- \*4662. By Del. Walters - **Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers** - Introduced 2/22/2016 - To Finance - Passed House 3/1/2016 - Effective July 1, 2016 - To Senate 3/2/2016 - To Transportation and Infrastructure then Finance - To Transportation and Infrastructure 3/2/2016 - On 2nd reading to Finance 3/9/2016 - Amended - Passed Senate 3/12/2016 - Title amended - Effective July 1, 2016 - House concurred in Senate amendment and passed 3/12/2016 - Effective July 1, 2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 246, Acts, Regular Session, 2016
- \*4668. By Del. Byrd, Nelson, J., Marcum, Phillips, Rowe, McCuskey, Stansbury, White, B., Nelson, E., Guthrie and Pushkin - **Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services** - Introduced 2/22/2016 - To Energy then Finance - To House Finance 2/24/2016 - Passed House 3/2/2016 - Effective July 1, 2016 - To Senate 3/3/2016 - To Finance - Passed Senate 3/12/2016 - Effective July 1, 2016 - To Governor 3/23/16 - Vetoed by Governor 4/1/16
- \*4673. By Del. Anderson, Kelly, Border, Evans, A., Phillips, Wagner, Trecost, Smith, R., Shaffer, Ireland and Miller - **Providing for a crime for the theft, damage or release of deer from private game farms** - Introduced 2/22/2016 - To Judiciary - Passed House 3/1/2016 - To Senate 3/2/2016 - To Natural Resources then Judiciary - To Natural Resources 3/2/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/7/2016 - House concurred in Senate amend with amend, passed bill 3/11/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 7, Acts, Regular Session, 2016
4674. By Del. Howell, Smith, R., Ihle, Hamrick and Pushkin (Originating in House Government Organization) - **Relating to motor vehicle back-up lamps** - Introduced 2/22/2016 - Passed House 2/25/2016 - To Senate 2/26/2016 - To Government Organization - Passed Senate 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 244, Acts, Regular Session, 2016
4685. By Del. Ihle, Moffatt, Hamrick, Smith, R. and Atkinson - **Relating to professional and occupational board members** - Introduced 2/23/2016 - To Government Organization - Passed House 3/1/2016 - To Senate 3/2/2016 - To Government Organization
4696. By Del. Howell, Faircloth, Stansbury, Smith, R., Cadle, Arvon, Hartman, Hill, Atkinson and Ihle - **Creating the unlicensed practice review board** - Introduced



2/23/2016 - To Government Organization - Passed House 3/1/2016 - To Senate 3/2/2016 - To Government Organization

4705. By Del. Anderson, Boggs, Frich, Westfall, Smith, P., Canterbury, Hamilton, Miller and Nelson, E. (Originating in House Finance) - **Relating to adding an additional type of West Virginia source income of nonresident individual** - Introduced 2/22/2016 - Passed House 2/25/2016 - Effective from passage - To Senate 2/26/2016 - To Finance - Passed Senate 3/8/2016 - Effective from passage - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 235, Acts, Regular Session, 2016
4706. By Del. Cooper, Duke, Ellington, Evans, D., Rohrbach, Espinosa, Statler, Blackwell, Hicks, Hornbuckle and Perdue (Originating in House Education) - **Relating to county board regional meetings** - Introduced 2/23/2016 - Passed House 2/29/2016 - To Senate 3/1/2016 - To Education
4724. By Del. Folk, Overington, Zatezalo, Manchin, Moore, Sobonya, Kessinger, Foster, Summers, Azinger and McGeehan (Originating in House Judiciary) - **Relating to adding a requirement for the likelihood of imminent lawless action to the prerequisites for the crime of intimidation and retaliation** - Introduced 2/27/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Judiciary - Amended - Passed Senate with amended title 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/29/2016 - Chapter 69, Acts, Regular Session, 2016
4725. By Del. Lane, Hanshaw, McCuskey, Fleischauer, Azinger, Shaffer, Sobonya, Deem, Fluharty, Skinner and Manchin (Originating in House Judiciary) - **Relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate and making certain clarifications** - Introduced 2/24/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Judiciary - Passed Senate with amended title 3/8/2016 - House concurred in Senate amend with amend, passed bill 3/11/2016 - Title amended - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 102, Acts, Regular Session, 2016
4726. By Del. Smith, R., Ireland, Phillips, Caputo, Eldridge, Anderson, Boggs, Evans, D., Ambler, Lynch, Zatezalo, Upson, Cadle, White, P., McCuskey and Storch (Originating in House Energy) - **Relating to coal mining generally** - Introduced 2/26/2016 - Amended - Passed House 3/1/2016 - Title amended - To Senate 3/2/2016 - To Energy, Industry and Mining - Amended - Passed Senate with amended title 3/8/2016 - House concurred in Senate amendment and passed 3/11/2016 - To Governor 3/22/16 - Approved by Governor 4/1/2016 - Chapter 106, Acts, Regular Session, 2016
4727. By Del. Ellington, Summers, Lane, Householder, Sobonya, Hill, Faircloth, Perdue, Pushkin and Longstreth (Originating in House Health and Human Resources) - **Relating to state plan amendments** - Introduced 2/25/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Health and Human Resources
4728. By Del. Ellington, Summers and Householder (Originating in House Health and Human Resources) - **Relating to schedule three controlled substances** -

- Introduced 2/24/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Health and Human Resources - Passed Senate 3/11/2016 - To Governor 3/23/16 - Approved by Governor 3/29/2016 - Chapter 44, Acts, Regular Session, 2016
4730. By Del. Espinosa, Hamrick, Kurcaba, Hicks, Ellington, Blackwell, Statler and Rohrbach (Originating in House Education) - **Relating to computer science courses of instruction** - Introduced 2/24/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Education - Amended - Passed Senate 3/12/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 86, Acts, Regular Session, 2016
4731. By Del. Rohrbach, Cooper, Rowan, Hornbuckle, Perdue, Ambler, Hicks, Romine, Evans, D., Ellington and Blackwell (Originating in House Education) - **Relating to requiring comprehensive drug awareness and prevention program in all public schools** - Introduced 2/24/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Education
4732. By Del. Howell, Arvon, Border, Moffatt, Ihle, Hill, Hamrick, Kurcaba, Statler and Frich (Originating in House Government Organization) - **Relating to performance metrics for the West Virginia Division of Highways** - Introduced 2/24/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Transportation and Infrastructure then Government Organization - To Transportation and Infrastructure 2/29/2016 - On 2nd reading to Government Organization 3/8/2016
4733. By Del. Howell, Border, Moffatt, Hartman, Lynch, Caputo, Sponaugle, Eldridge, Ihle, Blair and Kurcaba (Originating in House Government Organization) - **Relating to requiring the Commissioner of Highways to develop a statewide communications plan known as the Comprehensive Public Involvement Plan** - Introduced 2/24/2016 - Passed House 2/27/2016 - To Senate 2/29/2016 - To Transportation and Infrastructure then Government Organization - To Transportation and Infrastructure 2/29/2016 - On 2nd reading to Government Organization 3/9/2016
4734. By Del. McCuskey, Shott, Deem, Sobonya, Folk, Fast, Manchin, Moore, Fluharty, Fleischauer and Caputo (Originating in House Judiciary) - **Relating to mine subsidence insurance** - Introduced 2/26/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Banking and Insurance then Judiciary - To Banking and Insurance 3/2/2016 - 2nd reference dispensed - Amended - Passed Senate with amended title 3/10/2016 - Effective October 1, 2016 - House concurred in Senate amendment and passed 3/11/2016 - Effective October 1, 2016 - To Governor 3/22/16 - Approved by Governor 3/25/16 - Chapter 139, Acts, Regular Session, 2016
4735. By Del. McCuskey, Ireland, Shaffer, Kessinger, Sobonya, Summers and Azinger (Originating in House Judiciary) - **Relating to the definition of health care provider, and clarifying that speech-language pathologists and audiologists are two separate providers** - Introduced 2/26/2016 - Passed House 3/1/2016 - To Senate 3/2/2016 - To Judiciary - Passed Senate 3/7/2016 - To Governor 3/10/16 - Approved by Governor 3/10/16 - Chapter 156, Acts, Regular Session, 2016
4738. By Del. Hanshaw, McCuskey, Foster, Weld, Fast, Overington, Folk, Shaffer, Moore, Byrd and Manchin (Originating in House Judiciary) - **Relating to the**

**offense of driving in an impaired state** - Introduced 2/27/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Judiciary - Amended - Passed Senate with amended title 3/11/2016 - Motion immediate consideration adopted - House concurred in Senate amendment and adopted 3/12/2016 - Passed House 3/12/2016 - To Governor 3/24/16 - Approved by Governor 3/25/16 - Chapter 240, Acts, Regular Session, 2016

4739. By Del. Shott, Ireland, Kessinger, Sobonya, Foster, Zatezalo, Lane, Rowe, Westfall, Frich and White, B. (Originating in House Judiciary) - **Unclaimed Life Insurance Benefits Act** - Introduced 2/27/2016 - Passed House 3/1/2016 - Title amended - To Senate 3/2/2016 - To Judiciary - Amended - Passed Senate with amended title 3/9/2016 - House concurred in Senate amend with title amend, passed 3/11/2016 - Senate concurred in House amendments and passed bill 3/12/2016 - To Governor 3/23/16 - Approved by Governor 4/1/2016 - Chapter 132, Acts, Regular Session, 2016
4740. By Del. Weld, Hanshaw, McCuskey, Fleischauer, Kessinger, Sobonya, Summers, Zatezalo and Nelson, J. (Originating in House Judiciary) - **Permitting that current members of the National Guard or Reserves may be excused from jury duty** - Introduced 2/27/2016 - Passed House 3/2/2016 - To Senate 3/3/2016 - To Judiciary - Amended - Passed Senate with amended title 3/9/2016 - House concurred in Senate amendment and passed 3/12/2016 - To Governor 3/23/16 - Approved by Governor 3/24/16 - Chapter 56, Acts, Regular Session, 2016
4741. By Del. Anderson, Boggs, Butler, Frich, Hamilton, Householder, Miller, Nelson, E., Storch, Waxman and Westfall (Originating in House Finance) - **Expiring funds to the Division of Human Resources, Medical Services Trust Fund** - Introduced 3/8/2016 - Passed House 3/11/2016 - To Senate 3/12/2016 - To Finance
4742. By Del. Anderson, Butler, Canterbury, Espinosa, Frich, Householder, Miller, Perry, Storch, Walters and Waxman (Originating in House Finance) - **Expiring funds to the Division of Human Resources, Medical Services Trust Fund from various accounts** - Introduced 3/8/2016 - Passed House 3/11/2016 - To Senate 3/12/2016 - To Finance

## HOUSE CONCURRENT RESOLUTIONS COMMUNICATED TO SENATE

1. 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 1/13/2016 - Reference dispensed - Adopted by House 1/13/2016 - To Senate 1/13/2016 - Committee reference dispensed - Adopted by Senate 1/14/2016
- \*2. By Del. Rowan and Cowles - **U.S. Army PV2 William Frederick Kump Memorial Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules - To House Rules 2/10/2016 - Adopted by House 2/15/2016 - To Senate 2/16/2016 - To Transportation and Infrastructure - Adopted by Senate 2/24/2016

- \*3. By Del. Rowan and Cowles - **North River Mills Historic Trace** - Introduced 1/14/2016 - To Roads and Transportation then Rules - To House Rules 3/4/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/11/2016 - House concurred in Senate amendment and adopted 3/12/2016
4. By Del. Rowan - **CSA LTG Thomas J. "Stonewall" Jackson Bridge** - Introduced 1/14/2016 - To Roads and Transportation then Rules - To House Rules 3/4/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure - Adopted by Senate 3/10/2016
- \*5. By Del. Ambler, Canterbury and Cowles - **U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge** - Introduced 1/15/2016 - To Roads and Transportation then Rules - To House Rules 2/10/2016 - Adopted by House 2/23/2016 - To Senate 2/24/2016 - To Transportation and Infrastructure - To Transportation and Infrastructure 2/24/2016 - Amended - Adopted by Senate 3/9/2016 - House concurred in Senate amendment and adopted 3/12/2016
- \*7. By Del. Miller, Morgan, Moffatt, Hornbuckle, Reynolds, Sobonya and Rohrbach - **U.S. Army PFC Cecil Ray Ball Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016 - To House Rules 2/10/2016 - Adopted by House 2/23/2016 - To Senate 2/24/2016 - To Transportation and Infrastructure - To Transportation and Infrastructure 2/24/2016 - Adopted by Senate 3/8/2016
8. By Del. Westfall, McCuskey, White, B., Atkinson, Stansbury, Blair, Foster, Ihle, Butler and Storch - **Harry Ripley Memorial Bridge** - Introduced 1/20/2016 - To Roads and Transportation then Rules - To House Roads and Transportation 1/20/2016 - To House Rules 3/4/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure - To Transportation and Infrastructure 3/8/2016 - Adopted by Senate 3/10/2016
- \*10. By Del. White, P., Phillips, Marcum and Eldridge - **U.S. Marine Corps GySgt Lionel Collins Memorial Road** - Introduced 1/21/2016 - To Roads and Transportation then Rules - To House Rules 2/10/2016 - Adopted by House 2/23/2016 - To Senate 2/24/2016 - To Transportation and Infrastructure - Adopted by Senate 3/8/2016
11. By Del. Campbell, Moyer, Rowan, Espinosa, Wagner, Hornbuckle, White, P., Marcum, Phillips, Stansbury and Hamilton - **World Autism Awareness Day** - Introduced 1/21/2016 - To Rules - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Rules - Adopted by Senate 3/12/2016
- \*12. By Del. Campbell, Hartman, Sponaugle, Espinosa, Wagner, White, P., Stansbury, Perry and Hamilton - **Cheat Mountain Salamander as the State symbol of conservation** - Introduced 1/21/2016 - To Agriculture and Natural Resources then Rules - To House Rules 2/10/2016 - Amended - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Rules
- \*13. By Del. Cooper and Ambler - **U.S. Army SPC 4 Everette R. Johnson Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules - To House Rules 2/26/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure - Adopted by Senate 3/10/2016

- \*14. By Del. Howell, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Border, Butler, Cadle, Cooper, Cowles, Duke, Ellington, Espinosa, Evans, D., Frich, Hamrick, Hanshaw, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, McGeehan, Miller, Moffatt, O'Neal, Overington, Rowan, Shott, Smith, R., Sobonya, Stansbury, Statler, Storch, Walters, Waxman and Zatezalo - **Second Friday in July as West Virginia Collector Car Appreciation Day** - Introduced 1/21/2016 - To Roads and Transportation then Rules - To House Rules 2/10/2016 - Adopted by House 2/15/2016 - To Senate 2/16/2016 - To Transportation and Infrastructure - Adopted by Senate 2/24/2016
- \*15. By Mr. Speaker (Mr. Armstead) - **U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules - To House Rules 2/10/2016 - Adopted by House 2/23/2016 - To Senate 2/24/2016 - To Transportation and Infrastructure - Adopted by Senate 3/8/2016
- \*17. By Del. Phillips, Marcum, Rodighiero and White, P. - **SGT Larry Joseph Whitt Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules - To House Rules 2/10/2016 - Adopted by House 2/23/2016 - To Senate 2/24/2016 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/9/2016 - House concurred in Senate amendment and adopted 3/12/2016
- \*18. By Del. Phillips, Marcum, Rodighiero and White, P. - **U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway** - Introduced 1/21/2016 - To Roads and Transportation then Rules - To House Rules 2/10/2016 - Adopted by House 2/23/2016 - To Senate 2/24/2016 - To Transportation and Infrastructure - Adopted by Senate 3/8/2016
- \*19. By Del. Waxman, Trecost, Miley and Hamrick - **H. Laban White Memorial Bridge** - Introduced 1/21/2016 - To Roads and Transportation then Rules - To House Rules 2/10/2016 - Adopted by House 2/15/2016 - To Senate 2/16/2016 - To Transportation and Infrastructure - Adopted by Senate 2/24/2016
20. By Del. Cooper, Evans, D., Nelson, J., Fleischauer, Longstreth, Rowan and Weld - **Funding for the West Virginia National Guard** - Introduced 1/21/2016 - To Veterans' Affairs and Homeland Security then Rules - To House Rules 2/19/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Rules - Adopted by Senate 3/12/2016
- \*22. By Del. White, B., Miller, Lane, Cowles, Evans, A., Kessinger, Shott, McCuskey, Sobonya, Stansbury, Byrd, Mr. Speaker (Mr. Armstead), Atkinson, Azinger, Blackwell, Blair, Deem, Ellington, Faircloth, Fleischauer, Folk, Hamrick, Householder, Ireland, Kelly, Kurcaba, McGeehan, Nelson, E., Overington, Pushkin, Rohrbach, Rowan, Rowe, Shaffer, Smith, P., Smith, R., Statler, Storch, Upson, Waxman, Weld, Westfall and Zatezalo - **U. S. Army SGT Gary Lee DeBoard Memorial Intersection** - Introduced 1/25/2016 - To Roads and Transportation then Rules - To House Rules 3/10/2016 - Adopted by House 3/12/2016 - To Senate 3/12/2016 - Committee reference dispensed - Adopted by Senate 3/12/2016
- \*26. By Del. Romine, Rowan, Pethel and Hamilton - **Corporal Gary Wayne Weekley Memorial Bridge** - Introduced 1/26/2016 - To Roads and

- Transportation then Rules - To House Rules 3/10/2016 - Adopted by House 3/12/2016 - To Senate 3/12/2016 - Committee reference dispensed - Adopted by Senate 3/12/2016
29. By Del. Manchin, Caputo and Longstreth - **Harry C. "Buck" Markley Jr. Memorial Bridge** - Introduced 1/29/2016 - To Roads and Transportation then Rules - To House Rules 3/4/2016 - Adopted by House 3/9/2016 - To Senate 3/10/2016 - To Transportation and Infrastructure - Adopted by Senate 3/12/2016
- \*30. By Del. Hamilton, Lynch and Smith, P. - **U.S. Army PFC Everett Henry Woody Memorial Bridge** - Introduced 2/2/2016 - To Roads and Transportation then Rules - To House Rules 3/10/2016 - Adopted by House 3/12/2016 - To Senate 3/12/2016 - Committee reference dispensed - Adopted by Senate 3/12/2016
- \*34. By Del. Miller - **U.S. Marine Corps PFC Billy Joe Vickers Memorial Bridge** - Introduced 2/5/2016 - To Roads and Transportation then Rules - To House Rules 2/26/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure
36. By Del. Overington, Ambler, Anderson, Arvon, Atkinson, Azinger, Blair, Border, Butler, Cadle, Canterbury, Cooper, Deem, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Flanigan, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hill, Householder, Howell, Ihle, Kelly, Kessinger, Kurcaba, Lane, McCuskey, Miller, Moffatt, Moye, Nelson, E., O'Neal, Perry, Phillips, Rohrbach, Romine, Rowan, Shott, Smith, R., Sobonya, Stansbury, Statler, Storch, Summers, Upton, Wagner, Walters, Waxman, Weld, Westfall, Ireland, Zatezalo and Shaffer - **Applying for an Article V Amendments Convention to Propose a Constitutional Amendment** - Introduced 2/8/2016 - To Judiciary - Adopted by House 3/11/2016 - To Senate 3/12/2016 - Committee reference dispensed - Adopted by Senate 3/12/2016
41. No Delegate(s) Selected - **U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge** - Introduced 2/8/2016 - To Roads and Transportation then Rules - To House Rules 2/17/2016 - Adopted by House 2/23/2016 - To Senate 2/24/2016 - To Transportation and Infrastructure - Adopted by Senate 3/8/2016
42. By Del. Sponaugle, Evans, A., Campbell and Hartman - **WVSP Tpr. Phillip S. Kesner Memorial Bridge** - Introduced 2/9/2016 - To Roads and Transportation then Rules - To House Rules 3/10/2016 - Adopted by House 3/12/2016 - To Senate 3/12/2016 - Committee reference dispensed - Adopted by Senate 3/12/2016
47. By Del. Rohrbach, Perdue, Reynolds and Hicks - **U.S. Army SFC Jesse Muncy Memorial Bridge** - Introduced 2/9/2016 - To Roads and Transportation then Rules - To House Rules 2/26/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure
- \*51. By Del. Pethtel - **U.S. Army PFC Danny Mire Stoneking Memorial Bridge** - Introduced 2/11/2016 - To Roads and Transportation then Rules - To House Rules 2/26/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure - Adopted by Senate 3/10/2016

- \*54. By Del. Smith, R., Shaffer, Nelson, J. and Wagner - **Byron 'Bray' Kelley Memorial Bridge** - Introduced 2/11/2016 - To Roads and Transportation then Rules - To House Rules 2/26/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure - Adopted by Senate 3/10/2016
- \*56. By Del. Statler, Stansbury, White, B., Kessinger, Rohrbach, Sobonya, Waxman, Hamrick, Summers, Ihle and Atkinson - **U.S. Army CPL Robert Eugene Jackson Memorial Bridge** - Introduced 2/11/2016 - To Roads and Transportation then Rules - To House Rules 2/26/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/11/2016 - House concurred in Senate amendment and adopted 3/12/2016
- \*57. By Del. Evans, A., Kelly, Storch, Hamrick, Sobonya, Summers, Ellington, Overington, O'Neal, McGeehan and Azinger - **U.S. Army PVT Leander Reel Memorial Bridge** - Introduced 2/12/2016 - To Roads and Transportation then Rules - To House Rules 2/26/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/11/2016 - House concurred in Senate amendment and adopted 3/12/2016
60. By Del. Sobonya, Rohrbach, Waxman, Hamrick, White, B., Miller, Border, Evans, D., Ambler and Cooper - **Requesting Joint Committee on Government and Finance study the state-level background check process for new employees and volunteers of caregiving businesses and facilities** - Introduced 2/12/2016 - To Rules - Adopted by House 2/23/2016 - To Senate 2/24/2016 - To Government Organization then Rules - To Government Organization 2/24/2016 - To Rules 3/10/2016
68. By Del. Howell, Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Ferro, Fluharty, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Moye, Mr. Speaker (Mr. Armstead), Nelson, E., Nelson, J., O'Neal, Overington, Perdue, Perry, Pethtel, Phillips, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Skinner, Smith, P., Smith, R., Sobonya, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, White, B., White, P. and Zatezalo - **Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles Phase 2** - Introduced 2/16/2016 - To Rules - Adopted by House 2/23/2016 - To Senate 2/24/2016 - To Government Organization then Rules - To Government Organization 2/24/2016 - To Rules 3/10/2016 - Adopted by Senate 3/12/2016
- \*72. By Del. Duke - **Max G. Parkinson Memorial Bridge** - Introduced 2/16/2016 - To Roads and Transportation then Rules - To House Rules 2/26/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/11/2016 - House concurred in Senate amendment and adopted 3/12/2016
- \*74. By Del. Caputo, Guthrie and Rowe - **Arnold Miller Memorial Bridge** - Introduced 2/19/2016 - To Roads and Transportation then Rules - To House Rules

- 3/4/2016 - Adopted by House 3/9/2016 - To Senate 3/10/2016 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/12/2016
78. By Del. Howell, Arvon, Atkinson, Blair, Cadle, Caputo, Faircloth, Ferro, Flanigan, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, Nelson, J., Pushkin, Smith, R., Sponaugle and Stansbury (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance study professional and occupational licensing boards** - Introduced 2/20/2016 - To House Rules 2/20/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Government Organization then Rules - To Government Organization 3/8/2016 - To Rules 3/10/2016
79. By Del. Howell, Arvon, Atkinson, Blair, Cadle, Caputo, Faircloth, Ferro, Flanigan, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, Nelson, J., Pushkin, Smith, R., Sponaugle and Stansbury (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance study state agency websites** - Introduced 2/21/2016 - To House Rules 2/20/2016 - Adopted by House 3/9/2016 - To Senate 3/10/2016 - To Rules
86. By Del. Waxman, Rohrbach, Hamrick, Border, Butler, Cadle, Ellington, Espinosa, Evans, A., Fast, Frich, Hamilton, Hill, Kessinger, Lane, Miller, Statler and White, B. - **Designating April 16, 2016 as World Voice Day** - Introduced 2/22/2016 - To Rules - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Rules - Adopted by Senate 3/12/2016
88. By Del. Lane, Hanshaw and Shaffer - **Extending the Conference Committee relating to H. B. 2800, Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests.** - Introduced 2/23/2016 - Reference dispensed - Adopted by House 2/23/2016 - To Senate 2/23/2016 - Committee reference dispensed - Adopted by Senate 2/23/2016
- \*90. By Del. Moore, White, P., Gearheart, Ellington and Blackwell - **U.S. Army CPL Fon Mitchell Memorial Bridge** - Introduced 2/24/2016 - To Roads and Transportation then Rules - To House Rules 3/4/2016 - Adopted by House 3/9/2016 - To Senate 3/10/2016 - To Transportation and Infrastructure - Adopted by Senate 3/12/2016
- \*92. By Del. Evans, A. - **Captain John Bond and the West Virginia State Troops Memorial Bridge** - Introduced 2/27/2016 - To Roads and Transportation then Rules - To House Rules 3/10/2016 - Adopted by House 3/12/2016 - To Senate 3/12/2016 - Committee reference dispensed - Adopted by Senate 3/12/2016
93. By Del. Howell, Arvon, Atkinson, Blair, Border, Cadle, Caputo, Faircloth, Hamrick, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, Nelson, J., Pushkin, Smith, R., Sponaugle, Stansbury and White, P. (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance study the motor vehicle code** - Introduced 2/27/2016 - To House Rules 2/27/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Government Organization then Rules - To Government Organization 3/8/2016 - To Rules 3/10/2016 - Adopted by Senate 3/12/2016



94. By Del. Howell, Arvon, Atkinson, Blair, Border, Cadle, Caputo, Faircloth, Hamrick, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, Nelson, J., Pushkin, Smith, R., Sponaugle, Stansbury and White, P. (Originating in House Government Organization) - **Requesting the Joint Committee on Government and Finance study the holdings of public property by departments, agencies, commissions, bureaus and boards of the state** - Introduced 2/27/2016 - To House Rules 2/27/2016 - Adopted by House 3/7/2016 - To Senate 3/8/2016 - To Government Organization then Rules - To Government Organization 3/8/2016 - To Rules 3/10/2016
96. By Del. Ireland, Smith, R., McCuskey, Zatezalo and Evans, D. - **Requesting the Federal Energy Regulatory Commission (FERC) expedite the approval of six interstate natural gas pipeline projects in West Virginia.** - Introduced 2/29/2016 - To Rules - Adopted by House 3/9/2016 - To Senate 3/10/2016 - To Rules
101. By Del. Ambler, Duke, Evans, D., Hamrick, Kelly, Rohrbach, Romine, Rowan, Wagner, Blackwell, Campbell, Hicks, Hornbuckle, Moye, Perdue, Perry, Rodighiero, Trecost, Espinosa and Moffatt (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct an interim study on the areas remaining from the January 3, 2012, Efficiency Audit of West Virginia's Primary and Secondary Education System** - Introduced 3/7/2016 - To House Rules 3/7/2016 - Adopted by House 3/9/2016 - To Senate 3/10/2016 - To Rules
102. By Del. Kurcaba, Ellington, Hicks, Romine, Trecost, Kelly, Hamrick, Espinosa, Rodighiero and Campbell (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct an interim study on the enrollment of students solely for participation in extracurricular activities** - Introduced 3/7/2016 - To House Rules 3/7/2016 - Adopted by House 3/9/2016 - To Senate 3/10/2016 - To Rules
103. By Del. Cooper, Ellington, Evans, D., Hamrick, Kelly, Kurcaba, Rowan, Campbell, Hicks, Moye, Rodighiero, Trecost and Espinosa (Originating in House Education) - **Requesting the Joint Committee on Government and Finance to conduct an interim study on the educational impact and budgetary and funding formula consequences of Education Savings Accounts** - Introduced 3/7/2016 - To House Rules 3/7/2016 - Adopted by House 3/9/2016 - To Senate 3/10/2016 - To Rules - Adopted by Senate 3/12/2016
104. By Del. Ambler, Duke, Evans, D., Hamrick, Kelly, Rohrbach, Romine, Rowan, Wagner, Ellington, Campbell, Hicks, Hornbuckle, Moye, Perdue, Perry, Rodighiero, Cooper and Espinosa (Originating in House Education) - **Requesting that the Joint Committee on Government and Finance study the composition, qualifications, terms and duties of the State Board of Education** - Introduced 3/7/2016 - To House Rules 3/7/2016 - Adopted by House 3/9/2016 - To Senate 3/10/2016 - To Rules
105. By Del. Ambler, Duke, Ellington, Evans, D., Hamrick, Kurcaba, Rohrbach, Romine, Rowan, Wagner, Campbell, Hicks, Moye, Perry, Rodighiero, Trecost and Espinosa (Originating in House Education) - **Requesting the Joint Committee on Government and Finance study the composition and terms of**

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281. Requiring health care providers and facilities to notify patient when mammogram indicates dense breast tissue
284. Providing for approval by county commission of all health policies enacted by local boards of health
296. Excluding amounts claimant would not pay from compensatory damages awarded for medical expenses
304. Providing insurance coverage for abuse-deterrent opioid analgesic drugs
320. Permitting practice of telemedicine
372. Modifying administration of local boards of health

- 375. Establishing procedure for involuntary treatment of persons suffering from alcohol and other drug abuse disorders
- 401. Establishing criteria for hospital be designated comprehensive stroke center
- 404. Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases
- 416. Allowing terminally ill patients access to investigational products
- 431. Authorizing pharmacists and pharmacy interns dispense opioid antagonists
- 433. Allowing advanced practice registered nurses and physician assistants to complete physician orders for scope of treatment
- 438. Requiring DHHR be present at judicial proceedings
- 460. Repealing regulation of opioid treatment programs and creating licenses for all medication-assisted programs
- 467. Creating new simplified and expedited certificate of need process
- 486. Relating to licensure of behavioral health centers
- 490. Requiring managed care programs participate with health providers providing services to Medicaid recipients
- 506. Modifying local boards of health
- 530. Authorizing Community Health Equity Initiative Demonstration Project
- 545. Relating to asbestos abatement on oil and gas pipelines
- 569. Regulation of chronic pain clinics
- 597. Relating generally to Health Care Authority
- 606. Establishing advisory council on rare diseases
- 609. Relating to jurisdiction of Health Care Authority
- 627. Permitting physician to decline prescribing controlled substance
- 628. Permitting treating physician direct palliative or emergent treatment for patients
- 629. Regarding reports by Board of Pharmacy
- 640. Creating Compassionate Use Act for Medical Cannabis
- 666. Exempting certain veterans' organizations and video lottery licenses from local indoor smoking prohibition
- 694. Regulation of pharmacy benefits managers
- 699. Reauthorizing amendment allowing certain food products produced in private home kitchen for sale at farmers market

#### **HEALTH — MENTAL**

- 286. Creating Commission to Accelerate Statewide Coordination of Mental Health Services for Children and Adolescents
- 338. Compiling and maintaining Central State Mental Health Registry

#### **HUMAN RIGHTS**

- 471. Equal Pay Act of 2016
- 477. Equal Pay Act of 2016
- 518. Making it unlawful to discriminate against persons due to sexual orientation

623. Creating West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act

#### **HUMAN SERVICES**

6. Requiring drug screening and testing of applicants for TANF program
257. Requiring Bureau of Child Support Enforcement to appear in every case involving an issue of setting child support
329. Eliminating sunset provision for commission to study residential placement of children
350. Exempting community-based behavioral health facilities, programs or services from certificate of need
377. Relating to liability of spouses or relatives to assist in paying for indigent funeral service expenses
384. Requiring Bureau for Medical Services seek federal waiver for 30-day waiting period for tubal ligation
626. Requiring DHHR secretary seek waiver within Supplemental Nutrition Assistance Program limiting purchases under WIC program
652. Prohibiting DHHR from discontinuing bundled service funding and reimbursement system
661. Authorizing Division of Justice and Community Services make grants providing civil legal services to low income persons

#### **HUNTING**

59. Providing discount to WV National Guard and Reserve members for state park campground rental fees
79. Allowing WV National Guard and Reserve members free hunting and fishing licenses under certain circumstances
81. Allowing WV National Guard and Reserve members obtain Class C hunting and fishing for one-time fee
303. Providing for 5-day resident fishing license
389. Reducing certain penalties for offenses not resulting in illegal killing of bear

#### **INFRASTRUCTURE**

135. Relating generally to roles of county commissions and Commissioner of Highways in regard to road and bridge projects
315. Providing for construction of statewide fiber optic broadband infrastructure network

#### **INSURANCE**

273. Setting forth required provisions regarding prior authorization of drug benefits by insurers
278. Clarifying physicians' mutual insurance company is not state or quasi-state actor
330. Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium

- 358. Establishing Mining Mutual Insurance Company
- 381. Changing trend test for life and health insurer
- 409. Requiring health insurers contract with physicians and health care facility providing services to Medicaid and Medicare recipients
- 429. Adopting two National Association of Insurance Commissioners' models to protect enrollees and general public and permit greater oversight
- 456. Setting maximum amount that can be collected for air-ambulance services
- 465. Allowing professional employer insure certain risks through pure insurance captive
- 512. Reinstating Medicare supplement insurance policy
- 517. Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner
- 520. Allowing PEIA ability to recover benefits or claims obtained through fraud
- 525. Relating to WV Insurance Guaranty Association Act
- 532. Increasing surcharge on fire and casualty insurance policies
- 540. Providing civil immunity to company insurance adjusters
- 553. Merging purposes and provisions of Volunteer Fire Department Workers' Compensation Subsidy Program and Fund
- 561. Setting rates for accident and sickness insurance
- 566. Creating new tax on insurance reserves held by accident and sickness insurance carriers
- 571. Prohibiting abortion coverage in qualified health care plans
- 572. Defining criteria private insurance carriers must consider in setting rates
- 622. Composition of PEIA Finance Board
- 638. Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers provide discounts
- 685. Allowing individuals twenty-one years of age operate or ride motorcycle without helmet

**INSURANCE — HEALTH**

- 130. Setting maximum amount of PEIA-paid air-ambulance fees

**INSURANCE — MOTOR VEHICLES**

- 330. Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium

**INSURANCE — PUBLIC EMPLOYEES**

- 139. Increasing tobacco tax to help fund PEIA's health plans

**INSURANCE (AND RELATED SUBHEADINGS)**

- 118. Requiring disclosures in group life insurance policies

**JUDGES, JURIES AND JURORS**

343. Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records

**JUVENILES**

329. Eliminating sunset provision for commission to study residential placement of children
414. Relating to Juvenile Justice Reform Oversight Committee
504. Relating to confidentiality of juvenile records
531. Providing for court-appointed special advocate in each judicial circuit

**LABOR**

1. Establishing WV Workplace Freedom Act
90. Collective bargaining between state and its employees
290. Assignment of wages by employers and payment by payroll card
294. Allowing employers have compulsory direct deposit of wages
351. Dedicating severance tax proceeds
371. Deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers
403. Relating to cooperative extension workers
471. Equal Pay Act of 2016
484. Relating to reemployment rights of military personnel
509. Removing 10-day requirement Division of Labor has to inspect amusement rides and attractions
593. Clarifying disqualification from unemployment benefits
695. Discontinuing requirements pertaining to payment of wages to workers employed by public agency in construction of public improvements

**LAW ENFORCEMENT**

102. Conforming to federal Law-Enforcement Officers Safety Act
132. Requiring municipal police officers wear armored vests when feasible
310. Limiting disclosure of certain public records

**LEGAL GAMING**

347. Increasing number of limited video lottery terminals at retail locations
428. Ending discretionary transfers to Licensed Racetrack Modernization Fund
455. Allowing person to be both limited video lottery operator and retailer
462. Reducing deposit of excess lottery proceeds into WV Infrastructure Fund
529. Making certain sport and educational fantasy games lawful
533. Changing distribution of net terminal income from racetrack video lottery
562. Providing for licensing of advance deposit wagering
568. Providing for licensing of out-of-state simulcast facilities
641. Relating to dog and horse racing and lottery

672. Clarifying lottery prize is WV source income for nonresident

#### **LEGISLATURE**

264. Modifying definition of “division” in Performance Review Act
366. Prohibiting lobbyists from contributing funds to individuals running for election
369. Reducing legislative education reporting requirements
494. Creating Legislative Oversight Commission on Department of Transportation Accountability
515. Authorizing payment of certain claims against state

#### **LEGISLATURE — RULEMAKING**

148. Board of Accountancy rules and rules of professional conduct
149. Department of Administration rule relating to purchasing division
150. Authorizing Department of Transportation promulgate legislative rules
151. Department of Agriculture rule relating to inspection of nontraditional domesticated animals
152. Department of Agriculture rule relating to poultry litter and manure movement
153. Department of Agriculture rule relating to livestock care standards
154. Department of Agriculture rule relating to captive cervid farming
155. Alcohol Beverage Control Commission rule relating to private club licensing
156. Alcohol Beverage Control Commission rule relating to distilleries and mini-distilleries
157. Authorizing Department of Revenue to promulgate legislative rules
158. State Conservation Committee rule relating to WV Conservation Agency financial assistance program
159. Authorizing promulgation of legislative rules by miscellaneous boards and commissions
160. Board of Examiners in Counseling rule relating to license renewal and professional education requirements
161. Board of Examiners in Counseling rule relating to marriage and family therapists licensing
162. Board of Examiners in Counseling rule relating to marriage and family license renewal and continuing professional education requirements
163. CPRB rule relating to benefit determination and appeal
164. CPRB rule relating to Teachers’ Defined Contribution Retirement System
165. CPRB rule relating to Teachers Retirement System
166. CPRB rule relating to refund, reinstatement, retroactive service, loan and correction of error interest factors
167. CPRB rule relating to service credit for accrued and unused sick leave
168. CPRB rule relating to WV State Police
169. CPRB rule relating to Deputy Sheriff Retirement System



170. Board of Dental Examiners rule relating to continuing education requirements
171. Board of Dental Examiners rule relating to duties of dental hygienists and dental assistants
172. DEP, Air Quality rule relating to standards of performance for new stationary sources
173. DEP, Air Quality rule relating to control of air pollution from combustion of solid waste
174. DEP, Air Quality rule relating to control of pollution from hazardous waste treatment, storage and disposal facilities
175. DEP, Air Quality rule relating to emission standards for hazardous air pollutants
176. DEP, Air Quality rule relating to control of annual nitrogen oxide emissions
177. DEP, Air Quality rule relating to control of ozone season nitrogen oxides emissions
178. DEP, Air Quality rule relating to control of annual sulfur dioxide emissions
179. DEP, Oil and Gas rule relating to horizontal well development
180. DEP, Water and Waste Management rule relating to requirements governing water quality standards
181. DEP, Water and Waste Management rule relating to aboveground storage tanks
182. DEP, Water and Waste Management rule relating to surface mining reclamation
183. DEP, Water and Waste Management rule relating to administrative proceedings and civil penalty assessment
184. DEP, Water and Waste Management rule relating to aboveground storage tank fee assessments
185. DEP, Water and Waste Management rule relating to aboveground storage tank administrative proceedings and civil penalty assessment
186. DHHR rule relating to emergency medical leave
187. DHHR rule relating to fees for service
188. DHHR rule relating to infectious medical waste
189. DHHR rule relating to AIDS-related medical testing and confidentiality
190. DHHR rule relating to tuberculosis testing, control, treatment and commitment
191. DHHR rule relating to farmers market vendors
192. DHHR rule relating to certification of opioid overdose prevention and treatment training programs
193. DHHR rule relating to chronic pain management licensure
194. DHHR rule relating to neonatal abstinence centers
195. Authorizing DHHR to promulgate legislative rules
196. DHHR rule relating to child-care licensing requirements
197. DHHR rule relating to family child-care facility licensing requirements
198. DHHR rule relating to family child-care home registration requirements

199. DHHR rule relating to WV Works Program sanctions
200. DHHR rule relating to qualifications for restricted provisional license to practice as social worker within department
201. DHHR rule relating to goals for foster children
202. Authorizing Department of Commerce promulgate legislative rules
203. DNR rule relating to general hunting
204. DNR rule relating to deer hunting
205. DNR rule relating to wild boar hunting
206. DNR rule relating to elk restoration and management
207. State Election Commission rule relating to regulation of campaign finance
208. State Election Commission rule relating to Supreme Court of Appeals public campaign financing program
210. Ethics Commission rule relating to public use of names or likenesses
211. State Fire Commission rule relating to fire code
212. State Fire Commission rule relating to state building code
213. State Fire Commission rule relating to standards for certification of continuing education of municipal, county and other public sector building code officials, inspectors and plans examiners
214. Governor's Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification standards
215. DOH rule relating to state transportation infrastructure fund program
216. Authorizing Human Rights Commission promulgate legislative rule relating to Pregnant Workers' Fairness Act
217. Division of Labor rule relating to wage payment and collection
218. Division of Labor rule relating to minimum wage and maximum hours
219. Division of Labor rule relating to Elevator Safety Act
220. Division of Labor rule relating to licensing of elevator mechanics and registration of apprentices
221. Medical Imaging and Radiation Therapy Technology Board of Examiners rule relating to board
222. Workforce West Virginia rule relating to Prevailing Wage Act
223. Board of Medicine rule relating to establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities
224. Office of Miners' Health, Safety and Training rule relating to substance abuse screening standards and procedures
225. Nursing Home Administrators Licensing Board rule relating to nursing home administrators
226. Division of Personnel rule relating to administrative rule of Division of Personnel
227. Board of Pharmacy rule relating to licensure and practice of pharmacy
228. Board of Pharmacy rule relating to Uniform Controlled Substances Act
229. Board of Pharmacy rule relating to recordkeeping and automated data processing systems

230. Board of Pharmacy rule relating to licensure of wholesale drug distributors, third-party logistics providers and manufacturers
231. Property Valuation and Procedures Commission rule relating to tax map sales
232. Racing Commission rule relating to thoroughbred racing
233. Racing Commission rule relating to pari-mutuel wagering
234. Board of Social Work rule relating to qualifications for profession of social work
235. Secretary of State rule relating to registration forms and receipts
236. Secretary of State rule relating to elimination of precinct registration books
237. Secretary of State rule relating to absentee voting by military voters of reserve units called to active duty
238. Secretary of State rule relating to FOIA database
239. Board of Examiners for Speech-Language Pathology and Audiology rule relating to licensure of speech pathology and audiology
240. Board of Examiners for Speech-Language Pathology and Audiology rule relating to speech-language pathology and audiology assistants
241. Department of Tax and Revenue rule relating to payment of taxes by electronic funds transfer
242. Department of Tax and Revenue rule relating to certain exchange of information agreement
244. Department of Veterans' Assistance rule relating to state home for veterans
245. Department of Veterans' Assistance rule relating to VA headstones or markers

**LEVIES**

12. Relating to County Local Powers Act
131. Allowing counties to impose additional property levies solely to fund public libraries

**LIBRARIES**

131. Allowing counties to impose additional property levies solely to fund public libraries
299. Creating Library Facilities Improvement Fund

**LOBBYING**

366. Prohibiting lobbyists from contributing funds to individuals running for election

**LOCAL AND SPECIAL LAWS**

515. Authorizing payment of certain claims against state

**MAGISTRATES**

548. Relating to number of magistrates in certain counties

**MEDICAID-MEDICARE**

- 6. Requiring drug screening and testing of applicants for TANF program
- 145. Requiring preventative dental care for adult Medicaid recipients

**MILITARY AFFAIRS**

- 59. Providing discount to WV National Guard and Reserve members for state park campground rental fees
- 65. Exempting military, National Guard and reserve income from state income taxes
- 82. Increasing adjustments to gross income for military, National Guard and reserve retirement for residents

**MILITARY AND VETERANS**

- 422. Creating Uniform Deployed Parents Custody and Visitation Act
- 484. Relating to reemployment rights of military personnel
- 495. Allowing military personnel additional 5-year period to enter upon or recover land

**MINES AND MINERALS**

- 687. Allowing mine reclamation sites be used for military installations or homeland security offices

**MISCELLANEOUS**

- 25. Providing selection procedure for state delegates to Article V convention

**MOTOR VEHICLES**

- 19. Relating generally to autocycles
- 39. Regulating off-road motorcycles within Hatfield-McCoy Recreation Area
- 94. Designating State Police Superintendent as administrator and enforcer of motor vehicle inspection program
- 103. Establishing driver's license restoration program
- 110. Disqualifying CDL for conviction of DUI
- 121. Increasing certain motor vehicle fees
- 138. Creating amnesty program for certain drivers with suspended licenses
- 141. Removing CDL requirement when towing vehicle is below certain gross vehicle weight rating
- 363. Creating exemption for autocycles
- 413. Relating to unattended motor vehicles
- 430. Allowing transportation network companies operate in state
- 516. Relating to registration for selective service
- 534. Relating to procedures for driver's license suspension and revocation in criminal proceedings

- 591. Relating to voter registration list maintenance and combined voter registration and driver licensing fund
- 610. Relating to generating and maintaining revenue for maintenance of roads and infrastructure
- 634. Creating William R. Laird IV Second Chance Driver's License Act
- 644. Authorizing counties to offer license plates customized to county
- 659. Requiring drug testing for driver involved in accident resulting in death
- 665. Providing for recordkeeping and creating database of sale or purchase total loss vehicles
- 685. Allowing individuals twenty-one years of age operate or ride motorcycle without helmet
- 704. Dispatching of towing service for emergency towing of vehicles

#### **MOTOR VEHICLES — LICENSES, REGISTRATION & INSPECTION**

- 24. Repealing code related to mandatory motor vehicle inspections

#### **MUNICIPALITIES**

- 28. County commission and municipality agreements in demolishing buildings unfit for habitation
- 132. Requiring municipal police officers wear armored vests when feasible
- 253. Exempting drug treatment and drug recovery facilities from county and municipal ordinances
- 263. Allowing travel and other expense reimbursement for members of Municipal Home Rule Board
- 265. Allowing library volunteers necessary access to user records
- 267. Modifying removal procedure for certain county, school district and municipal officers
- 415. Lengthening maximum term of negotiable certificates of deposit municipal funds can hold
- 573. Prohibiting municipal annexation which would result in unincorporated territory within municipality
- 615. Including municipal land bank as agency within WV Land Reuse Agency Authorization Act
- 647. Exempting certain complimentary hotel rooms from occupancy tax
- 682. Authorizing telephone public utilities provide system of centrally located cellular telephone hot spots where signals are weak or unavailable
- 686. Authorizing local governing authorities hold sanctioned motor vehicle races on roads, streets or airports under their jurisdiction
- 688. Relating to county and regional solid waste facility siting plans

#### **NATURAL RESOURCES**

- 122. Permitting carrying of firearms in state parks, lands and trails managed by DNR

279. Specifying how assessed value of any share of natural resource property is to be determined
331. Relating to hunting or trapping on private lands
333. Taking and registering of wildlife
334. Identifying coyote as fur-bearing animal and woodchuck as game animal
336. Relating to crossbow hunting
348. Permitting descendants of landowner hunt, trap and fish on that property
359. Requiring performance bonds by operators
383. Promoting efficient extraction of oil and gas resources
389. Reducing certain penalties for offenses not resulting in illegal killing of bear
417. Creating 2016 Coal Jobs and Safety Act
425. Expanding definition of underground facility in One-Call System Act
485. Establishing regional recreation authorities and areas
523. Relating to taxing water used in natural gas hydraulic fracturing
551. Allowing residents to purchase senior hunting, fishing and trapping licenses at the beginning of the year they turn 65
564. Restricting Oil and Gas Conservation Commission's authority to regulate setback and spacing between deep wells
565. Allowing well pad and road construction for oil and gas activities
596. Permitting natural gas companies enter upon real property in certain instances
610. Relating to generating and maintaining revenue for maintenance of roads and infrastructure
646. Providing consent of lawful use of mineral property is not waste and does not constitute trespass
647. Exempting certain complimentary hotel rooms from occupancy tax
683. Allowing old or abandoned railway beds be used for lawful recreational purposes
691. Modifying certain air pollution standards

#### **PARKS AND RECREATION**

34. Limiting liability of state, county and municipal parks and recreation entities and private landowners under certain agreements
39. Regulating off-road motorcycles within Hatfield-McCoy Recreation Area
69. Permitting corporate sponsorships of state parks and recreational areas
254. Not allowing county park commissions to prohibit firearms in facilities
309. Relating to child-care center licensing and exempting county parks and recreation from licensure

#### **PRESCRIPTIONS AND MEDICATIONS**

15. Adopting learned intermediary doctrine as defense to civil action due to inadequate warnings or instructions

**PROFESSIONS AND OCCUPATIONS**

- 376. Expanding authority of Secretary of State and State Police
- 491. Providing contract which restrains lawful profession, trade or business is void
- 519. Clarifying requirements for license to practice as advanced practice registered nurse
- 627. Permitting physician to decline prescribing controlled substance
- 658. Allowing licensed professionals donate time to care of indigent and needy in clinical setting
- 664. Relating to licensing practice of athletic training

**PROSECUTING ATTORNEYS**

- 343. Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records

**PUBLIC EMPLOYEES**

- 115. Increasing state employee pay over 3-year period
- 126. Increasing natural resources police officer compensation
- 133. Increasing salaries of certain DOC, Regional Jail Authority and Division of Juvenile Services employees

**PUBLIC SAFETY**

- 291. Law enforcement use of unmanned aircraft systems
- 445. Requiring well operators and pipeline operators to report emergency incidents to Division of Homeland Security
- 492. Allowing Superintendent of State Police establish fee schedule for forensic services
- 500. Authorizing Superintendent of State Police hold training classes to use West Virginia Automated Police Network
- 534. Relating to procedures for driver's license suspension and revocation in criminal proceedings
- 560. Permitting operation of unmanned aircraft system
- 603. Relating to emergency shelters for elderly or disabled persons
- 685. Allowing individuals twenty-one years of age operate or ride motorcycle without helmet

**PUBLIC SERVICE COMMISSION**

- 498. Relating to additional duties of Public Service Commission
- 507. Exempting motor vehicles engaged in nonemergency transport of Medicaid recipients from PSC permit requirements
- 522. Relating to public service districts
- 592. Relating to pipeline safety
- 601. Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities

- 633. Relating generally to Public Service Commission
- 682. Authorizing telephone public utilities provide system of centrally located cellular telephone hot spots where signals are weak or unavailable

**RAILROADS**

- 582. Providing refundable tax credit for motor fuel sold for use or consumed in railroad diesel locomotives

**REAL AND PERSONAL PROPERTY**

- 365. Creating Uniform Real Property Electronic Recording Act
- 423. Providing for disposition of unclaimed and unredeemed savings bond
- 556. Providing owner of conservation easement be given right of first refusal to purchase land
- 576. Requiring payment of funds due in partition suits of oil and gas interests
- 577. Permitting surface owners purchase mineral interests
- 678. Relating to ownership and use of conduit providing telephone service
- 698. Permitting natural gas companies enter upon real property in certain instances for limited purposes

**REAL PROPERTY**

- 43. Clarifying means of posting to prohibit hunting or trespassing
- 44. Relating to public hearings on transfer of land to or from state
- 57. Transferring interest to real property co-owner when all taxes paid for five years
- 93. Requiring real property seller satisfy unpaid charges owed to county and municipality upon closing
- 109. Repealing code provisions related to certain reports by trustees for property

**RECORDS AND PAPERS**

- 310. Limiting disclosure of certain public records
- 466. Providing medical records must be produced without court order in certain circumstances
- 470. Requiring all official business of state be conducted in English
- 491. Providing contract which restrains lawful profession, trade or business is void
- 625. Revising exceptions from FOIA provided for in Aboveground Storage Tank Act



**REGULATIONS**

3. Providing for sunset of administrative rules under Administrative Procedures Act

**RELIGIOUS ORGANIZATIONS**

11. WV Freedom of Conscience Protection Act

**RETIREMENT**

480. Allowing military general discharge be used as qualification for service credit toward pension
563. Increasing retirement benefit multiplier for WV Emergency Medical Services Retirement System members
595. Relating to retirement credit for members of WV National Guard
631. Authorizing higher education boards of governors develop retirement and incentive packages

**ROADS AND TRANSPORTATION**

135. Relating generally to roles of county commissions and Commissioner of Highways in regard to road and bridge projects
327. Proposing construction of modern highway from Pikeville, KY, to Beckley, WV
332. Entering into Interstate 73 Compact
397. Maintaining status quo in event bond indebtedness to Parkways Authority is eliminated
476. Relating to driving restrictions in school zones
494. Creating Legislative Oversight Commission on Department of Transportation Accountability
557. Eliminating sunset provisions on DOH public-private partnership agreements
579. Eliminating WV Port Authority
610. Relating to generating and maintaining revenue for maintenance of roads and infrastructure
648. Allowing local authorities permit flashing traffic signals during low traffic times
663. Authorizing Commissioner of Highways permit DOH participate in construction or maintenance of publicly funded highway jobs
683. Allowing old or abandoned railway beds be used for lawful recreational purposes
684. Authorizing Director of DNR lease unused or abandoned railway routes to operate tourist excursions
693. Seeking funding for completing construction of Coalfields Expressway

**RULE-MAKING AUTHORITY**

583. Repealing certain obsolete legislative rules by Department of Administration

- 584. Repealing certain obsolete legislative rules by DEP
- 585. Repealing certain obsolete legislative rules by DHHR
- 586. Repealing certain obsolete legislative rules by Department of Military Affairs and Public Safety
- 587. Repealing certain obsolete legislative rules by Department of Revenue
- 588. Repealing certain obsolete legislative rules by Department of Transportation
- 589. Repealing certain obsolete legislative rules by miscellaneous agencies and boards
- 590. Repealing certain obsolete legislative rules by Department of Commerce

**RULES**

- 486. Relating to licensure of behavioral health centers
- 536. Directing DEP Division of Air Quality promulgate legislative rule relating to air emission permitting
- 537. Requiring cabinet secretaries review all rules under their jurisdiction similar to federal rules where state rules are more stringent
- 543. Requiring agencies provide additional information when submitting proposed legislative rule
- 594. Requiring State Auditor consider for payment claim submitted by electronically generated invoice
- 619. 2016 Regulatory Reform Act

**SAFETY**

- 13. Increasing penalties for overtaking and passing stopped school buses
- 287. Creating West Virginia Safer Workplaces Act

**SALARIES**

- 97. Providing salary increase for DOC employees
- 113. Increasing teacher pay over 5-year period
- 114. Increasing school service personnel pay over 5-year period
- 115. Increasing state employee pay over 3-year period
- 126. Increasing natural resources police officer compensation
- 133. Increasing salaries of certain DOC, Regional Jail Authority and Division of Juvenile Services employees
- 339. Establishing Judicial Compensation Commission
- 538. Relating to salaries of appointed officers fixed by Governor

**SECRETARY OF STATE**

- 4. Requiring legislative members disclose contributions and fundraising events while in session
- 703. Relating to deposit of overpayment of certain fees into Children's Trust Fund

**SENIOR CITIZENS**

551. Allowing residents to purchase senior hunting, fishing and trapping licenses at the beginning of the year they turn 65
559. Supplemental appropriation to Greater Weirton Area Senior Center

**STATE PARKS**

20. Relating to state parks and forests

**STATE PERSONNEL**

353. Relating to allocation of premiums for employers and employees in PEIA
538. Relating to salaries of appointed officers fixed by Governor
617. Returning all salaried and hourly state employees to semimonthly payment schedule for wages
622. Composition of PEIA Finance Board

**STATE POLICE**

620. Exempting State Police from Purchasing Division requirements

**SUNSET LAW**

3. Providing for sunset of administrative rules under Administrative Procedures Act

**TAXATION**

27. Permitting county commissions hire outside attorneys for collection of taxes through courts
37. Redistributing excise taxes to county where real property is situate
38. Removing certain tax discounts from motor fuel excise tax
49. Excluding mobile x-ray services from health care provider tax
54. Altering how tax is collected on homeowners' associations
55. Clarifying tax map rules apply to both paper and digital maps
57. Transferring interest to real property co-owner when all taxes paid for five years
65. Exempting military, National Guard and reserve income from state income taxes
82. Increasing adjustments to gross income for military, National Guard and reserve retirement for residents
86. Continuing personal income tax adjustment for certain retirees of terminated defined pension plans
92. Creating annual flood zone homestead property tax exemption
98. Residential solar energy tax credits
125. Increasing cigarette tax to fund substance abuse and workforce development initiatives

128. Creating WV personal income tax modification for residents who choose to spay or neuter their pets
147. 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
246. Providing certain government entities option to extend the term of tax increment financing district from 30 to 40 years
266. Limiting appointed Property Valuation Training and Procedures Commission members' terms
292. Creating income tax credits for certain educational expenses
293. Neighborhood Investment Program Act
335. Eliminating severance tax on timber
337. Creating 5-year tax credit for businesses on post-mine sites
349. Updating meaning of federal adjusted gross income
352. Dedicating corporation net income tax proceeds to railways
354. Updating meaning of federal taxable income
355. Imposing consumers sales and service tax on sales of telecommunications service
356. Eliminating consumers sales and service tax exemption for 2016 fiscal year
395. Extending expiration date for tax rate on eligible acute-care hospitals
399. Establishing personal and corporate income tax credits for farmers donating edible agricultural products
400. Reducing amount of sales tax proceeds dedicated to School Major Improvement Fund
402. Excluding law-enforcement officers and firefighters pensions from state income taxes
418. Placing sales tax on sale of food
419. Relating to termination of Workers' Compensation Debt Reduction Act
420. Increasing tax rate on cigarette and tobacco products
421. Terminating behavioral health severance and business privilege tax
432. Relating to levies on classifications of property by Board of Public Works
463. Reducing amount of sales tax proceeds to School Major Improvement Fund
467. Creating new simplified and expedited certificate of need process
481. Authorizing distillery operators to offer liquor for purchase and consumption on premises
487. Exempting social security benefits from personal income tax
489. Establishing tax credit for physicians who locate in WV
502. Changing qualifier for low income
503. Exempting from sales and service tax homeowner association fees
505. Exempting certain uses of field gas from motor fuel excise taxes
521. Allowing county commissions and municipalities impose hotel occupancy taxes
554. Issuing tax credits for land conservation

- 555. Providing for 3-cent tax increase on sale of fuel when cost is less than \$2 per gallon
- 566. Creating new tax on insurance reserves held by accident and sickness insurance carriers
- 570. Allowing local units of government lower personal property taxes
- 574. Requiring state personal income tax return include short survey
- 582. Providing refundable tax credit for motor fuel sold for use or consumed in railroad diesel locomotives
- 604. Increasing excise tax on bottled soft drinks, syrups and dry mixtures
- 605. Continuing personal income tax adjustment to certain retirees
- 607. Relating to increasing tax rate on cigarettes and tobacco products
- 610. Relating to generating and maintaining revenue for maintenance of roads and infrastructure
- 647. Exempting certain complimentary hotel rooms from occupancy tax
- 654. Lowering severance tax on extracting coal
- 655. Reducing severance tax on coal to 4 percent
- 668. Increasing excise tax on bottled soft drinks, syrups and dry mixtures
- 672. Clarifying lottery prize is WV source income for nonresident
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1 -	By Senators Cole (Mr. President), Blair, Boso, Ferns, Gaunch, Trump, Carmichael, Sypolt and Takubo: Establishing WV Workplace Freedom Act	7	145	185, 459-471	211, 471, 645	459, 670	8, 167, 185, 211, 459-472, 545, 643-644
2 -	By Senators Blair, Boso and Trump: Requiring public authorities pay prevailing hourly rate of wages	8					8
3 -	By Senators Trump, Gaunch, Karnes, Leonhardt, Walters, Sypolt, Blair and Carmichael: Providing for sunset of administrative rules under Administrative Procedures Act	8					8
4 -	By Senators Trump, Gaunch, Karnes, Carmichael, Blair and Takubo: Requiring legislative members disclose contributions and fundraising events while in session	8					9
5 -	By Senators Gaunch, Ferns, Karnes, Leonhardt, Trump, Carmichael, Blair, Sypolt and Takubo: Requiring voters provide photo ID when voting	9					9
*6 -	By Senators Ferns, Carmichael, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair, Karnes and Sypolt: Requiring drug screening and testing of applicants for TANF program	9	169, 773	537, 2165-2171	557, 2171	2165	10, 169, 523, 537, 557, 2165-2172, 3287, 3302
*7 -	By Senators Leonhardt, Carmichael, Ashley, Stollings, Trump and Blair: Establishing wrongful conduct rule prohibiting recovery of damages in certain circumstances	10	508	597, 1135-1141	630, 1141	1135	11, 539, 563, 597, 630, 1141, 1251, 1616
8 -	By Senators Gaunch, Karnes, Leonhardt, Trump and Blair: Clarifying powers of Attorney General in contingency fee arrangements or contracts with outside attorneys	11					11

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9 -	By Senators Blair, Carmichael and Takubo: Creating Intermediate Court of Appeals	11					12
*10 -	By Senators Sypolt, Ferns, Gaunch, Karnes, Leonhardt, Trump, Walters, Boley, Boso, Takubo and Blair: Creating Unborn Child Protection from Dismemberment Abortion Act	13	646	1409	779, 1409, 2243	1409, 2463	13, 646, 694, 744, 777-779, 818, 1410, 1617, 2241-2243
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*13 -	By Senators Carmichael, Boso, Gaunch, Leonhardt, Trump, Walters, Blair, Takubo, Miller and Unger: Increasing penalties for overtaking and passing stopped school buses	15	170	248, 3016- 3020	247, 3020	1712, 3259	15, 212, 232, 248, 1712-1717, 1929- 1930, 2723, 3016- 3021, 3295, 3303
*14 -	By Senators Trump, Boso, Ferns, Leonhardt, Takubo and Blair: Limiting successor corporation asbestos-related liabilities	15	238	931	335, 932	931	15, 291, 309, 335, 931-932, 1251, 1616
15 -	By Senators Boso and Gaunch: Adopting learned intermediary doctrine as defense to civil action due to inadequate warnings or instructions	15	255	750	360, 750	749	16, 310, 338, 360, 750-751, 859, 1250
**16 -	By Senators Ashley, Plymale, Williams, Miller, Stollings and Unger: Providing tax credit for providing broadband service to unserved areas	16	342, 647		779		16, 343, 694, 744, 780, 818
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20 -	By Senator Beach: Relating to state parks and forests	17					17
21 -	By Senators Beach, Williams and Kessler: Allowing certain sales of alcohol at 10:00 a.m. Sundays	17					18
22 -	By Senator Karnes: Limiting health insurance coverage for elective abortions	18					18
23 -	By Senators Karnes and Boso: Relating to care of aborted fetuses	18					18
24 -	By Senator Karnes: Repealing code related to mandatory motor vehicle inspections	18					18
*25 -	By Senators Karnes, Leonhardt and Blair: Providing selection procedure for state delegates to Article V convention	19	1346		1571		19, 1410, 1442, 1572
26 -	By Senator Karnes: Requiring midwives report annually to Bureau for Public Health	19					19
**27 -	By Senators Kirkendoll, Miller and Gaunch: Permitting county commissions hire outside attorneys for collection of taxes through courts	19	215, 256	1717	360, 1718	1717	19, 216, 310, 338, 360, 1717-1718, 2062-2063, 2243
*28 -	By Senators Kirkendoll, Stollings and Boso: County commission and municipality agreements in demolishing buildings unfit for habitation	19	216				20, 216
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30 -	By Senator Palumbo: Correcting code reference regarding carry concealed requirements	20					20

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*39 -	By Senators Stollings and Gaunch: Regulating off-road motorcycles within Hatfield-McCoy Recreation Area	23	187, 473		558	2030	23, 188, 523, 537, 558, 3274, 3302
*40 -	By Senator Stollings: Changing definition of facilities eligible for funding assistance from Courthouse Facilities Improvement Authority	23	343		452		23, 405, 430, 452
41 -	By Senator Stollings: Modifying essential elements of sexual assault offenses	23					23

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*43 -	By Senators Williams, Beach, Blair, Leonhardt and Miller: Clarifying means of posting to prohibit hunting or trespassing	24	187, 474	2172-2175	559, 2175	2172	24, 188, 523, 538, 558-559, 2172-2176, 3287, 3302
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45 -	By Senators Williams, Stollings, Beach and Miller: Tourist-Oriented Directional Sign Program	24	408				25, 408
46 -	By Senators Mullins, Facemire, Takubo, Miller and Romano: Changing mandatory school instructional time from 180 days to minutes	25					25
**47 -	By Senator Ferns: Rewriting licensing requirements for practice of medicine and surgery and podiatry	25	860, 1209	2176	1369, 2176-2177	2176	25, 860, 1278, 1315, 1350, 1369, 2176-2177, 3287, 3302
48 -	By Senators Ferns and Leonhardt: Establishing Mental Health, Veteran and Service Members Court	25	821				26, 821
49 -	By Senators Ferns and Stollings: Excluding mobile x-ray services from health care provider tax	26					26
50 -	By Senator Ferns: Clarifying certain nonprofit-owned hospitals may have only one governing body	26	571				27, 571
51 -	By Senator Ferns: Exempting certain employers from discriminating against tobacco users	27					27
52 -	By Senator Ferns: Modifying requirements for child witness to testify by closed circuit television	27					27



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
53 -	By Senators Sypolt, Williams and Blair: Changing number of juror strikes in felony cases	27					27
54 -	By Senator Sypolt: Altering how tax is collected on homeowners' associations	27	724	815, 2464	840, 2464	2464	27, 790, 814-815, 840, 2464-2465, 3290, 3302
55 -	By Senators Sypolt, Miller and Blair: Clarifying tax map rules apply to both paper and digital maps	28	217				28, 217
56 -	By Senator Yost: Lowering threshold amount for triggering low bidder's duty to submit list of government subcontractors	28					28
57 -	By Senator Yost: Transferring interest to real property co-owner when all taxes paid for five years	28					28
58 -	By Senator Yost: Temporary reassignment of injured or ill county board of education service personnel	28					29
59 -	By Senators Yost, Boso and Miller: Providing discount to WV National Guard and Reserve members for state park campground rental fees	29					29
60 -	By Senator Yost: Modifying workers' compensation guidelines for reasonable and necessary medical treatment	29					29
61 -	By Senator Yost: Relating to weighing of evidence in workers' compensation claims	29					29
62 -	By Senators Yost and Kessler: Clarifying rebuttable presumptions for certain injuries and diseases for firefighters	29					30
63 -	By Senator Yost: Awarding 20 weeks' black lung benefit when no measurable pulmonary impairment found	30					30

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
64 -	By Senator Yost: Requiring all state-purchased uniforms be manufactured in US	30					30
65 -	By Senator Yost: Exempting military, National Guard and reserve income from state income taxes	30	439				31, 440
66 -	By Senator Yost: Certification requirements for state bridge paint applicators	31					31
67 -	By Senator Yost: Keep Jobs in West Virginia Act	31					31
*68 -	By Senators Ferns and Takubo: Disallowing Health Care Authority to conduct rate review and set rates for hospitals	31	409	1755-1758	520, 1758	1755, 1930	31, 409, 458, 495, 520, 1755-1758, 2906, 3304
69 -	By Senators Laird, Snyder, Miller and Blair: Permitting corporate sponsorships of state parks and recreational areas	32					32
70 -	By Senator Yost: Acknowledging workers' compensation deficit crisis is over	32					32
71 -	By Senator Yost: Classification and criteria for disability benefits	32					32
72 -	By Senator Yost: Relating generally to workers' compensation benefits	32					33
*73 -	By Senators Yost and Miller: Creating felony crime of knowingly leaving scene of crash resulting in serious bodily injury	33	545		664		33, 600, 637, 664
74 -	By Senator Yost: Relating generally to substance abuse screening policies in mining operations	33					33
75 -	By Senator Yost: Establishing cook-meal ratios for full- and half-day school cooks	33					34

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
76 -	By Senator Yost: Requiring covered employee be paid maximum temporary total disability benefits for lost time under workers' compensation without penalty	34					34
77 -	By Senators Yost and Miller: Fireworks Safety Act	34					34
78 -	By Senator Yost: Creating position of Equal Pay Coordinator within Division of Personnel	35					35
79 -	By Senators Yost and Miller: Allowing WV National Guard and Reserve members free hunting and fishing licenses under certain circumstances	35					35
80 -	By Senator Yost: Making available nonidentifying social and medical histories of birth parents prior to adoption	35					35
81 -	By Senator Yost: Allowing WV National Guard and Reserve members obtain Class C hunting and fishing for one-time fee	35					36
82 -	By Senator Yost: Increasing adjustments to gross income for military, National Guard and reserve retirement for residents	36					36
83 -	By Senator Yost: Meeting and conference rights for police or fire department members employed by political subdivisions	36	440				36, 440
84 -	By Senator Yost: Revising definition of "obscene matter"	36					37
85 -	By Senator Yost: Requiring judicial circuits and counties to have special advocates for children in abuse and neglect proceedings	37					37
*86 -	By Senator Yost: Continuing personal income tax adjustment for certain retirees of terminated defined pension plans	37	294				37, 294

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
87 -	By Senator Yost: Requiring DHHR review rates paid to health care providers	37					38
88 -	By Senator Walters: WV Water Sustainability Institute	38	752				38, 752
89 -	By Senators Walters, Miller and Gaunch: Providing maximum ratio of 1500 pupils to one licensed school psychologist	38					38
90 -	By Senators Yost and Miller: Collective bargaining between state and its employees	38					39
91 -	By Senator Yost: Requiring state-purchased materials, supplies and equipment be manufactured in US	39					39
92 -	By Senator Yost: Creating annual flood zone homestead property tax exemption	39					39
93 -	By Senator Walters: Requiring real property seller satisfy unpaid charges owed to county and municipality upon closing	39					39
94 -	By Senator Walters: Designating State Police Superintendent as administrator and enforcer of motor vehicle inspection program	39	571, 1059		1203	2030	40, 571, 1134, 1186, 1204, 1420, 3274, 3301
95 -	By Senator Walters: Requiring Chief Technology Officer ensure routine audits are made of approved major information technology projects	40					40
96 -	By Senators Walters and Miller: Promoting energy efficiency improvements by real property owners	40					41
97 -	By Senators Miller, Unger, Kessler, Beach, Snyder, Facemire and Romano: Providing salary increase for DOC employees	41					41

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
98 -	By Senators Miller, Kessler, Romano, Woelfel, Beach, Snyder and Facemire: Residential solar energy tax credits	41					41
99 -	By Senators Miller, Woelfel, Romano, Facemire, Beach, Snyder and Laird: Court-appointed attorneys' compensation and expenses in child abuse and neglect cases	41					41
100 -	By Senator Miller: Requirements for employment of public school nurses	42					42
101 -	By Senators Miller and Beach: Qualifications of Agriculture Commissioner	42					42
*102 -	By Senators Trump, Boso and Gaunch: Conforming to federal Law-Enforcement Officers Safety Act	42	171	1759-1763	249, 1763	1758	43, 212, 233, 249, 1758-1764, 2715, 3308
103 -	By Senators Laird, Unger, Romano, Kessler, Miller, Snyder and Facemire: Establishing driver's license restoration program	43					43
*104 -	By Senators Plymale, Woelfel and Stollings: Classifying Marshall University Forensic Science Center as a criminal justice agency	43	1290	1442-1443, 1572, 2036-2037	1572, 2037	2036	43, 1352, 1410, 1442-1443, 1573, 2036-2037, 3287, 3302
*105 -	By Senators Trump and Gaunch: Creating Tim Tebow Act allowing nonpublic school student participate in SSAC member school athletics	43	647	744-745	780		44, 648, 694, 744-745, 780, 818, 839
*106 -	By Senator Trump: Waiver of warranty on sale of used manufactured home under certain circumstances	44	1112		1266		44, 1186, 1206, 1267, 1420
107 -	By Senator Trump: Uniform Interstate Depositions and Discovery Act	44	188	287	287	2723, 3259	44, 234, 251, 286-287, 2723-2724, 3259, 3295, 3303
108 -	By Senators Trump and Blair: Requiring election by divisions in House of Delegate districts with two or more delegates	44					44

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*109 -	By Senator Trump: Repealing code provisions related to certain reports by trustees for property	44	257, 313	430- 431, 453	453		45, 257, 366, 403, 430-431, 453
110 -	By Senators Trump and Gauch: Disqualifying CDL for conviction of DUI	45					45
111 -	By Senators Kessler, Snyder and Beach: Prohibiting discrimination based on age or sexual orientation	45					45
112 -	By Senators Kessler and Miller: Relating generally to WV Future Fund	45					46
113 -	By Senators Kessler, Unger, Snyder, Miller, Romano, Beach and Facemire: Increasing teacher pay over 5-year period	46					46
114 -	By Senators Kessler, Unger, Romano, Facemire, Snyder, Miller and Beach: Increasing school service personnel pay over 5-year period	46					46
115 -	By Senators Kessler, Miller, Beach and Snyder: Increasing state employee pay over 3-year period	46					46
**116 -	By Senators Kessler and Beach: Increasing number of limited video lottery terminals allowed at retail location	46	523, 1153		1304		47, 567, 598, 638, 1207, 1269, 1305
117 -	By Senator Kessler: Creating preference for current limited video lottery permit holders in bid process	47					47
118 -	By Senator Kessler: Requiring disclosures in group life insurance policies	47					47
119 -	By Senators Kessler, Laird and Miller: Relating generally to criminal conviction expungements	47					48
120 -	By Senator Kessler: Earned Sick Time Act	48					48

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
121 -	By Senators Beach and Miller: Increasing certain motor vehicle fees	48					49
122 -	By Senators Trump, Gaunch, Karnes and Blair: Permitting carrying of firearms in state parks, lands and trails managed by DNR	49					49
123 -	By Senator Stollings: Treatment for sexually transmitted diseases	49	314	697-719	426, 719	696	49, 314, 366, 403, 426, 697-719, 859, 1250
124 -	By Senator Miller: Alternative and renewal energy portfolio standard	49					51
125 -	By Senators Kessler and Stollings: Increasing cigarette tax to fund substance abuse and workforce development initiatives	51					51
*126 -	By Senators Laird, Unger, Miller, Facemire and Romano: Increasing natural resources police officer compensation	51	604				51, 604
127 -	By Senators Laird, Williams, Stollings, Miller, Beach and Blair: Grandparents' rights in child custody cases	51					51
128 -	By Senators Laird and Kessler: Creating WV personal income tax modification for residents who choose to spay or neuter their pets	52					52
129 -	By Senator Laird: Providing state agency administrative hearing examiners be chosen from panel of 5 examiners	52					52
130 -	By Senator Laird: Setting maximum amount of PEIA-paid air-ambulance fees	52					52
131 -	By Senator Laird: Allowing counties to impose additional property levies solely to fund public libraries	52					52

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
132 -	By Senators Laird, Unger and Miller: Requiring municipal police officers wear armored vests when feasible	53	217				53, 217
133 -	By Senators Laird, Snyder, Romano, Facemire and Miller: Increasing salaries of certain DOC, Regional Jail Authority and Division of Juvenile Services employees	53					53
134 -	By Senator Laird: Establishing task force to study impact of any state 2- or 4-year campus closure	53	821				54, 822
135 -	By Senator Beach: Relating generally to roles of county commissions and Commissioner of Highways in regard to road and bridge projects	54					55
136 -	By Senators Leonhardt and Boso: Allowing certain residents to carry concealed weapons in municipally controlled buildings and recreation centers without first obtaining a license	55					56
137 -	By Senators Plymale, Stollings, Woelfel and Miller: Setting safety standards for youth lacrosse	56					56
138 -	By Senators Laird, Kessler, Miller, Romano, Stollings and Facemire: Creating amnesty program for certain drivers with suspended licenses	56					56
139 -	By Senators Plymale, Kessler, Beach, Miller and Stollings: Increasing tobacco tax to help fund PEIA's health plans	56					57
140 -	By Senators Trump, Unger and Miller: Requiring Herbert Henderson Office of Minority Affairs establish community-based pilot project	57					57



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
141 -	By Senators Trump, Miller and Stollings: Removing CDL requirement when towing vehicle is below certain gross vehicle weight rating	57	409				57, 410
142 -	By Senators Woelfel, Takubo, Romano, Plymale and Facemire: Automatic voter registration of high school graduates	57					58
143 -	By Senator Woelfel: Requiring annual WVU-Marshall basketball game	58					58
144 -	By Senators Plymale and Woelfel: Allowing law enforcement collect DNA samples from arrestees for certain criminal offenses	58					59
145 -	By Senator Walters: Requiring preventative dental care for adult Medicaid recipients	59					59
*146 -	By Senators Plymale and Unger: Establishing instruction standards for early childhood education	59	218	1094-1103	335, 1103	1093, 1141	60, 251, 290, 310, 336, 1104, 1251, 1616
147 -	By Senators Romano, Snyder and Facemire: 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	60	604	691	731		60, 669, 691-692, 731
148 -	By Senator Maynard: Board of Accountancy rules and rules of professional conduct	60	314, 373				60, 315
149 -	By Senator Maynard: Department of Administration rule relating to purchasing division	60					60
*150 -	By Senator Maynard: Authorizing Department of Transportation promulgate legislative rules	60	257	933-936	360, 937	932	61, 310, 338, 361-362, 932-937, 1251, 1616
151 -	By Senator Maynard: Department of Agriculture rule relating to inspection of nontraditional domesticated animals	61	149, 373				61, 149

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
152 -	By Senator Maynard: Department of Agriculture rule relating to poultry litter and manure movement	61	149, 373				61, 149
153 -	By Senator Maynard: Department of Agriculture rule relating to livestock care standards	61	149, 373				61, 149
154 -	By Senator Maynard: Department of Agriculture rule relating to captive cervid farming	61	149, 373				61, 149
155 -	By Senator Maynard: Alcohol Beverage Control Commission rule relating to private club licensing	62	172				62
156 -	By Senator Maynard: Alcohol Beverage Control Commission rule relating to distilleries and mini-distilleries	62	172				62
*157 -	By Senator Maynard: Authorizing Department of Revenue to promulgate legislative rules	62	172	2731-2767	288, 2767	2731	62, 212, 233, 249, 287-288, 2731-2768, 3029, 3286, 3309
158 -	By Senator Maynard: State Conservation Committee rule relating to WV Conservation Agency financial assistance program	62	373				62
*159 -	By Senator Maynard: Authorizing promulgation of legislative rules by miscellaneous boards and commissions	62	373	2768-2805	490, 2805	2768, 3259	63, 437, 455, 490, 2768-2806, 3286, 3310
160 -	By Senator Maynard: Board of Examiners in Counseling rule relating to license renewal and professional education requirements	63	373				63
161 -	By Senator Maynard: Board of Examiners in Counseling rule relating to marriage and family therapists licensing	63	373				63
162 -	By Senator Maynard: Board of Examiners in Counseling rule relating to marriage and family license renewal and continuing professional education requirements	63	218, 373				63

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
163 -	By Senator Maynard: CPRB rule relating to benefit determination and appeal	63	294				64, 295
164 -	By Senator Maynard: CPRB rule relating to Teachers' Defined Contribution Retirement System	64	294				64, 295
165 -	By Senator Maynard: CPRB rule relating to Teachers Retirement System	64	294				64, 295
166 -	By Senator Maynard: CPRB rule relating to refund, reinstatement, retroactive service, loan and correction of error interest factors	64	294				64, 295
167 -	By Senator Maynard: CPRB rule relating to service credit for accrued and unused sick leave	64	294				65, 295
168 -	By Senator Maynard: CPRB rule relating to WV State Police	65	295				65, 295
169 -	By Senator Maynard: CPRB rule relating to Deputy Sheriff Retirement System	65	295				65, 295
170 -	By Senator Maynard: Board of Dental Examiners rule relating to continuing education requirements	65	373				65
171 -	By Senator Maynard: Board of Dental Examiners rule relating to duties of dental hygienists and dental assistants	65	295, 373				65
172 -	By Senator Maynard: DEP, Air Quality rule relating to standards of performance for new stationary sources	66	173				66, 174
173 -	By Senator Maynard: DEP, Air Quality rule relating to control of air pollution from combustion of solid waste	66	173				66, 174,
174 -	By Senator Maynard: DEP, Air Quality rule relating to control of pollution from hazardous waste treatment, storage and disposal facilities	66	174				66, 174

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
175 -	By Senator Maynard: DEP, Air Quality rule relating to emission standards for hazardous air pollutants	66	174				67, 174
176 -	By Senator Maynard: DEP, Air Quality rule relating to control of annual nitrogen oxide emissions	67	174				67, 174
177 -	By Senator Maynard: DEP, Air Quality rule relating to control of ozone season nitrogen oxides emissions	67	258				67, 259
178 -	By Senator Maynard: DEP, Air Quality rule relating to control of annual sulfur dioxide emissions	67	258				67, 259
179 -	By Senator Maynard: DEP, Oil and Gas rule relating to horizontal well development	67	752				68, 752
180 -	By Senator Maynard: DEP, Water and Waste Management rule relating to requirements governing water quality standards	68	822				68, 822
181 -	By Senator Maynard: DEP, Water and Waste Management rule relating to aboveground storage tanks	68	440				68, 440
182 -	By Senator Maynard: DEP, Water and Waste Management rule relating to surface mining reclamation	68	315				68, 315
183 -	By Senator Maynard: DEP, Water and Waste Management rule relating to administrative proceedings and civil penalty assessment	68	315				69, 315
184 -	By Senator Maynard: DEP, Water and Waste Management rule relating to aboveground storage tank fee assessments	69	410				69, 410
185 -	By Senator Maynard: DEP, Water and Waste Management rule relating to aboveground storage tank administrative proceedings and civil penalty assessment	69	315				69, 315

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
186 -	By Senator Maynard: DHHR rule relating to emergency medical leave	69	189				69
187 -	By Senator Maynard: DHHR rule relating to fees for service	69	189				70
188 -	By Senator Maynard: DHHR rule relating to infectious medical waste	70	189				70
189 -	By Senator Maynard: DHHR rule relating to AIDS-related medical testing and confidentiality	70	189				70
190 -	By Senator Maynard: DHHR rule relating to tuberculosis testing, control, treatment and commitment	70	189				70
191 -	By Senator Maynard: DHHR rule relating to farmers market vendors	70	189				70
192 -	By Senator Maynard: DHHR rule relating to certification of opioid overdose prevention and treatment training programs	70	189				71
193 -	By Senator Maynard: DHHR rule relating to chronic pain management licensure	71	189				71
194 -	By Senator Maynard: DHHR rule relating to neonatal abstinence centers	71	189				71
*195 -	By Senator Maynard: Authorizing DHHR to promulgate legislative rules	71	189	2179-2198	289, 2198	2179	71, 234, 251, 289, 2179-2199, 3287, 3304
196 -	By Senator Maynard: DHHR rule relating to child-care licensing requirements	71	189				72
197 -	By Senator Maynard: DHHR rule relating to family child-care facility licensing requirements	72	189				72
198 -	By Senator Maynard: DHHR rule relating to family child-care home registration requirements	72	189				72

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
199 -	By Senator Maynard: DHHR rule relating to WV Works Program sanctions	72	189				72
200 -	By Senator Maynard: DHHR rule relating to qualifications for restricted provisional license to practice as social worker within department	72	189				72
201 -	By Senator Maynard: DHHR rule relating to goals for foster children	73	189				73
*202 -	By Senator Maynard: Authorizing Department of Commerce promulgate legislative rules	73	190, 238	2467-2476	336, 2477	2467	73, 191, 291, 310, 337, 2467-2477, 3286, 3304
203 -	By Senator Maynard: DNR rule relating to general hunting	73	190, 238				73, 191
204 -	By Senator Maynard: DNR rule relating to deer hunting	73	190, 238				73, 191
205 -	By Senator Maynard: DNR rule relating to wild boar hunting	73	191, 238				74, 191
206 -	By Senator Maynard: DNR rule relating to elk restoration and management	74	191, 238				74, 191
207 -	By Senator Maynard: State Election Commission rule relating to regulation of campaign finance	74	373				74
208 -	By Senator Maynard: State Election Commission rule relating to Supreme Court of Appeals public campaign financing program	74	373				74
209 -	By Senator Maynard: State Board of Registration for Professional Engineers rule relating to examination, licensure and practice of professional engineers	74	373				75
210 -	By Senator Maynard: Ethics Commission rule relating to public use of names or likenesses	75					75

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
211 -	By Senator Maynard: State Fire Commission rule relating to fire code	75					75
212 -	By Senator Maynard: State Fire Commission rule relating to state building code	75					75
213 -	By Senator Maynard: State Fire Commission rule relating to standards for certification of continuing education of municipal, county and other public sector building code officials, inspectors and plans examiners	75					75
214 -	By Senator Maynard: Governor's Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification standards	75	373				76
215 -	By Senator Maynard: DOH rule relating to state transportation infrastructure fund program	76	257				76
*216 -	By Senator Maynard: Authorizing Human Rights Commission promulgate legislative rule relating to Pregnant Workers' Fairness Act	76	240		337		76, 291, 310, 338
217 -	By Senator Maynard: Division of Labor rule relating to wage payment and collection	76	238				76
*218 -	By Senator Maynard: Division of Labor rule relating to minimum wage and maximum hours	76	796				76, 853, 893
219 -	By Senator Maynard: Division of Labor rule relating to Elevator Safety Act	76	238				77
220 -	By Senator Maynard: Division of Labor rule relating to licensing of elevator mechanics and registration of apprentices	77	238				77
221 -	By Senator Maynard: Medical Imaging and Radiation Therapy Technology Board of Examiners rule relating to board	77	373				77

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
222 -	By Senator Maynard: Workforce West Virginia rule relating to Prevailing Wage Act	77	238				77
223 -	By Senator Maynard: Board of Medicine rule relating to establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities	77	373				78
224 -	By Senator Maynard: Office of Miners' Health, Safety and Training rule relating to substance abuse screening standards and procedures	78	238				78
225 -	By Senator Maynard: Nursing Home Administrators Licensing Board rule relating to nursing home administrators	78	373				78
226 -	By Senator Maynard: Division of Personnel rule relating to administrative rule of Division of Personnel	78					78
227 -	By Senator Maynard: Board of Pharmacy rule relating to licensure and practice of pharmacy	78	373				78
228 -	By Senator Maynard: Board of Pharmacy rule relating to Uniform Controlled Substances Act	78	373				79
229 -	By Senator Maynard: Board of Pharmacy rule relating to recordkeeping and automated data processing systems	79	373				79
230 -	By Senator Maynard: Board of Pharmacy rule relating to licensure of wholesale drug distributors, third-party logistics providers and manufacturers	79	373				79
231 -	By Senator Maynard: Property Valuation and Procedures Commission rule relating to tax map sales	79	373				79
232 -	By Senator Maynard: Racing Commission rule relating to thoroughbred racing	79	172				79



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
233 -	By Senator Maynard: Racing Commission rule relating to pari-mutuel wagering	80	172				80
234 -	By Senator Maynard: Board of Social Work rule relating to qualifications for profession of social work	80	373				80
235 -	By Senator Maynard: Secretary of State rule relating to registration forms and receipts	80	373				80
236 -	By Senator Maynard: Secretary of State rule relating to elimination of precinct registration books	80	373				80
237 -	By Senator Maynard: Secretary of State rule relating to absentee voting by military voters of reserve units called to active duty	80	373				81
238 -	By Senator Maynard: Secretary of State rule relating to FOIA database	81	373				81
239 -	By Senator Maynard: Board of Examiners for Speech-Language Pathology and Audiology rule relating to licensure of speech pathology and audiology	81	373				81
240 -	By Senator Maynard: Board of Examiners for Speech-Language Pathology and Audiology rule relating to speech-language pathology and audiology assistants	81	373				81
241 -	By Senator Maynard: Department of Tax and Revenue rule relating to payment of taxes by electronic funds transfer	81	172				81
242 -	By Senator Maynard: Department of Tax and Revenue rule relating to certain exchange of information agreement	81	172				82
243 -	By Senator Maynard: DOT rule relating to rail-fixed guideway systems to state safety oversight	82	174, 257				82, 175

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
244 -	By Senator Maynard: Department of Veterans' Assistance rule relating to state home for veterans	82					82
245 -	By Senator Maynard: Department of Veterans' Assistance rule relating to VA headstones or markers	82					82
*246 -	By Senators Romano, Snyder and Gauch: Providing certain government entities option to extend the term of tax increment financing district from 30 to 40 years	83	474				83, 475
247 -	By Senators Carmichael and Plymale: Including on state personal income tax return checkoff option to donate to Cedar Lakes Foundation	83					83
248 -	By Senator Stollings: Raising legal age for purchase of tobacco, tobacco-products, tobacco-derived products, alternative nicotine and vapor products to 21	83					83
249 -	By Senators Karnes, Trump and Leonhardt: Providing an exception to prohibition of possession of deadly weapon on primary or secondary education facility	83					84
250 -	By Senator Trump: Excluding obligation to make required payments from provisions of consumer credit and protection act	84					84
251 -	By Senator Trump: Amending statutes relating to nonintoxicating beer, brewers and brewpubs	84					84, 167
*252 -	By Senator Trump: Amending Wiretapping and Electronic Surveillance Act to exclude from protection oral communications	84	861		1180		85, 1090, 1132, 1180
253 -	By Senator Trump: Exempting drug treatment and drug recovery facilities from county and municipal ordinances	85	138				85, 147, 167-168, 185, 211, 233

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*254 -	By Senator Trump: Not allowing county park commissions to prohibit firearms in facilities	85	316	1718-1719	426, 1719	1718	85, 316, 366, 403, 427, 1718-1720, 2062-2063, 3305
255 -	By Senator Trump: Permitting creditor to collect and recover from consumer creditor's reasonable expenses	85					85
256 -	By Senator Trump: Allowing delinquency charge be collected on installment	85					86
257 -	By Senators Trump and Woelfel: Requiring Bureau of Child Support Enforcement to appear in every case involving an issue of setting child support	86					86
258 -	By Senators Trump and Woelfel: Adopting clear and convincing evidence standard under the WV contraband forfeiture act	86					87
**259 -	By Senators Blair, Karnes and Snyder: Amending Unfair Trade Practices Act	87	259, 753	2465-2466	881, 2466	2465	87, 260, 817, 846, 882, 2465-2467, 3290, 3302
260 -	By Senator Blair: Repealing WV Permitting and Licensing Information Act	87					87
261 -	By Senator Blair: Bringing state code relating to daylight saving time in conformity with federal code	87	316		427	719	87, 366, 403, 428, 860, 1250
*262 -	By Senator Blair: Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings	87		3089-3094	308, 3094	3089	87, 251, 290, 308, 3089-3095, 3295, 3303
*263 -	By Senators Blair and Snyder: Allowing travel and other expense reimbursement for members of Municipal Home Rule Board	88	138		184		88, 147, 167, 185
264 -	By Senator Blair: Modifying definition of "division" in Performance Review Act	88					88

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*265 -	By Senators Blair and Snyder: Allowing library volunteers necessary access to user records	88	139, 376	456, 2177- 2178	491, 2178	2177, 2477- 2478	88, 139, 437, 455-456, 491, 2177-2179, 3286, 3302
266 -	By Senator Blair: Limiting appointed Property Valuation Training and Procedures Commission members' terms	88					88
*267 -	By Senator Blair: Modifying removal procedure for certain county, school district and municipal officers	88	648	2806- 2815	781, 2815	2806, 3260	89, 649, 694, 745, 781, 818, 2806-2815, 3296, 3303
*268 -	By Senator Blair: Abolishing Council of Finance and Administration	89	317		428		89, 367, 404, 428
*269 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Budget Bill	119	2012		2281	2815	119, 2012, 2098, 2281-2282, 2283, 2815-2816, 3254, 3272
*270 -	By Senator Gaunch: Repealing code relating to insurance policies	123	240, 377		491	2816	123, 241, 437, 456, 492, 3290, 3302
271 -	By Senators Ferns and Gaunch: Regulating practice of accountancy	123	295	1764- 1765	399, 1765	1764	123, 339, 365, 399, 1764-1766, 2715, 3301
*272 -	By Senators Blair, Gaunch, Plymale and Romano: Allowing investigators from Attorney General's office to carry concealed weapons	123	605	3036- 3038	732, 3038	3036, 3260	123, 669, 692, 732, 3036-3038, 3296, 3311
273 -	By Senators Ferns and Stollings: Setting forth required provisions regarding prior authorization of drug benefits by insurers	123					124
*274 -	By Senator Walters: Relating to increasing civil jurisdictional amount in magistrate courts	124	861	1766- 1767	1181, 1767	1766	124, 1090, 1132, 1181, 1420, 1766- 1767, 2715, 3301
275 -	By Senators Walters, Plymale and Woelfel: Creating low-interest student loan refinancing program for teachers	124					124
276 -	By Senator Walters: Requiring all health care workers receive flu vaccination	124					124

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
277 -	By Senators Carmichael and Woelfel: Adding definition and increasing criminal penalties for certain assaults and batteries	124					125
*278 -	By Senators Ferns, Takubo, Walters, Stollings and Palumbo: Clarifying physicians' mutual insurance company is not state or quasi-state actor	125	241, 441		536	3038	125, 241, 503, 523, 536, 3038-3039, 3296, 3303
279 -	By Senator Ferns: Specifying how assessed value of any share of natural resource property is to be determined	125					125
280 -	By Senators Walters and Gaunch: Eliminating personnel sections or divisions within other state departments and agencies	125					125
281 -	By Senator Ferns: Requiring health care providers and facilities to notify patient when mammogram indicates dense breast tissue	125					126
282 -	By Senators Walters and Carmichael: Requiring Secretary of Administration access and collect fee of 5 percent from certain special revenue funds	126					126
*283 -	By Senator Ferns: Creating crime when fire is caused by operation of clandestine drug laboratory	126	649	3021-3023	781, 3023	1720, 3260	126, 694, 745, 781, 818, 1720-1722, 1930, 2282, 3021-3023, 3296, 3303
284 -	By Senator Ferns: Providing for approval by county commission of all health policies enacted by local boards of health	126					126
285 -	By Senator Ferns: Allowing adult adoptees and their descendants to access adoption records	126					127
*286 -	By Senators Trump, Boley and Woelfel: Creating Commission to Accelerate Statewide Coordination of Mental Health Services for Children and Adolescents	127	318				127, 318

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*287 -	By Senators Boso and Trump: Creating West Virginia Safer Workplaces Act	127	1209	1315	1369		128, 1210, 1278, 1315, 1350, 1370
*288 -	By Senators Trump, Blair, Takubo, Walters, Romano and Palumbo: Creating one-day special license for charitable events to sell nonintoxicating beer	128	260		362		128, 310, 339, 362- 363
289 -	By Senators Boso and Trump: Including intimidation of public official or employee in definition of "terrorist act"	128					128
*290 -	By Senator Trump: Assignment of wages by employers and payment by payroll card	128	219	290- 291, 309	309		129, 252, 291, 309
*291 -	By Senators Trump and Plymale: Law enforcement use of unmanned aircraft systems	129	862	3241- 3244	1181, 3244	3095	129, 1090, 1132, 1182, 1420, 3095- 3102, 3241-3244
292 -	By Senator Karnes: Creating income tax credits for certain educational expenses	129					129
*293 -	By Senators Walters, Boso and Sypolt: Neighborhood Investment Program Act	129	606, 724	2817	840, 2817	2816	130, 606, 790, 815, 841, 2816-2818, 3299, 3304
294 -	By Senators Boso and Trump: Allowing employers have compulsory direct deposit of wages	130					130
295 -	By Senator Trump: Abolishing tort of outrage	130					130
296 -	By Senators Takubo, Gaunch, Mullins and Boso: Excluding amounts claimant would not pay from compensatory damages awarded for medical expenses	139					140
297 -	By Senators Walters, Boso, Plymale and Miller: Requiring installation of conduit for fiber optic cable on state highway construction projects	140	175				140, 175
*298 -	By Senator Walters: Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays	140	606	2818- 2832	732, 2832	2818, 3260	140, 607, 669, 692, 732, 2818-2832, 3299, 3304

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
299 -	By Senators Plymale, Laird and Miller: Creating Library Facilities Improvement Fund	140	572		685		140, 572, 639, 667, 685
300 -	By Senators Trump, Takubo and Gaunch: Authorizing county commissions to collect additional fee for wireless phone lines	140					141
301 -	By Senators Ferns, Gaunch, Mullins and Takubo: Changing amounts of prejudgment and post-judgment interest	141					141
302 -	By Senators Ferns, Mullins and Takubo: Limiting products liability actions	141					141
**303 -	By Senators Blair, Walters, Boso, Gaunch, Maynard, Palumbo, Snyder and Woelfel: Providing for 5-day resident fishing license	141	441, 1211		1370	1767	141, 442, 1278, 1316, 1350, 1370, 2716, 3301
304 -	By Senators Ferns, Takubo, Ashley, Karnes, Laird, Leonhardt, Palumbo, Plymale, Prezioso, Stollings, Trump, Unger, Walters, Woelfel, Miller and Boso: Providing insurance coverage for abuse-deterrent opioid analgesic drugs	141					142
305 -	By Senator Boso: Requiring Administration Office of Supreme Court of Appeals file annual report	142					142
306 -	By Senator Blair: Permitting sale of county or district property online	142	316	2478-2479	428, 2479	2478, 2963	142, 367, 404, 429, 2478-2479, 3296, 3303
307 -	By Senator Beach: Allowing restaurants, private clubs and wineries sell alcoholic beverages before 10 a.m. on Sundays	142					143
308 -	By Senator Blair: Prohibiting members of Real Estate Commission from serving beyond appointed terms	143					143

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*309 -	By Senator Blair: Relating to child-care center licensing and exempting county parks and recreation from licensure	143	475	538	559	855	143, 523, 538, 559, 1153, 1560
310 -	By Senator Trump: Limiting disclosure of certain public records	143					143
311 -	By Senators Snyder, Romano, Gaunch, Kessler and Blair: Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable Program	145	175	2480-2483	250, 2483	2479, 3260-3261	145, 212, 233, 250, 2479-2483, 3299, 3304
312 -	By Senators Gaunch, Ashley, Blair, Carmichael, Ferns, Stollings, Trump, Walters, Boso and Plymale: Welfare Fraud Prevention Act	145					146
*313 -	By Senators Boso, Miller, Romano, Mullins, Facemire and Takubo: Relating to school calendar and allowing unused accrued instructional time count toward 180-day requirement	150	651	815, 841	841		150, 651, 694, 746, 787, 815-816, 842
314 -	By Senators Sypolt, Beach, Blair, Boso, Ferns, Gaunch, Karnes, Leonhardt, Takubo, Trump, Walters, Williams and Yost: Amending requirements for carrying concealed weapon or deadly weapon for defense purposes	150					150
**315 -	By Senators Walters, Ashley, Beach, Boley, Boso, Gaunch, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Snyder, Stollings, Sypolt, Takubo, Trump, Williams and Blair: Providing for construction of statewide fiber optic broadband infrastructure network	150	296, 673		812		151, 297, 748, 787, 812



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
316 -	By Senators Karnes, Boso, Gaunch, Hall, Takubo, Maynard, Leonhardt, Unger and Blair: Removing requirement home-schooled student must acquire GED to qualify for PROMISE scholarship	151					151
317 -	By Senators Blair, Walters, Boso, Gaunch, Maynard and Snyder: Requiring each county maintain website and provide information to Secretary of State	152					152
318 -	By Senators Karnes, Boso, Gaunch, Hall, Maynard and Takubo: Clarifying that home schooled student may not be classified as habitually absent	152					153
319 -	By Senators Gaunch, Carmichael and Boso: Permitting temporary delegation of certain custodial powers by parent or guardian	153					153
*320 -	By Senators Ferns and Stollings: Permitting practice of telemedicine	153	754				153, 754
*321 -	By Senator Trump: Providing additional funding for exceptional children with high-cost/high-acuity special needs	153	572				153, 573
322 -	By Senators Ferns, Stollings, Trump and Gaunch: Regulating pharmacy benefits managers	153					154
323 -	By Senators Trump, Kessler, Woelfel, Palumbo, Romano and Williams: Correcting statute subsection designations regarding trespassing on property	154	171	251	250	2030	154, 212, 234, 251, 3287, 3302
324 -	By Senators Walters, Blair, Boso, Carmichael, Ferns, Gaunch, Hall, Mullins, Sypolt, Trump, Miller, Plymale and Palumbo: Allowing transportation network companies to operate in WV	154					155

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
325 -	By Senators Miller, Beach, Kessler, Kirkendoll, Laird, Palumbo, Snyder, Stollings, Unger, Walters, Williams, Woelfel, Yost and Plymale: Developing matching grant to foster development of creative communities	155	1187				156, 1188
*326 -	By Senators Trump, Kessler, Woelfel, Palumbo, Romano and Plymale: Repeal and recodify law relating to contributing to delinquency of minor child	156	411	2230-2234	521, 2234	2230	156, 458, 495, 521, 2230-2234, 3287, 3302
*327 -	By Senators Kirkendoll, Beach, Facemire, Hall, Kessler, Laird, Plymale, Prezioso, Romano, Stollings, Woelfel and Unger: Proposing construction of modern highway from Pikeville, KY, to Beckley, WV	176	755				176, 755
*328 -	By Senators Gaunch, Ashley, Carmichael, Facemire, Karnes, Kirkendoll, Leonhardt, Stollings, Takubo, Walters, Plymale, Unger, Blair, Prezioso, Williams and Romano: Creating West Virginia Veterans Program Fund	176	607		685		176, 608, 667, 686
329 -	By Senators Trump, Kessler, Woelfel, Palumbo, Romano, Plymale, Stollings and Unger: Eliminating sunset provision for commission to study residential placement of children	177	261		363	2030	177, 261, 310, 339, 363, 3288, 3302
*330 -	By Senators Gaunch and Boso: Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium	177	377	2199-2204	492, 2204	2199	177, 378, 437, 456-457, 492, 2199-2204, 3288, 3302
331 -	By Senators Boso and Gaunch: Relating to hunting or trapping on private lands	177					177
*332 -	By Senators Maynard, Plymale and Stollings: Entering into Interstate 73 Compact	178	755				178, 756
333 -	By Senators Karnes and Leonhardt: Taking and registering of wildlife	178	297	400, 2204-2209	400, 2209	2204, 2483	178, 297, 339, 365, 400, 2204-2209, 3296, 3303

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
334 -	By Senator Karnes: Identifying coyote as fur-bearing animal and woodchuck as game animal	178	298	2031	400, 2031	2030	178, 298, 339, 366, 401, 2030-2031, 3280, 3302
335 -	By Senators Karnes, Leonhardt and Williams: Eliminating severance tax on timber	179					179
336 -	By Senators Karnes and Leonhardt: Relating to crossbow hunting	179	298		401		179, 339, 366, 401
*337 -	By Senators Stollings, Boso, Hall, Kessler, Kirkendoll, Palumbo, Plymale, Prezioso, Snyder, Walters, Woelfel and Gaunch: Creating 5-year tax credit for businesses on post-mine sites	179	1211, 1416	1443	1573		179, 1212, 1417, 1443, 1573
*338 -	By Senators Trump, Kessler, Woelfel, Palumbo, Romano, Stollings, Plymale and Yost: Compiling and maintaining Central State Mental Health Registry	192	262	2209-2210	364, 2210	2209	192, 262, 310, 339, 364, 2209-2210, 3288, 3302
*339 -	By Senators Trump, Kessler, Woelfel, Palumbo, Romano, Plymale and Yost: Establishing Judicial Compensation Commission	192	797	929, 1080, 2833-2838	1079, 2838	2832	192, 853, 893-897, 928-929, 1080-1081, 2832-2839, 3299, 3304
340 -	By Senators Gaunch, Ashley, Carmichael, Faceire, Ferns, Hall, Mullins, Palumbo, Prezioso, Romano, Snyder, Trump, Woelfel and Plymale: Relating to payment by Municipal Bond Commission	192					193
341 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Expiring funds from Insurance Commissioner, Examination Revolving Fund and Insurance Commission Fund to State Fund, General Revenue	193	526		630	1195	193, 567, 598, 631, 1416, 1560
*342 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Decreasing appropriations from State Fund, General Revenue, to DHHR, Division of Human Services and Bureau of Senior Services	193	262		264	541	193, 263-264, 603, 643

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*343 -	By Senators Cole (Mr. President), Hall, Kessler and Trump: Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records	193	299	366, 402	402	2031	194, 339, 366, 402-403, 2031-2034, 2839
*344 -	By Senators Cole (Mr. President), Hall, Kessler and Trump: Clarifying composition and chairmanship of Commission on Special Investigations	194	1188		1371		194, 1207, 1270, 1305, 1350, 1370-1371
345 -	By Senator Hall: Relating to parking on state-owned or leased property	194	475	2840	560, 2840	2839	195, 524, 539, 560, 2839-2840, 3299, 3304
346 -	By Senators Hall and Prezioso: Updating projects managed by Project Management Office	195	475		560	2034	195, 524, 539, 561, 3274, 3301
347 -	By Senators Walters and Boso: Increasing number of limited video lottery terminals at retail locations	195					195
348 -	By Senators Boso, Gaunch, Leonhardt, Mullins, Palumbo, Walters and Williams: Permitting descendants of landowner hunt, trap and fish on that property	195					195
349 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Updating meaning of federal adjusted gross income	195	476	2035	561, 2035	2034	196, 524, 539, 561-562, 2034-2036, 3274, 3301
350 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Exempting community-based behavioral health facilities, programs or services from certificate of need	196					196
351 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Dedicating severance tax proceeds	196	651		782	1195	196, 694, 746, 782, 818, 1416, 1616

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
352 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Dedicating corporation net income tax proceeds to railways	196	756	2484	882, 2484	2483- 2484	196, 817, 846, 882-883, 2483-2485, 3290, 3302
353 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to allocation of premiums for employers and employees in PEIA	196					197
354 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Updating meaning of federal taxable income	197					197
355 -	By Senator Kessler [By Request of the Executive]: Imposing consumers sales and service tax on sales of telecommunications service	197					197
356 -	By Senator Kessler [By Request of the Executive]: Eliminating consumers sales and service tax exemption for 2016 fiscal year	197	651				197, 694, 746, 782
357 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund	198	265		266	541	198, 265-266, 603, 643
358 -	By Senators Gaunch, Boso, Blair, Walters, Palumbo, Stollings, Kirkendoll, Carmichael, Ferns, Takubo, Prezioso, Plymale, Williams, Trump, Hall and Mullins: Establishing Mining Mutual Insurance Company	198					198
359 -	By Senators Boso, Gaunch, Blair, Palumbo, Stollings, Kirkendoll, Carmichael, Ferns, Takubo, Prezioso, Plymale, Williams, Trump, Hall and Mullins: Requiring performance bonds by operators	198					199

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
360 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation to Division of Human Services	199	265		267	541	199, 266-268, 603, 643
*361 -	By Senators Gaunch, Boso, Mullins, Palumbo, Walters, Williams and Prezioso: Prohibiting persons who have committed crimes against elderly from performing community service involving elderly	199	411	3102-3103	521, 3104	3102	200, 458, 495, 521, 3102-3104, 3299, 3304
362 -	By Senators Gaunch, Boso, Mullins, Palumbo, Walters, Williams, Unger, Plymale, Trump and Prezioso: Increasing criminal penalties for financial exploitation of elderly person	200					200
*363 -	By Senator Walters: Creating exemption for autocycles	200	268, 1291		1444		200, 268, 1352, 1410, 1443-1444
364 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation expiring funds to General Revenue	200	269		270	407	201, 269-270, 473, 503
365 -	By Senators Gaunch, Karnes, Kirkendoll, Boso, Palumbo and Unger: Creating Uniform Real Property Electronic Recording Act	201					202
366 -	By Senators Trump, Woelfel and Snyder: Prohibiting lobbyists from contributing funds to individuals running for election	202					202
367 -	By Senators Carmichael and Prezioso: Prohibiting sex offenders from living within 1,000 feet of school	202					202
368 -	By Senator Carmichael: Establishing criminal offense of disturbing peace	202					202
*369 -	By Senators Sypolt, Boso, Plymale, Prezioso and Williams: Reducing legislative education reporting requirements	202	319	938-1054	429, 1054	937	205, 367, 404, 429, 938-1054, 1251, 1616

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
370 -	By Senators Walters and Miller: Authorizing local units of government adopt local energy efficiency partnership program	205	1212				205, 1213
371 -	By Senator Walters: Deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers	205					205
372 -	By Senators Walters, Gaunch and Palumbo: Modifying administration of local boards of health	206					206
*373 -	By Senators Walters and Gaunch: Granting more control of regional education service agencies to county boards	206	527				206, 527
374 -	By Senators Ashley, Boso, Facemire, Gaunch, Hall, Leonhardt, Romano, Takubo, Trump, Walters, Stollings, Plymale, Blair, Palumbo, Williams and Miller: Permitting farm winery supply wine it produces directly to customers	220					220
375 -	By Senators Ashley, Boley, Boso, Hall, Leonhardt, Trump and Blair: Establishing procedure for involuntary treatment of persons suffering from alcohol and other drug abuse disorders	220					220
*376 -	By Senators Trump, Palumbo, Gaunch, Williams, Beach, Yost, Miller and Maynard: Expanding authority of Secretary of State and State Police	220	861	1768-1770	1182, 1770	1767, 2485	221, 1090, 1133, 1182, 1420, 1767-1770, 3286, 3302
377 -	By Senator Ferns: Relating to liability of spouses or relatives to assist in paying for indigent funeral service expenses	221					221
*378 -	By Senators Trump, Carmichael, Williams, Ashley, Gaunch, Leonhardt, Palumbo, Romano, Miller, Boso, Stollings, Sypolt, Blair and Plymale: Relating to truancy intervention	221	528	3201-3209	631, 3210	2840	221, 567, 598, 632, 2848, 3025, 3026, 3077, 3201-3210, 3261

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
379 -	By Senators Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller: Relating to candidate filing fees	212	270	364	364	1722	221, 310, 339, 365, 2062-2063, 2715
380 -	By Senator Walters: Relating to comprehensive statewide student assessment	221					222
381 -	By Senators Ashley, Boso and Gaunch: Changing trend test for life and health insurer	222					222
382 -	By Senators Stollings and Plymale: Including volunteer workers and student teachers under Board of Risk and Insurance Management coverage	222					222
383 -	By Senators Boso and Ferns: Promoting efficient extraction of oil and gas resources	222					222, 640
384 -	By Senators Takubo and Stollings: Requiring Bureau for Medical Services seek federal waiver for 30-day waiting period for tubal ligation	223	1213		1372	2485	223, 1213, 1278, 1316, 1350, 1372, 3290, 3302
385 -	By Senator Trump: Allowing defendants 180 days to identify nonparties wholly or partially at fault in civil actions	223	373		492		223, 437, 457, 493
386 -	By Senators Mullins, Beach, Blair, Gaunch, Hall, Kessler, Prezioso, Trump and Williams: Ensuring continued viability of WVU Tech	223					224
**387 -	By Senator Karnes: Shared animal ownership agreements to consume raw milk	224	271, 378		493	1142	224, 272, 437, 457, 493-494, 1251, 1690-1691
388 -	By Senators Trump, Leonhardt, Miller, Carmichael, Woelfel, Boso, Palumbo, Williams, Gaunch, Ashley, Beach, Blair, Prezioso and Plymale: Creating criminal offenses relating to money laundering	241					242
389 -	By Senator Karnes: Reducing certain penalties for offenses not resulting in illegal killing of bear	242	442				242, 442



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
390 -	By Senators Karnes and Miller: Providing for resident farm vendor's bidding preference	242					242
391 -	By Senators Trump, Leonhardt, Miller, Carmichael, Woelfel, Boso, Gaunch, Romano, Karnes, Ashley, Beach, Blair, Prezioso, Plymale and Unger: Creating additional penalty for use of firearm in furtherance of drug offense	242					242
*392 -	By Senators Carmichael, Hall, Ashley, Plymale and Trump: Transferring Cedar Lakes Camp from Board of Education to Department of Agriculture	272	1154				272, 1154
393 -	By Senators Kessler and Yost: Eliminating fees charged to consumers for security freeze placed on credit report	272					272
394 -	By Senator Trump: Creating felony crime of prohibited sexual contact by psychotherapist	272	546				272, 547
395 -	By Senators Ferns, Plymale, Stollings, Prezioso and Unger: Extending expiration date for tax rate on eligible acute-care hospitals	273					273
396 -	By Senators Walters, Facemire and Boso: Preventing waste of oil and gas	273	608				273, 608
*397 -	By Senators Walters and Beach: Maintaining status quo in event bond indebtedness to Parkways Authority is eliminated	273	609				273, 609
398 -	By Senators Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller: Revocation of certificate of authority to conduct business	273	1292		1445		273, 1352, 1410, 1444-1445
*399 -	By Senators Karnes, Miller, Plymale, Stollings, Boso, Prezioso, Williams, Leonhardt and Unger: Establishing personal and corporate income tax credits for farmers donating edible agricultural products	274	1113, 1213		1372		274, 1114, 1279, 1316, 1350, 1372

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*400 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reducing amount of sales tax proceeds dedicated to School Major Improvement Fund	274	652		812	2037	274, 694, 746, 782, 813, 3274, 3301
401 -	By Senators Takubo, Stollings, Trump, Prezioso and Unger: Establishing criteria for hospital be designated comprehensive stroke center	274					274
402 -	By Senators Hall, Plymale, Boso, Williams and Romano: Excluding law-enforcement officers and firefighters pensions from state income taxes	274					275
403 -	By Senators Leonhardt and Williams: Relating to cooperative extension workers	275	573		686		275, 639, 667, 686
*404 -	By Senators Ferns, Plymale, Stollings and Prezioso: Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases	275	574	3039-3050	687, 3050	3039, 3261	275, 574, 639, 668, 687, 3039-3051, 3299, 3304
405 -	By Senators Trump, Leonhardt, Miller, Carmichael, Woelfel, Boso, Gaunch, Ashley, Plymale and Blair: Creating felony offense of conspiracy in violation of Uniform Controlled Substances Act	276					276
406 -	By Senators Boso, Boley, Gaunch, Karnes, Leonhardt and Sypolt: Changing age date of attending school	276					276
407 -	By Senators Blair, Carmichael, Ferns, Gaunch, Mullins, Takubo and Trump: Increasing high-quality educational opportunities in public school system	276					279
408 -	By Senators Hall, Ferns, Gaunch and Mullins: Relating to regulation and control of elections	279					280

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
409 -	By Senators Takubo, Plymale, Stollings and Prezioso: Requiring health insurers contract with physicians and health care facility providing services to Medicaid and Medicare recipients	280					280
410 -	By Senator Trump: Creating Uniform Partition of Heirs Property Act	280					281
*411 -	By Senators Walters, Laird, Kessler, Miller, Facemire, Romano and Gauch: Creating Second Chance for Employment Act	300	1155	1270	1305		300, 1207, 1270, 1306
412 -	By Senator Walters: Preventing disqualification from unemployment benefits due to domestic violence	300					300
413 -	By Senators Walters, Boso and Maynard: Relating to unattended motor vehicles	301					301
*414 -	By Senators Walters, Laird and Miller: Relating to Juvenile Justice Reform Oversight Committee	301	1198				301, 1199
415 -	By Senator Ashley: Lengthening maximum term of negotiable certificates of deposit municipal funds can hold	301	379		494	2037-2038	301, 437, 458, 494, 3280, 3301
416 -	By Senators Takubo, Trump, Blair and Kessler: Allowing terminally ill patients access to investigational products	301	863	2211-2216	1182, 2016	2210	302, 1090, 1133, 1183, 1420, 2210-2216, 3288, 3302
417 -	By Senators Boso and Carmichael: Creating 2016 Coal Jobs and Safety Act	302					303
418 -	By Senators Miller, Laird and Beach: Placing sales tax on sale of food	303					303
419 -	By Senator Kessler [By Request of the Executive]: Relating to termination of Workers' Compensation Debt Reduction Act	303	476	598, 632, 1226-1244	632, 1244	1225	304, 524, 539, 563, 599, 633, 1244-1245, 1289, 1364

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*420 -	By Senator Kessler [By Request of the Executive]: Increasing tax rate on cigarette and tobacco products	304	823	1088	1128		304, 929, 1087-1088, 1129, 1194, 1420
*421 -	By Senator Kessler [By Request of the Executive]: Terminating behavioral health severance and business privilege tax	304	1156	1602-1608	1306, 1608	1602	304, 1207, 1270, 1306, 1602-1608, 1955, 2062
422 -	By Senators Gaunch, Karnes, Kirkendoll, Boso, Palumbo and Unger: Creating Uniform Deployed Parents Custody and Visitation Act	305					306
423 -	By Senators Hall, Boso and Plymale: Providing for disposition of unclaimed and unredeemed savings bond	322	609		733		322, 669, 692, 733
*424 -	By Senators Boso, Blair, Karnes, Kessler, Kirkendoll, Leonhardt, Miller, Mullins, Snyder, Stollings, Sypolt, Takubo, Unger, Walters, Williams, Woelfel, Gaunch and Ferns: Allowing fire departments assess fees	323	653	788	813		323, 694, 746, 788-789, 813
425 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Expanding definition of underground facility in One-Call System Act	323	477				323, 477
426 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Continuing Office of Coalfield Community Development	323	477		562	2038	323, 477-478, 524, 539, 562, 3280, 3301
427 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Transferring funds from State Excess Lottery Fund to Department of Revenue	324	1691		1790	2863	324, 1691, 1741, 1789-1790, 3286, 3302, 3305
428 -	By Senator Kessler [By Request of the Executive]: Ending discretionary transfers to Licensed Racetrack Modernization Fund	324					324

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*429 -	By Senators Ashley and Gaunch: Adopting two National Association of Insurance Commissioners' models to protect enrollees and general public and permit greater oversight	324	547		665	2216	325, 600, 638, 665, 3288, 3302
430 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Allowing transportation network companies operate in state	325					326
431 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Authorizing pharmacists and pharmacy interns dispense opioid antagonists	326	757	2849	883, 2849	2848-2849	326, 817, 846, 883, 2848-2849, 3300, 3304
432 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to levies on classifications of property by Board of Public Works	326	529				327, 529
433 -	By Senators Takubo, Stollings and Plymale: Allowing advanced practice registered nurses and physician assistants to complete physician orders for scope of treatment	327					327
*434 -	By Senators Karnes and Takubo: Allowing home-based micro-processed foods sold at farmers markets	327	725		842		327, 791, 816, 842
435 -	By Senators Leonhardt, Walters, Williams, Miller, Trump, Woelfel, Unger and Plymale: Allowing farm winery enter alternating wine proprietorship agreements with farm owners	327	380, 1214	1316	1373		328, 380, 1279, 1316-1317, 1349, 1350, 1367-1368, 1373
*436 -	By Senators Kirkendoll, Boley, Mullins and Walters: Defining adequate shelter for dogs and cats	344	649	783	783		345, 695, 746, 783, 818
437 -	By Senator Blair: Updating and clarifying code relating to rules governing mixed martial arts	345	529	1771-1777	633, 1777	1771, 1931	345, 568, 600, 634, 1771-1778, 1977, 3300, 3312

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
438 -	By Senator Ferns: Requiring DHHR be present at judicial proceedings	345	864	1778-1779	1183, 1779	1778	345, 864, 1090, 1133, 1183, 1420, 1778-1780
439 -	By Senators Hall and Plymale: Eliminating requirement that budget director approve requisitions for personal services payment under certain circumstances	345	651		783	2038	345, 695, 747, 784, 818, 3280, 3302
440 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Expanding Learn and Earn Program	345					346
441 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from State Road Fund to DOT, Division of Highways	346					346
442 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation of federal funds to PSC, Motor Carrier Division	346					346
443 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation of federal funds to DHHR, Consolidated Medical Service Fund	346					346
444 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation of public moneys in Treasury to DHHR, Division of Health, WV Birth-to-Three Fund	347					347
445 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Requiring well operators and pipeline operators to report emergency incidents to Division of Homeland Security	347					347

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
446 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation of federal funds to State Board of Education, School Lunch Program	347					348
447 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation of federal funds to Department of Commerce, WorkForce West Virginia, Workforce Investment Act	348					348
448 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation of public moneys in Treasury to Department of Revenue, Tax Division, Wine Tax Administration Fund	348					348
449 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from State Fund, General Revenue to Department of Administration, Public Defender Services	348	526		634	1195	348, 568, 600, 634-635, 1416, 1560
450 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from State Fund, General Revenue to DHHR, Division of Health	349	526		635	1195	349, 568, 600, 635-636, 1416, 1560
451 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplemental appropriation from State Fund, General Revenue to Department of Military Affairs and Public Safety	349	526		636	1195	349, 568, 600, 636-637, 1416, 1560
452 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Revising school aid formula	349					350, 1157
453 -	By Senator Kessler [By Request of the Executive]: Establishing Self-Employment Assistance Act	350					350

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
**454 -	By Senator Kessler [By Request of the Executive]: Licensing and regulating medication-assisted treatment programs for substance use disorders	350	824, 1336	1445, 3145-3200	1573, 3201	2850, 3261	351, 824, 1411, 1445-1446, 1574, 2850-2854, 3025-3026, 3030, 3145-3201, 3300, 3304
455 -	By Senators Walters and Boso: Allowing person to be both limited video lottery operator and retailer	380	798, 1158		1306		380, 798, 1207, 1270, 1307
456 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Setting maximum amount that can be collected for air-ambulance services	380	864				381, 864
457 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Authorizing information sharing by Workforce West Virginia with certain state agencies	381					381
458 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Creating Innovation in Education-designated schools	381					382
459 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Requiring county board of education to pay tuition to Mountaineer Challenge Academy	382	575		687	2485	382, 639, 668, 688, 3290, 3302
**460 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Repealing regulation of opioid treatment programs and creating licenses for all medication-assisted programs	382	1214, 1293				383, 1216, 1352, 1411, 1446
461 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Updating WV Workforce Investment Act to WV Workforce Innovation and Opportunity Act	383	1158	1271	1307	2038	383, 1207, 1270-1271, 1307, 3288, 3303



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
462 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reducing deposit of excess lottery proceeds into WV Infrastructure Fund	383	652	1196	784, 1196	1196	384, 695, 747, 784, 818, 1197, 1416, 1616
463 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reducing amount of sales tax proceeds to School Major Improvement Fund	384					384
464 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplementary appropriation of public moneys in Treasury to DEP	384					384
*465 -	By Senators Carmichael, Gaunch, Maynard, Karnes, Sypolt and Walters: Allowing professional employer insure certain risks through pure insurance captive	384	545	3051- 3058	666, 3058	3051, 3261	384, 601, 638, 665- 666, 3051-3058, 3300, 3304
466 -	By Senators Hall, Ashley, Carmichael and Gaunch: Providing medical records must be produced without court order in certain circumstances	385					385
467 -	By Senators Ferns, Ashley, Karnes, Leonhardt, Takubo, Trump, Walters, Laird, Palumbo, Plymale, Prezioso, Stollings and Unger: Creating new simplified and expedited certificate of need process	385					386
*468 -	By Senators Gaunch and Ashley: Allowing lender charge and receive interest on rescindable loan during rescission period	386	549, 1155	2486	1308, 2486	2485	386, 549, 1207, 1271, 1308, 2485-2486, 3294, 3302
469 -	By Senators Williams and Sypolt: Clarifying what personal funds are exempt from levy following judgment	386	550	2039- 2041	666, 2042	2038	386, 601, 638, 666, 2038-2042, 3274, 3302
470 -	By Senators Sypolt, Boso and Prezioso: Requiring all official business of state be conducted in English	386					386

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
471 -	By Senators Kessler, Beach and Laird: Equal Pay Act of 2016	387					387
472 -	By Senators Gaunch, Ashley, Trump and Prezioso: Providing communication by lender or debt collector is not violation of WV Computer Crime and Abuse Act	387	549				387, 549
473 -	By Senators Maynard, Ashley, Boso, Facemire, Miller, Snyder, Takubo, Trump, Plymale, Prezioso and Williams: Repealing prohibition of disposal of certain electronic devices in landfills	387					387
*474 -	By Senators Boso, Ashley, Facemire, Miller, Snyder, Takubo, Trump and Plymale: Exempting DEP construction and reclamation contracts from review and approval	387	865		1183	2042	388, 1090, 1133, 1184, 1420, 3281, 3302
475 -	By Senators Ferns and Kessler: Providing rebuttable presumptions for certain injuries and diseases for firefighters and police officers	388	865				388
476 -	By Senators Beach, Plymale and Kessler: Relating to driving restrictions in school zones	388	757, 1059	1204, 1931-1936	1204, 1936	1931, 2854	388, 757, 1134, 1186, 1204, 1420, 1931-1936, 3286, 3302
477 -	By Senators Miller, Plymale, Kessler and Laird: Equal Pay Act of 2016	388					388
478 -	By Senators Walters and Palumbo: Authorizing licensees who sell growlers to offer samples	389	798	898, 1081-1082	1081		389, 853, 898, 1082
479 -	By Senators Trump, Miller, Ashley, Boso, Carmichael, Gaunch, Karnes, Leonhardt, Plymale and Prezioso: Increasing penalties for transportation of narcotics and controlled substances into state	389					389
480 -	By Senator Carmichael: Allowing military general discharge be used as qualification for service credit toward pension	389					389

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*481 -	By Senator Walters: Authorizing distillery operators to offer liquor for purchase and consumption on premises	389	796		1082		389, 853, 898, 1082
482 -	By Senators Trump, Gaunch, Boso, Leonhardt, Ashley, Miller, Romano, Williams, Carmichael, Palumbo, Snyder, Plymale, Stollings and Prezioso: Creating felony crime of strangulation	390					390
483 -	By Senators Sypolt, Boley, Plymale and Ferns: Marshall County and Wyoming County LSIC waiver	390	575		688		390, 639, 668, 688, 2716, 3301
**484 -	By Senators Romano, Leonhardt, Plymale and Kessler: Relating to reemployment rights of military personnel	390	610, 1339		1446	2217	390, 610, 1411, 1446-1447, 3288, 3302
*485 -	By Senators Karnes, Maynard, Plymale and Boso: Establishing regional recreation authorities and areas	413	825		1129		413, 825, 929, 1088, 1129, 1194, 1420
486 -	By Senators Walters and Gaunch: Relating to licensure of behavioral health centers	413					414
487 -	By Senators Plymale, Stollings, Prezioso, Williams and Unger: Exempting social security benefits from personal income tax	414					414
488 -	By Senators Takubo, Stollings and Plymale: Requiring WV Secondary School Activities Commission manage hypertrophic cardiomyopathy	414	758	847, 884	884		414, 817, 847, 883-884
489 -	By Senators Takubo, Stollings, Plymale and Ferns: Establishing tax credit for physicians who locate in WV	414					415
490 -	By Senators Takubo and Stollings: Requiring managed care programs participate with health providers providing services to Medicaid recipients	415					415

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
491 -	By Senators Takubo, Stollings and Plymale: Providing contract which restrains lawful profession, trade or business is void	415					415
492 -	By Senators Hall and Boso: Allowing Superintendent of State Police establish fee schedule for forensic services	415					415, 540
*493 -	By Senator Trump: Allowing creation of self-settled spendthrift trusts	415	611		733	2486-2487	416, 669, 692, 734, 3294, 3302
494 -	By Senators Beach and Plymale: Creating Legislative Oversight Commission on Department of Transportation Accountability	416	1159, 1292	2217-2223	1447, 2223	2217	416, 1159, 1352, 1411, 1447-1448, 2217-2224, 3288, 3304
495 -	By Senator Walters: Allowing military personnel additional 5-year period to enter upon or recover land	416					416
496 -	By Senators Gaunch, Ferns and Palumbo: Creating 24/7 Sobriety Program administered by Attorney General	416					417
497 -	By Senators Takubo, Trump, Palumbo, Stollings, Williams, Gaunch and Blair: Banning and providing for criminal penalties for manufacture of powdered alcohol	417					417
498 -	By Senators Gaunch, Ashley and Trump: Relating to additional duties of Public Service Commission	417					417
499 -	By Senators Boley, Blair, Ferns, Karnes, Sypolt, Trump and Cole (Mr. President): Preventing State Board of Education from implementing common core academic standards	418					419
*500 -	By Senator Hall: Authorizing Superintendent of State Police hold training classes to use West Virginia Automated Police Network	419	799		1083	1780	419, 853, 898, 1083, 2716, 3302
*501 -	By Senator Trump: Relating to trusts	419	548		667		419, 601, 638, 667

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
502 -	By Senators Sypolt, Boso, Gaunch, Karnes, Trump and Walters: Changing qualifier for low income	419					420
503 -	By Senators Sypolt, Boso, Trump, Plymale and Williams: Exempting from sales and service tax homeowner association fees	420					420
*504 -	By Senators Ashley, Laird, Maynard, Miller, Romano, Walters and Plymale: Relating to confidentiality of juvenile records	420	650	3080-3087	785, 3087	3080	421, 695, 747, 785, 818, 3080-3087, 3300, 3304
505 -	By Senator Hall: Exempting certain uses of field gas from motor fuel excise taxes	443	799	2487-2488	1083, 2489	2487	443, 853, 898, 1084, 2487-2489, 3294, 3302
506 -	By Senator Hall: Modifying local boards of health	443					443
507 -	By Senators Carmichael, Blair, Gaunch, Plymale, Prezioso and Trump: Exempting motor vehicles engaged in nonemergency transport of Medicaid recipients from PSC permit requirements	443	654		785	1780	443, 695, 747, 786, 818, 2716, 3302
*508 -	By Senators Ferns, Kirkendoll, Carmichael, Mullins and Palumbo: Relating to civil claims for private nuisance	443	826		1130		444, 670, 929, 930, 1088-1089, 1130, 1194, 1420
509 -	By Senators Carmichael and Blair: Removing 10-day requirement Division of Labor has to inspect amusement rides and attractions	444	529	1699-1700	637, 1700	1142, 1722	444, 568, 600, 637, 1142-1143, 1197-1198, 1626, 1699-1701, 2062-2063, 3301
*510 -	By Senators Walters, Plymale, Trump, Boso, Ashley, Hall, Unger, Kessler, Woelfel, Blair and Ferns: Establishing Adult Drug Court Participation Fund	444	612		734		444, 669, 692, 734
*511 -	By Senators Ashley, Plymale, Hall, Trump, Boso, Kessler and Unger: Establishing Court Advanced Technology Subscription Fund	444	612		734		444, 669, 692, 735

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
512 -	By Senators Laird, Miller, Snyder and Unger: Reinstating Medicare supplement insurance policy	444					445
513 -	By Senators Laird and Kessler: Relating to composition of School Building Authority	445					445
514 -	By Senators Laird and Miller: Ensuring sufficient deliberation occur prior to closing or opening of public-owned facility	445					446
515 -	By Senators Hall, Walters and Plymale: Authorizing payment of certain claims against state	446	654		786	2042	446, 695, 747, 787, 818, 2511, 3301
516 -	By Senators Leonhardt and Woelfel: Relating to registration for selective service	446	613		735	2489	446, 613, 669, 693, 735, 3294, 3302
*517 -	By Senators Gaunch and Trump: Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner	446	548		689	2854	446, 601, 638, 668, 689, 3294, 3302
518 -	By Senators Walters, Facemire, Kessler, Kirkendoll, Laird, Snyder, Williams and Palumbo: Making it unlawful to discriminate against persons due to sexual orientation	446					447
519 -	By Senator Leonhardt: Clarifying requirements for license to practice as advanced practice registered nurse	447					447
*520 -	By Senators Gaunch, Trump, Ashley, Prezioso and Blair: Allowing PEIA ability to recover benefits or claims obtained through fraud	478	800	2224	1084, 2225	2224	478, 853, 898, 1084, 2224-2225, 3288, 3302
521 -	By Senators Hall, Blair, Prezioso, Kessler, Facemire, Boley, Romano, Beach, Trump, Plymale, Williams, Miller and Gaunch: Allowing county commissions and municipalities impose hotel occupancy taxes	478					478
*522 -	By Senators Snyder and Unger: Relating to public service districts	479	575				479, 640

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
523 -	By Senator Sypolt: Relating to taxing water used in natural gas hydraulic fracturing	479					479
*524 -	By Senator Blair: Rewriting Board of Barbers and Cosmetologists article	479	550	2489-2493	689, 2493	2489, 2963	479, 601, 639, 668, 690, 2489-2494, 3300, 3304
*525 -	By Senators Gaunch, Hall, Trump, Ashley, Mullins, Plymale, Prezioso and Stollings: Relating to WV Insurance Guaranty Association Act	479	1114		1267		480, 1186, 1206, 1267, 1420
526 -	By Senators Sypolt and Stollings: Authorizing county commissions add surcharge for trash collection service	480					480
527 -	By Senator Blair: Eliminating preference for resident vendors bidding on state contracts	480					480
*528 -	By Senators Walters, Boso, Carmichael and Ferns: Altering power of Higher Education Policy Commission	480	1347				480, 1347, 1411, 1448, 1574
*529 -	By Senators Ferns, Blair, Carmichael, Palumbo, Stollings, Trump and Woelfel: Making certain sport and educational fantasy games lawful	480	674		814		481, 748, 789-790, 814, 819, 854
530 -	By Senators Gaunch, Miller and Laird: Authorizing Community Health Equity Initiative Demonstration Project	481					481
531 -	By Senator Ferns: Providing for court-appointed special advocate in each judicial circuit	509	1060				509, 1060
532 -	By Senators Snyder, Romano, Face mire, Kessler, Kirkendoll, Laird, Miller, Prezioso, Yost, Stollings, Plymale and Williams: Increasing surcharge on fire and casualty insurance policies	509					510
533 -	By Senators Snyder, Kirkendoll, Stollings and Unger: Changing distribution of net terminal income from racetrack video lottery	510					510

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*534 -	By Senators Trump, Kessler, Palumbo, Romano, Walters, Woelfel, Stollings, Plymale and Blair: Relating to procedures for driver's license suspension and revocation in criminal proceedings	510	1253	1448-1449, 1575	1574		511, 1334, 1352, 1411, 1448-1449, 1574-1575
535 -	By Senators Boso, Carmichael, Ferns, Maynard, Mullins, Trump, Plymale and Blair: Requiring DEP review rules and requirements in regard to federal Clean Water Act	511					512
536 -	By Senators Mullins, Carmichael, Boso, Maynard, Trump and Plymale: Directing DEP Division of Air Quality promulgate legislative rule relating to air emission permitting	512					512
537 -	By Senators Carmichael, Boso, Ferns, Gaunch, Maynard, Mullins, Palumbo, Trump and Plymale: Requiring cabinet secretaries review all rules under their jurisdiction similar to federal rules where state rules are more stringent	512					512
538 -	By Senator Blair: Relating to salaries of appointed officers fixed by Governor	512	758, 1115	1268	1267		512, 758, 1186, 1206, 1268, 1420
*539 -	By Senator Carmichael: Relating to condemnation proceedings	513	1291	1578, 1579	1578		513, 1352, 1411, 1449, 1577-1580
540 -	By Senators Carmichael, Boso and Trump: Providing civil immunity to company insurance adjusters	513					513
541 -	By Senators Ferns, Carmichael, Blair, Boso, Maynard, Mullins, Palumbo, Sypolt, Trump, Williams and Plymale: Requiring agencies analyze impact of proposed and existing regulations on small business	513					513



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*542 -	By Senators Ferns, Carmichael and Gaunch: Admissibility of certain evidence in civil action on use or nonuse of safety belt	513	1189		1308		513, 1207, 1271-1272, 1309
543 -	By Senators Maynard, Carmichael, Blair, Boso, Ferns, Gaunch, Leonhardt, Mullins, Palumbo, Trump and Plymale: Requiring agencies provide additional information when submitting proposed legislative rule	514					514
544 -	By Senators Carmichael, Boso, Ferns, Gaunch, Maynard, Mullins, Palumbo, Trump, Blair and Plymale: Requiring executive branch agencies review rules with regard to federal rules	530					530
*545 -	By Senator Boso: Relating to asbestos abatement on oil and gas pipelines	530	1256		1435	2494	530, 1334, 1351, 1380, 1435, 3300, 3304
546 -	By Senators Hall, Palumbo and Trump: Relating generally to Public Defender Services	530					530, 640
547 -	By Senators Gaunch, Carmichael and Cline: Adjusting limits on consumer loans for which finance charges can be imposed	530	726				531, 726
*548 -	By Senators Snyder, Beach, Blair, Prezioso, Trump, Unger and Williams: Relating to number of magistrates in certain counties	531	826				531, 827
549 -	By Senators Romano, Stollings, Boley, Kirkendoll, Laird, Miller, Plymale, Snyder, Sypolt and Williams: Requiring school counselors spend 100 percent of time on comprehensive school counseling programs	531					531
550 -	By Senators Boso, Carmichael, Blair, Ferns, Gaunch, Maynard and Trump: Lessening regulatory burdens on small businesses	531					532

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
551 -	By Senators Karnes, Ashley, Blair, Maynard, Sypolt and Plymale: Allowing residents to purchase senior hunting, fishing and trapping licenses at the beginning of the year they turn 65	532					532
552 -	By Senators Miller, Beach, Carmichael, Williams, Woelfel, Blair and Plymale: Eliminating requirement sheriff pay jury costs to State Treasury	532	759		884		532, 817, 847, 885, 1420
553 -	By Senator Trump: Merging purposes and provisions of Volunteer Fire Department Workers' Compensation Subsidy Program and Fund	532	759		885		532, 817, 847, 885-886
554 -	By Senators Leonhardt, Trump, Walters, Takubo, Palumbo, Boso, Kessler, Stollings, Snyder, Kirkendoll, Unger, Miller, Laird, Plymale and Williams: Issuing tax credits for land conservation	532					533
*555 -	By Senators Carmichael, Gaunch and Plymale: Providing for 3-cent tax increase on sale of fuel when cost is less than \$2 per gallon	533	1365	1449-1496, 1580-1581	1580		533, 1365, 1449-1496, 1580-1581
556 -	By Senator Walters: Providing owner of conservation easement be given right of first refusal to purchase land	533					533
557 -	By Senators Sypolt, Plymale and Williams: Eliminating sunset provisions on DOH public-private partnership agreements	533					533
558 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Maintaining solvency of Unemployment Compensation Fund	533	576		690	1540	534, 640, 668, 690-691, 1617, 1690-1691, 2240
559 -	By Senators Yost, Kessler, Unger and Ferns: Supplemental appropriation to Greater Weirton Area Senior Center	551					551

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
560 -	By Senators Carmichael, Ashley, Ferns, Palumbo, Plymale, Prezioso, Trump, Walters, Woelfel, Blair and Stollings: Permitting operation of unmanned aircraft system	579					579
561 -	By Senator Ferns: Setting rates for accident and sickness insurance	580					580
562 -	By Senator Snyder: Providing for licensing of advance deposit wagering	580					580
563 -	By Senators Gaunch, Blair, Leonhardt, Plymale and Walters: Increasing retirement benefit multiplier for WV Emergency Medical Services Retirement System members	581	801, 1417		1581	2854	581, 801, 1417, 1496, 1581-1582, 3295, 3304
564 -	By Senators Boso, Ashley, Carmichael, Mullins and Sypolt: Restricting Oil and Gas Conservation Commission's authority to regulate setback and spacing between deep wells	581					581
*565 -	By Senators Boso and Walters: Allowing well pad and road construction for oil and gas activities	581	827		1131		581, 929, 1089, 1130-1131, 1194, 1420
566 -	By Senator Ferns: Creating new tax on insurance reserves held by accident and sickness insurance carriers	581					582
*567 -	By Senators Boso, Ashley, Blair, Gaunch, Kirkendoll, Maynard, Miller, Mullins, Romano, Williams, Stollings, Plymale and Ferns: Providing protection against property crimes committed against coal mines, railroads, utilities and other industrial facilities	582	1339	3104-3105	1497, 3106	3104	582, 1412, 1496-1497, 3104-3106, 3300, 3304
568 -	By Senator Snyder: Providing for licensing of out-of-state simulcast facilities	582					582
569 -	By Senator Ferns: Regulation of chronic pain clinics	583					583, 1711

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
570 -	By Senators Karnes, Carmichael, Cline, Maynard, Mullins and Sypolt: Allowing local units of government lower personal property taxes	583					583
571 -	By Senators Karnes, Boso, Cline, Ferns, Leonhardt, Maynard, Mullins, Sypolt and Trump: Prohibiting abortion coverage in qualified health care plans	582					583
572 -	By Senator Ferns: Defining criteria private insurance carriers must consider in setting rates	583					584
573 -	By Senator Blair: Prohibiting municipal annexation which would result in unincorporated territory within municipality	584	759		886	2225	584, 817, 848, 886, 2225-2226, 2494-2495
574 -	By Senator Blair: Requiring state personal income tax return include short survey	584					584
*575 -	By Senator Blair: Requiring leases for state office space provide landlord or owner be responsible for cleaning or janitorial services	584	865		1184	2226	584, 1090, 1133, 1184, 1420, 3288, 3302
576 -	By Senators Sypolt, Ashley, Blair and Karnes: Requiring payment of funds due in partition suits of oil and gas interests	584					585
577 -	By Senators Sypolt, Ashley, Blair, Boso, Karnes and Stollings: Permitting surface owners purchase mineral interests	585					585
578 -	By Senators Boso, Ashley, Blair, Gaunch, Karnes, Kirkendoll, Maynard, Miller, Mullins, Romano, Williams, Stollings and Plymale: Protecting utility workers from crimes against person	613	1190	3122-3125	1309, 3125	3122	613, 1207, 1273, 1309, 3122-3125, 3300, 3304
579 -	By Senators Plymale and Prezioso: Eliminating WV Port Authority	614	759		887		614, 817, 848, 887

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
580 -	By Senators Sypolt and Trump: Relating to wind power projects	614					614
*581 -	By Senators Maynard, Ashley, Laird, Kessler, Palumbo, Woelfel, Romano and Stollings: Eliminating sunset provision terminating pilot domestic violence court program	614	801		1084	2042	614, 853, 899, 1085, 3288, 3302
*582 -	By Senators Plymale and Woelfel: Providing refundable tax credit for motor fuel sold for use or consumed in railroad diesel locomotives	614	760	1722- 1723	887, 1723	1722	614, 817, 848, 887, 1722-1723, 1955, 3272
583 -	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (originating in Senate Judiciary): Repealing certain obsolete legislative rules by Department of Administration	619	619		736		627, 669, 693, 736
584 -	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (originating in Senate Judiciary): Repealing certain obsolete legislative rules by DEP	619	619		737		627, 669, 693, 737
585 -	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (originating in Senate Judiciary): Repealing certain obsolete legislative rules by DHHR	621	621		738		627, 660, 693, 738
586 -	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (originating in Senate Judiciary): Repealing certain obsolete legislative rules by Department of Military Affairs and Public Safety	623	623		739		627, 669, 693, 739

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
587 -	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (originating in Senate Judiciary): Repealing certain obsolete legislative rules by Department of Revenue	623	623		740		627, 669, 693, 740
588 -	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (originating in Senate Judiciary): Repealing certain obsolete legislative rules by Department of Transportation	624	624	2855-2857	741, 2857	2855	627, 669, 693, 741, 2855-2858, 3286, 3304
589 -	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (originating in Senate Judiciary): Repealing certain obsolete legislative rules by miscellaneous agencies and boards	625	625		742		627, 670, 693, 742
590 -	By Senators Trump, Maynard, Ferns, Carmichael, Cline, Karnes, Gaunch, Leonhardt, Ashley, Snyder, Palumbo, Beach, Miller, Kirkendoll, Romano, Woelfel and Williams (originating in Senate Judiciary): Repealing certain obsolete legislative rules by Department of Commerce	627	627		743		627, 670, 694, 743
*591 -	By Senators Trump, Gaunch, Walters, Ashley, Snyder, Beach, Takubo, Maynard, Kessler, Palumbo, Blair, Miller, Williams, Kirkendoll, Woelfel, Romano, Mullins, Unger, Laird, Sypolt, Stollings and Plymale: Relating to voter registration list maintenance and combined voter registration and driver licensing fund	657	828	2043-2052	1131, 2052	2043, 2858	657, 930, 1089, 1132, 1194, 1420, 2043-2053, 3287, 3302
*592 -	By Senator Hall: Relating to pipeline safety	657	865		1185	2053	657, 1090, 1133, 1185, 1420, 3274, 3302
*593 -	By Senator Carmichael: Clarifying disqualification from unemployment benefits	657	1115	1206	1268		657, 1186, 1206, 1269, 1420

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*594 -	By Senators Prezioso, Plymale and Gaunch: Requiring State Auditor consider for payment claim submitted by electronically generated invoice	657	1216		1373	1647	658, 1279, 1317, 1350, 1374, 1955, 2062
*595 -	By Senators Gaunch, Blair, Boso, Carmichael, Kirkendoll, Maynard, Prezioso, Stollings, Walters, Plymale and Williams: Relating to retirement credit for members of WV National Guard	658	802, 1159		1309	2495	658, 802, 1208, 1273, 1310, 3295
*596 -	By Senators Carmichael and Walters: Permitting natural gas companies enter upon real property in certain instances	658	1217				658, 1279, 1317, 1350, 1374
*597 -	By Senators Ferns and Plymale: Relating generally to Health Care Authority	658	761	848-850, 888, 889, 3059-3074	889, 3075	2264, 3262	660, 762, 817, 848-850, 888-891, 2264-2281, 2495, 2911, 2996, 3058-3075, 3285, 3302
598 -	By Senators Walters, Boso and Carmichael: Transferring all funds in Greyhound Breeding Development Fund to Excess Lottery Revenue Fund	660					660
*599 -	By Senators Hall, Carmichael, Prezioso and Plymale: Relating generally to Uniform Unclaimed Property Act	674	1340		1582	2858	675, 1412, 1497-1498, 1582-1583, 3295, 3313
600 -	By Senators Palumbo, Williams, Walters, Woelfel, Snyder, Takubo, Miller, Stollings, Kessler and Plymale: Requiring vacancies in certain elected offices be filled by person of same political party as person vacating office at time of election or appointment	675					675
*601 -	By Senator Boso: Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities	675	1341	2862-2871, 3278	1583, 2871, 3279	2861-2862, 3283	676, 1412, 1498, 1583-1584, 2861-2872, 3275, 3277-3280, 3300, 3304
*602 -	By Senator Trump: Relating to Patient Injury Compensation Fund	676	1258	1498-1519, 1585, 2859-2860	1584, 2861	2858	676, 1259, 1335, 1352, 1412, 1498-1519, 1584-1586, 2858-2861, 3300, 3304

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
603 -	By Senators Carmichael, Stollings, Boso and Prezioso: Relating to emergency shelters for elderly or disabled persons	676					676
604 -	By Senators Takubo and Stollings: Increasing excise tax on bottled soft drinks, syrups and dry mixtures	676					677, 749
605 -	By Senators Ferns, Yost and Boso: Continuing personal income tax adjustment to certain retirees	677					677
606 -	By Senators Stollings, Boso, Mullins and Takubo: Establishing advisory council on rare diseases	677					677
607 -	By Senators Takubo and Stollings: Relating to increasing tax rate on cigarettes and tobacco products	677					678
608 -	By Senators Ashley, Hall, Kessler, Palumbo, Romano, Williams, Woelfel, Yost, Plymale and Facemire: WV Court Reporter Act of 2016	727					728
609 -	By Senator Plymale: Relating to jurisdiction of Health Care Authority	728					728
610 -	By Senators Gaunch, Yost, Stollings, Beach, Palumbo, Kirkendoll, Facemire, Kessler, Mullins, Boso, Snyder, Cline, Miller, Prezioso, Williams, Plymale, Takubo, Hall, Trump and Romano: Relating to generating and maintaining revenue for maintenance of roads and infrastructure	728					729
611 -	By Senators Stollings, Plymale, Unger and Prezioso: Including protocols for responding to after-school injuries or emergencies in school crisis response plans	771					771
612 -	By Senators Gaunch and Ashley: Limiting charges secured lender may recover from borrower on default	771					771



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
613 -	By Senators Gaunch, Ashley and Plymale: Defining total capital for purposes of calculating state-chartered bank's lending limit	771	1116		1269	2495	771, 1187, 1206, 1269, 3295, 3303
*614 -	By Senators Gaunch and Ashley: Conforming statute with court interpretation by replacing "unconscionable" with "fraudulent" when referring to conduct	771	1294		1520	2495-2496	771, 1352, 1412, 1520, 3295, 3304
615 -	By Senator Plymale: Including municipal land bank as agency within WV Land Reuse Agency Authorization Act	771					772
616 -	By Senators Boso, Ashley, Blair, Kirkendoll, Sypolt, Walters, Yost and Ferns: Defining professional firefighter for purposes of workers' compensation disability and death benefits	772	1116				772, 1117
*617 -	By Senator Blair: Returning all salaried and hourly state employees to semimonthly payment schedule for wages	772	829				772, 829
618 -	By Senators Carmichael, Hall and Unger: Allowing Economic Development Authority to make loans to certain whitewater outfitters	772	1187	2873	1375, 2874	2872	772, 1188, 1208, 1273, 1310, 1350, 1375, 2872-2874, 3300, 3304
*619 -	By Senators Blair, Carmichael, Cline, Gaunch, Karnes, Mullins and Trump: 2016 Regulatory Reform Act	773	1159	1273-1274, 1311, 3106-3119	1310, 3119-3120	3106, 3262	774, 1208, 1273-1274, 1312, 3106-3120, 3296, 3304
620 -	By Senators Hall, Plymale, Unger and Prezioso: Exempting State Police from Purchasing Division requirements	774					774
*621 -	By Senators Palumbo, Ashley, Gaunch, Karnes, Mullins, Walters and Ferns: Exempting taxicab companies with independent contract drivers from providing workers' compensation coverage	774	866	2874-2880	1185, 2881	2874, 3262	774, 1090, 1133, 1186, 1420, 2874-2881, 3300, 3304

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*622 -	By Senators Walters, Blair, Mullins, Takubo and Carmichael: Composition of PEIA Finance Board	803	1295		1587		803, 1352, 1412, 1521, 1586-1587
623 -	By Senators Plymale, Woelfel and Facemire: Creating West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act	803					804
624 -	By Senators Gaunch, Cline, Takubo, Trump, Walters, Woelfel, Plymale, Prezioso, Boso, Ferns and Facemire: Creating felony offenses and penalties for human trafficking	804					805
*625 -	By Senators Trump, Kessler, Unger, Walters, Prezioso and Facemire: Revising exceptions from FOIA provided for in Aboveground Storage Tank Act	805	1296	2496	1587, 2496	2496	805, 1353, 1413, 1521, 1587-1588, 2496-2497, 3301, 3304
626 -	By Senators Takubo, Mullins, Stollings and Plymale: Requiring DHHR secretary seek waiver within Supplemental Nutrition Assistance Program limiting purchases under WIC program	805	1218		1375		805, 1279, 1317, 1350, 1376
627 -	By Senators Takubo, Maynard, Mullins, Stollings, Trump and Plymale: Permitting physician to decline prescribing controlled substance	805	1161	2226-2230	1312, 2230	2226	806, 1208, 1274, 1312, 2226-2230, 3288, 3303
*628 -	By Senators Takubo, Mullins, Stollings, Plymale and Unger: Permitting treating physician direct palliative or emergent treatment for patients	806	1296		1521		806, 1353, 1413, 1521-1522
629 -	By Senators Takubo, Maynard, Mullins, Stollings and Plymale: Regarding reports by Board of Pharmacy	806					807
630 -	By Senators Walters, Plymale and Gaunch: Ratio of pupils per licensed school psychologist	807					807

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*631 -	By Senator Walters: Authorizing higher education boards of governors develop retirement and incentive packages	807	1190, 1417		1588		807, 1191, 1418, 1522, 1588
632 -	By Senator Sypolt: Requiring county superintendent of schools and county board members meet regarding established goals for public education	807					807
633 -	By Senator Snyder: Relating generally to Public Service Commission	830					830
*634 -	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Creating William R. Laird IV Second Chance Driver's License Act	830	1161	2497-2509	1313, 2509	2497, 3262	831, 1208, 1274, 1312-1313, 2497-2509, 3301, 3304
*635 -	By Senators Ashley, Carmichael and Gaunch: Limiting action to recover unpaid balance on contract made by consumer purchase	831	1257				831, 1335
636 -	By Senators Plymale, Beach, Facemire, Kirkendoll, Prezioso, Romano, Stollings, Yost, Woelfel, Williams, Unger and Kessler: Increasing salaries for teachers through fiscal year 2020	831					832
*637 -	By Senators Trump and Gaunch: Creating WV Uniform Fiduciary Access to Digital Assets Act of 2016	832	1199		1376		832, 1279, 1317, 1351, 1376
638 -	By Senators Walters, Mullins and Kessler: Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers provide discounts	832					833
639 -	By Senators Romano, Palumbo, Snyder, Stollings, Prezioso, Kessler and Williams: Requiring disclosure of dark money political expenditures	867					868

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
640 -	By Senators Kessler, Carmichael, Stollings, Prezioso and Plymale: Creating Compassionate Use Act for Medical Cannabis	868					868
*641 -	By Senator Hall: Relating to dog and horse racing and lottery	868	1191	1435-1436	1436		869, 1208, 1274-1275, 1317, 1351, 1380, 1435-1437
*642 -	By Senator Sypolt: Relating to temporary higher education classified employees annual salary schedule	869	1163				869, 1163
*643 -	By Senator Blair: Requiring individuals receiving unemployment compensation seek seasonal employment	869	1341		1589		869, 1413, 1522, 1588-1589
644 -	By Senator Blair: Authorizing counties to offer license plates customized to county	870	1292		1589		870, 1353, 1413, 1522, 1589-1590
645 -	By Senators Blair and Yost: Classifying Convention and Visitor's Bureau as public agency	870					870
646 -	By Senator Carmichael: Providing consent of lawful use of mineral property is not waste and does not constitute trespass	870					870
*647 -	By Senators Blair and Williams: Exempting certain complimentary hotel rooms from occupancy tax	870	1218, 1418		1590		871, 1418, 1522, 1590
648 -	By Senator Blair: Allowing local authorities permit flashing traffic signals during low traffic times	871	1292		1523	2053	871, 1353, 1413, 1522-1523, 3281, 3302
649 -	By Senator Walters: Creating Minority Economic Development Advisory Team	871					871
650 -	By Senators Romano, Facemire and Stollings: Creating DEP Public Improvements Fund	871					872
651 -	By Senator Trump: Modifying controlled substance monitoring program	872					872

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
652 -	By Senators Kessler and Yost: Prohibiting DHHR from discontinuing bundled service funding and reimbursement system	872					872
653 -	By Senator Karnes: Requiring higher education course catalogs include certain information	872					873
654 -	By Senators Maynard, Cline, Mullins and Leonhardt: Lowering severance tax on extracting coal	873					873
655 -	By Senators Ferns, Cline, Mullins and Leonhardt: Reducing severance tax on coal to 4 percent	873					873
656 -	By Senators Laird, Stollings, Unger, Miller and Palumbo: Creating Upper Kanawha Valley Resiliency and Revitalization Program	873	1342		1524	2053	874, 1413, 1523-1524, 3281, 3302
657 -	By Senator Blair: Relating to damages for medical monitoring	874	1297	1525, 1591	1591		874, 1353, 1413, 1524-1525, 1591-1592
658 -	By Senators Gaunch, Carmichael, Stollings, Ferns, Takubo, Prezioso, Plymale, Unger, Leonhardt and Romano: Allowing licensed professionals donate time to care of indigent and needy in clinical setting	874	1298		1525	1936	874, 1353, 1414, 1525-1526, 2906, 3314
659 -	By Senators Stollings, Prezioso, Yost and Miller: Requiring drug testing for driver involved in accident resulting in death	875					875
660 -	By Senator Blair: Modifying requirements for board members of Board of Accountancy	875					875
661 -	By Senators Miller and Laird: Authorizing Division of Justice and Community Services make grants providing civil legal services to low income persons	875					875

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
662 -	By Senators Miller and Yost: Creating Food Production Act	875					875
663 -	By Senators Maynard, Gaunch, Karnes and Takubo: Authorizing Commissioner of Highways permit DOH participate in construction or maintenance of publicly funded highway jobs	1063					1063
664 -	By Senators Stollings, Ashley, Williams and Plymale: Relating to licensing practice of athletic training	1064					1064
665 -	By Senator Kessler: Providing for recordkeeping and creating database of sale or purchase total loss vehicles	1064					1064
666 -	By Senator Trump: Exempting certain veterans' organizations and video lottery licenses from local indoor smoking prohibition	1064					1065
667 -	By Senator Karnes: Protecting right to farm	1065					1065
668 -	By Senators Miller, Kessler and Stollings: Increasing excise tax on bottled soft drinks, syrups and dry mixtures	1065					1065
669 -	By Senators Boley, Plymale and Blair: Requiring proficiency in civics as condition for high school or GED diploma	1065	1347	1526, 1592	1592		1065, 1414, 1526, 1592-1593
670 -	By Senators Carmichael and Ferns: Relating to filling vacancies in elected offices	1065	1200	1380- 1393			1066, 1280, 1318, 1351, 1380-1393, 1437
671 -	By Senators Carmichael and Blair: Creating digital learning pilot project	1066					1066
672 -	By Senators Hall and Trump: Clarifying lottery prize is WV source income for nonresident	1066					1066

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
673 -	By Senator Boso: Providing safe harbor valuation for measure of tax on limestone and sandstone	1066					1066
674 -	By Senator Kessler: Relating to taxes on alcohol	1066					1067
675 -	By Senator Snyder: Providing safe harbor valuation for measure of tax on limestone and sandstone	1067					1067
676 -	By Senator Sypolt: Relating to comprehensive statewide student assessment	1067					1067
*677 -	By Senators Takubo, Ashley, Gaunch, Maynard and Walters: Relating to tuition rates set by higher education institutional governing boards	1067	1348		1593		1067, 1414, 1420, 1527, 1593
678 -	By Senator Walters: Relating to ownership and use of conduit providing telephone service	1067	1342	1527, 1594	1593	2053	1067, 1414, 1527, 1593-1594, 3281, 3302
679 -	By Senators Maynard, Karnes and Cline: Establishing specific valuation for timberland for ad valorem property tax purposes	1068					1068
680 -	By Senator Unger: Establishing Board of Music Therapy	1068					1068
681 -	By Senators Maynard, Ashley, Boley, Leonhardt and Cline: Providing teachers' lessons plans be available on Internet to student and parents	1068					1068
682 -	By Senators Maynard, Ashley, Boley, Gaunch, Karnes, Leonhardt, Miller, Romano, Takubo, Woelfel, Williams, Plymale, Stollings, Cline and Ferns: Authorizing telephone public utilities provide system of centrally located cellular telephone hot spots where signals are weak or unavailable	1068					1069

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
683 -	By Senators Maynard, Ashley, Boley, Carmichael, Gaunch, Miller, Romano, Woelfel, Plymale, Stollings, Blair, Cline and Laird: Allowing old or abandoned railway beds be used for lawful recreational purposes	1069					1069
684 -	By Senators Maynard, Boley, Carmichael, Karnes, Leonhardt, Miller, Romano, Takubo, Woelfel, Stollings, Cline and Laird: Authorizing Director of DNR lease unused or abandoned railway routes to operate tourist excursions	1069					1069
685 -	By Senators Maynard, Gaunch, Karnes and Blair: Allowing individuals twenty-one years of age operate or ride motorcycle without helmet	1069					1070
*686 -	By Senators Maynard, Carmichael, Gaunch, Karnes, Takubo, Walters and Blair: Authorizing local governing authorities hold sanctioned motor vehicle races on roads, streets or airports under their jurisdiction	1070	1343	1527-1528, 2881-2888	1595, 2888	2881	1070, 1414, 1527-1528, 1594-1595, 2881-2889, 3301, 3304
687 -	By Senators Maynard, Walters, Stollings and Cline: Allowing mine reclamation sites be used for military installations or homeland security offices	1070					1070
688 -	By Senators Maynard, Ashley, Boley, Carmichael, Karnes, Miller, Romano, Takubo and Woelfel: Relating to county and regional solid waste facility siting plans	1070					1070
689 -	By Senators Maynard, Cline, Kirkendoll, Mullins, Plymale, Romano, Stollings and Woelfel: Seeking funding for completing construction of I-73 and I-74	1071					1071
690 -	By Senators Mullins and Cline: Making second Friday of February in even-numbered years primary election day in WV beginning 2018	1071					1071



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*691 -	By Senator Boso: Modifying certain air pollution standards	1071	1256		1437	2509-2510	1071, 1335, 1351, 1393, 1437, 2509-2510, 3295, 3303
692 -	By Senators Mullins, Walters, Stollings, Cline and Ferns: Establishing incentives for public schools to make recreational facilities available for public use	1071					1071
693 -	By Senators Mullins, Plymale and Cline: Seeking funding for completing construction of Coalfields Expressway	1072					1072
694 -	By Senator Gaunch: Regulation of pharmacy benefits managers	1072					1072
695 -	By Senator Boso: Discontinuing requirements pertaining to payment of wages to workers employed by public agency in construction of public improvements	1072					1073
696 -	By Senator Karnes: Relating to disposition of seized firearms	1073					1073
697 -	By Senators Snyder, Romano, Kessler and Williams: Clarifying reporting and disclosure requirements relating to election campaign contributions and spending	1073					1074
698 -	By Senators Boso, Boley and Walters: Permitting natural gas companies enter upon real property in certain instances for limited purposes	1074					1074
699 -	By Senator Karnes: Reauthorizing amendment allowing certain food products produced in private home kitchen for sale at farmers market	1074					1074
700 -	By Senators Blair, Boso, Facemire, Ferns, Maynard, Mullins and Walters (originating in Senate Government Organization): Authorizing Berkeley County Council own or operate a drug treatment or drug rehabilitation facility	1219	1219				1280, 1318, 1351, 1376-1377

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
701 -	By Senators Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael (originating in Senate Judiciary): Relating generally to resort area districts	1343	1343		1595		1414, 1528, 1595-1596
702 -	By Senators Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael (originating in Senate Judiciary): Allowing title of real estate to pass to individuals entitled to sale proceeds if executor fails to do so within 5 years of closing estate	1344	1344	2899-2900	1596, 2901	2898, 3262	1414, 1528, 1596, 2898-2901, 3301, 3304
703 -	By Senators Trump, Ferns, Gaunch, Kirkendoll, Beach, Ashley, Karnes, Leonhardt, Romano, Palumbo, Williams, Cline, Snyder, Maynard and Carmichael (originating in Senate Judiciary): Relating to deposit of overpayment of certain fees into Children's Trust Fund	1345	1345		1597		1415, 1528, 1596-1597
704 -	By Senators Blair, Walters, Ferns, Gaunch and Mullins (originating in Senate Government Organization): Dispatching of towing service for emergency towing of vehicles	1345	1345				1415, 1528, 1597-1598
705 -	By Senators Hall, Blair, Boso, Mullins, Sypolt and Takubo (originating in Senate Finance): Reducing coal severance tax to 3 percent over two years	1418	1418	1529-1531, 1598-1599	1598		1419, 1528-1532, 1598-1599

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*1 -	By Senator Leonhardt: County Economic Development Amendment	89	829, 1219		1438		89, 830, 1280, 1318, 1351, 1393, 1438-1440
2 -	By Senators Snyder and Unger: Homestead Exemption Calculation Amendment	89					90
3 -	By Senator Kessler: Future Fund Amendment	90					90
4 -	By Senator Boley: School Board Election Amendment	90					90
5 -	By Senator Boley: School Board Membership Amendment	90					91
*6 -	By Senators Trump, Plymale, Stollings and Williams: WV Better Roads Amendment of 2016	91	1192				91, 1192
7 -	By Senators Trump, Carmichael, Karnes, Leonhardt, Walters, Takubo and Unger: Right to Hunt, Fish and Harvest Wildlife Amendment	91					91
8 -	By Senator Gaunch: Constitutional Officers Term Limit Amendment	146					146
9 -	By Senators Sypolt, Blair, Karnes, Mullins, Takubo, Trump and Leonhardt: Proposing amendment to WV Constitution protecting electronic communication and data	351					351
10 -	By Senators Sypolt, Boley, Boso, Gaunch, Karnes, Walters, Plymale, Leonhardt and Unger: Homestead Exemption Increase Amendment	421					421
11 -	By Senators Plymale, Beach, Prezioso, Romano, Stollings, Yost, Williams and Unger: Homestead Exemption Increase Amendment	833					833

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
12 -	By Senators Blair and Unger: Homestead Home Value Exemption	876					876
13 -	By Senator Blair: No Protected Class Amendment	876					876
*14 -	By Senators Karnes, Leonhardt, Blair, Cline, Maynard, Sypolt, Beach, Laird, Miller, Williams and Woelfel: Right to Farm and Ranch Amendment	1201	2101, 1298		1599		2101, 1353, 1415, 1532, 1599-1600

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Senators Cole (Mr. President), Gaunch, Karnes, Trump and Leonhardt: Urging Congress propose regulation freedom amendment	91	1780		1963	2963	93, 130, 1963-1964
2 -	By Senators Leonhardt, Boley, Ashley, Facemire, Sypolt, Yost, Beach, Boso, Ferns, Miller, Palumbo, Plymale, Romano, Takubo, Unger, Williams, Prezioso and Blair: Urging Congress provide funding for WV National Guard	156	300		334	3263	158, 184, 334
3 -	By Senators Stollings, Kirkendoll, Miller and Plymale: Julian, Earl and Edward Hill Brothers Memorial Bridge	158	576		577	3263	161, 184, 577
4 -	By Senator Beach: Petitioning Congress to call convention for proposing amendments to US Constitution	161					163, 184, 212
5 -	By Senators Beach, Facemire, Kessler, Kirkendoll, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel, Yost, Laird, Leonhardt and Gaunch: Coach Bill Stewart Exit	163	412		451	1144	165, 184, 451
6 -	By Senators Stollings, Kirkendoll and Plymale: USMC PFC Marshall Lee King Memorial Bridge	179	576		577	3263	180, 210, 577
*7 -	By Senators Beach, Kessler, Kirkendoll, Leonhardt, Prezioso, Unger, Williams, Plymale, Palumbo, Stollings, Blair and Romano: Rosie the Riveters Memorial Bridge	180	1617		1621	3263	182, 210, 1617-1622
8 -	By Senators Maynard, Plymale and Stollings: US Army PFC Ernest D. Marcum Bridge	182	576		577	3263	184, 210, 577
9 -	By Senators Maynard, Stollings and Plymale: US Army First Sergeant Jesse T. McPeake Memorial Road	206	576		577	3263	208, 232, 577

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
10 -	By Senators Karnes, Blair, Boley, Boso, Carmichael, Ferns, Gaunch, Leonhardt, Maynard, Mullins and Trump: Urging Congress call convention to amend Constitution of United States	208	1060		1127		210, 232, 1126-1127, 1128
11 -	By Senators Stollings and Plymale: US Marine Corps Sergeant Gerald Leslie Perry Memorial Bridge	224	576		577	3263	226, 247, 577
12 -	By Senators Maynard, Yost, Stollings, Leonhardt, Plymale, Miller and Woelfel: Wayne County Veterans Memorial Highway	242	576		577	3264	243, 286, 577
13 -	By Senators Palumbo, Walters, Plymale, Stollings, Williams and Unger: Tom Williams Family Bridge	281	576		577	3264	282, 308, 577
14 -	By Senators Maynard, Stollings and Plymale: US Marine Corps PFC Billy Joe Vickers Memorial Bridge	306	576		577	3264	307, 334, 577
15 -	By Senators Maynard, Stollings, Woelfel and Plymale: US Army SFC Jesse Muncy Memorial Bridge	328	576		577	3264	331, 359, 577
16 -	By Senators Romano, Facemire, Williams and Stollings: US Army CPL John Belcastro Bridge	351			398	719	354, 398
*17 -	By Senators Maynard, Plymale and Stollings: US Army Sergeant Charles Edward Smith Memorial Bridge	354	577		579	3264	355, 399, 577-579
*18 -	By Senators Williams, Sypolt and Plymale: Wilbur Lee Clayton Memorial Bridge	391	763		768	2234	393, 425, 763-769
19 -	By Senators Stollings, Plymale and Unger: Rev. Rexford Montgomery Workman Memorial Bridge	421	769		770	3264	423, 451, 770

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*20 -	By Senators Ashley, Stollings and Plymale: US Army CPL Troy Matthews Memorial Bridge	423	765		768	1144	424, 451, 765-769
21 -	By Senators Ashley, Stollings and Plymale: US Army S/SGT Delmer R. Jones Memorial Bridge	424	769		770	1936	425, 451, 770
22 -	By Senators Stollings, Woelfel, Plymale and Maynard: Trautwein Family Bridge	447	769		770	3264	448, 489, 770
23 -	By Senators Kirkendoll, Stollings, Unger and Plymale: Johnny Mack Bryant Memorial Bridge	481	769		770	1936	483, 519, 770
24 -	By Senators Mullins, Stollings, Unger and Plymale: US Army PFC Arland W. Hatcher Memorial Bridge	483	769		770	3265	484, 519, 770
25 -	By Senators Kirkendoll, Stollings, Plymale and Unger: US Army PFC Cornelius Vance Memorial Bridge	514	769		770	1937	516, 535, 770
26 -	By Senators Maynard, Stollings and Plymale: Charles Edward Ellis and Ira Virgil Ellis Memorial Bridge	517	769		770	3265	517, 536, 770
*27 -	By Senators Walters, Stollings and Plymale: Herman Daner Rogers Memorial Bridge	518	767		768	2963	519, 536, 767-769
28 -	By Senators Kirkendoll, Unger, Plymale and Stollings: US Marine Corps CPL Ronald "Duke" Varney Memorial Bridge	534	769		770	1937	535, 557, 770
29 -	By Senators Carmichael, Hall, Ashley, Stollings and Plymale: US Army SSG Landon Clair Ray and US Army SPC4 Garry Dwight Haynes Memorial Bridge	585	769		770	1937	587, 629, 770
30 -	By Senators Stollings, Plymale and Kirkendoll: Lester W. and Ida C. Ellis Memorial Bridge	587	1164		1164	3265	589, 629, 1165

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
31 -	By Senators Kirkendoll, Stollings, Plymale and Kessler: US Air Force Staff Sgt Bethel Howard McNeely and US Marine Staff Sgt Clyde Elmo Bryant Bridge	589	1164		1165	1937	591, 629, 1165
32 -	By Senators Leonhardt and Stollings: CW2 Robert D. Taylor Memorial Bridge	615	1164		1165	2964	616, 664, 1165
*33 -	By Senators Snyder, Boso and Stollings: Requesting WV Infrastructure and Jobs Development Council study and report on consolidation regarding public water and sewer utilities	616	1061		1127	2234	617, 664, 1127
34 -	By Senators Karnes, Maynard, Ashley, Boso, Hall, Leonhardt, Takubo, Facemire, Laird, Snyder and Williams: Requesting Joint Committee on Government and Finance study simplifying hunting, fishing and trapping licenses	628	628				629
35 -	By Senators Stollings, Plymale, Gaunch, Sypolt, Kessler and Prezioso: Requesting WV Legislature proclaim week of March 7 through March 13, 2016, as MS Awareness Week	660					662, 684
36 -	By Senators Ferns and Plymale: US Army SPC5 Joseph Richard "Rick" Schafer Memorial Bridge	678	1164		1164	2964	679, 731, 1165
*37 -	By Senators Stollings, Plymale, Unger and Maynard: US Army PFC Willie Paul Wilson bridge	774	1620		1621	3265	775, 811, 1617-1622
38 -	By Senators Plymale, Woelfel, Stollings, Maynard and Facemire: Army PFC Denver Holly Memorial Bridge	808	1622		1622	3265	809, 839, 1622-1623
39 -	By Senators Miller, Plymale, Laird and Unger: Clifford Family Memorial Bridge	834	1622		1622	2964	835, 881, 1622-1623



Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
40 -	By Senators Leonhardt, Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Maynard, Mullins, Takubo, Walters, Williams, Yost and Stollings: Encouraging Congress pass Toxic Exposure Research Act of 2016	876	2453		2516		877, 1079, 2516
41 -	By Senators Stollings and Plymale: US Army SGT Philip Ray Casto Memorial Bridge	877	1622		1622	3265	878, 1079, 1622-1623
42 -	By Senators Kirkendoll, Stollings and Plymale: US Navy LCDR Helen Elizabeth Peck Memorial Bridge	879	1622		1622	1937	881, 1079, 1622-1623
43 -	By Senators Maynard, Gaunch and Karnes: Requesting Joint Committee on Government and Finance study if economically beneficial to map, name and promote all existing unpaved trails	1074	1193				1075, 1127, 1193
44 -	By Senators Laird, Stollings, Unger and Plymale: US Marine Corps SGT Mike Plasha Memorial Bridge	1166	1622		1622	2234	1169, 1202, 1622-1623
45 -	By Senators Hall, Stollings, Unger and Plymale: US Army SGT Deforest Lee Talbert Memorial Bridge	1169	1622		1622	2964	1171, 1203, 1622-1623
46 -	By Senators Boso and Karnes: Requesting US General Services Administration support KVC Health Systems, Inc., plan to reuse Navy Information Operations Command Sugar Grove Support Facility	1171					1172, 1203
47 -	By Senators Kirkendoll, Stollings, Unger and Plymale: WV State Police SGT Harold E. Dailey Bridge	1173	1622		1622	2235	1174, 1203, 1622-1623
48 -	By Senators Ferns and Stollings: Requesting Joint Committee on Government and Finance study addition of medical review panels in medical malpractice cases	1201					1202, 1266

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
49 -	By Senators Karnes, Maynard, Ashley, Boso, Leonhardt, Takubo, Beach, Facemire, Laird, Miller, Snyder and Williams: Requesting study of funding options for ATV and off-highway recreational vehicle trail development	1220	1220				1221
50 -	By Senators Karnes, Maynard, Ashley, Boley, Leonhardt, Takubo, Beach, Facemire, Laird, Miller, Snyder and Williams: Requesting study of fiscal impact of relatives of landowner to hunt, trap and fish without obtaining license	1221	1221				1223
51 -	By Senators Sypolt, Williams, Stollings and Boso: Requesting interim study of structure of Regional Educational Service Agencies	1300					1301, 1349, 1368
52 -	By Senators Palumbo, Laird, Woelfel, Prezioso, Williams, Stollings and Plymale: Requesting study of feasibility of home modification tax credit to make homes more accessible for older adults and disabled	1301					1303, 1349, 1368
*53 -	By Senators Prezioso, Williams, Stollings and Plymale: Harry C. "Buck" Markley, Jr. Memorial Bridge	1303	2013		2014	3265	1304, 1349, 1368, 2014
54 -	By Senators Williams, Stollings and Plymale: Union Army CPT John Bond Memorial Bridge	1427	2015		2015	3266	1428, 1571, 2015
*55 -	By Senators Maynard, Stollings and Plymale: Dewey "Duke" Maynard Memorial Road	1429	2015		2018	3266	1431, 1571, 2015-2018
56 -	By Senators Williams, Sypolt, Stollings, Ashley, Unger and Plymale: Judge Ronald G. Pearson Bridge	1561	2015		2015	3266	1563, 1633, 2015
57 -	By Senators Unger and Stollings: Requesting study on county animal shelter dog and cat population and costs	1563					1565, 1633

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
58 -	By Senators Sypolt and Stollings: Requesting study on issue and advantages of tax map legislation	1565					1566, 1633
59 -	By Senators Miller, Laird, Stollings, Unger and Plymale: US Army SPC 4 Everette R. Johnson Memorial Bridge	1566	2015		2015	3266	1567, 1633, 2015
60 -	By Senators Sypolt, Stollings, Williams, Plymale, Cline and Unger: Requesting interim study of feasibility of public virtual online schools	1626					1627, 1701
61 -	By Senators Sypolt, Stollings, Plymale, Williams, Cline and Unger: Requesting study on best methods to enhance communication between teachers, parents and students	1627	2018				1628, 1701, 2019
62 -	By Senators Walters, Beach, Boley, Kirkendoll, Leonhardt and Plymale (originating in Senate Transportation and Infrastructure): Requesting study of benefits of allowing DOH continue entering comprehensive agreements with developer under Public-Private Transportation Facilities Act	1630	1630				1632
63 -	By Senators Boley, Unger, Stollings and Ashley: Requesting study of demand for and shortage of teachers in WV	1737	2018				1739, 1789, 2019
64 -	By Senators Cole (Mr. President), Carmichael, Trump and Cline: Requesting DOH study 2015 performance audit and report to Joint Committee on Government and Finance any action taken as result of audit	1786			1964	2964	1788, 1964
65 -	By Senators Williams and Stollings: John and Wilbur Hahn Dutch Hollow Pioneers Bridge	2073	3132		3132		2074, 2264, 3132
66 -	By Senators Snyder, Stollings, Romano and Unger: Requesting study of lottery, gaming and live racing industries in WV	2075	3130		3131		2080, 2264, 3130-3131

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
67 -	By Senators Boley, Plymale and Stollings: Requesting study on effectiveness of civics education in WV schools	2257	3130		3131		2259, 2516, 3130-3131
68 -	By Senators Unger, Prezioso and Yost: Requesting Lewis and Clark National Historic Trail be extended through WV	2513					2515, 2906
69 -	By Senator Walters: Requesting study of possible operation of daily fantasy sports industry by WV casinos	2515	3130		3131		2516, 2906, 3130-3131
70 -	By Senator Takubo: Requesting study of allowing hunting on Sundays and effect on WV economy	2725					2727
71 -	By Senator Takubo: Requesting study on line item reporting of TANF spending in WV	2727					2728

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
1 -	By Senator Carmichael: Raising committee to notify House of Delegates Senate has assembled	5			6	
2 -	By Senator Carmichael: Raising committee to notify Governor Legislature has assembled	6			6	
3 -	By Senators Beach, Prezioso, Williams, Sypolt, Stollings, Plymale, Laird, Leonhardt and Unger: Recognizing achievements and contributions of Monongalia County	94			95	95
4 -	By Senators Blair, Trump, Sypolt, Williams, Stollings, Laird and Unger: Honoring Mineral County's 150th anniversary	96			99	99
5 -	By Senators Snyder, Unger, Romano, Plymale, Kessler and Stollings: Congratulating Jefferson High School	146			147	
6 -	By Senators Sypolt, Stollings, Leonhardt, Plymale, Prezioso, Unger, Boso, Miller and Romano: Designating January 19, 2016, as Higher Education Day	165			166	
7 -	By Senator Hall: Authorizing appointment of employees	226			229	
8 -	By Senators Karnes, Boley, Cole (Mr. President), Carmichael, Hall, Sypolt, Unger, Kirkendoll, Yost, Ashley, Laird, Trump, Kessler, Stollings, Palumbo, Walters, Facemire, Ferns, Maynard, Mullins, Miller, Blair, Boso, Romano, Snyder, Takubo, Beach, Leonhardt, Woelfel, Williams and Plymale: Designating January 25, 2016, as Homeschool Day at Legislature	229			230	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
9 -	By Senators Gaunch, Palumbo, Stollings and Plymale: Congratulating George Washington High School Patriots Girls' Volleyball team on winning 2015 AAA championship	231			232	
10 -	By Senators Miller, Yost, Stollings, Trump, Williams, Leonhardt, Plymale, Unger and Laird: Designating January 26, 2016, as WV Local Foods Day at Legislature	243			245	
11 -	By Senators Walters, Yost, Stollings, Williams, Plymale, Unger and Miller: Designating January 26, 2016, as Broadband Day at Legislature	245			246	
12 -	By Senators Walters, Plymale, Stollings, Williams and Unger: Recognizing Innovation and Entrepreneurship Day at Capitol	282			284	
13 -	By Senators Kirkendoll, Yost, Plymale, Stollings, Beach, Prezioso, Williams, Gaunch, Romano and Unger: Designating January 31, 2016, as Day of Prayer for Coalfields	284			286	
14 -	By Senators Miller, Stollings, Woelfel, Yost, Kessler, Unger, Williams and Plymale: Earned Income Tax Credit Awareness Day at Legislature	331			332	
15 -	By Senators Stollings, Yost, Kessler, Unger, Williams and Plymale: School Counselors Day at Legislature	332			333	
16 -	By Senators Unger, Snyder, Plymale, Trump, Blair, Williams and Stollings: Recognizing Leadership Berkeley	355			356	
17 -	By Senators Miller, Plymale, Yost, Williams, Stollings and Unger: Recognizing WV School of Osteopathic Medicine	356			358	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
18 -	By Senators Miller, Plymale, Stollings, Unger, Prezioso, Kessler and Laird: Designating February 2, 2016, as Library Day at the Legislature	393			394	
19 -	By Senators Cole (Mr. President), Plymale and Stollings: Recognizing UniCare Health Plan of West Virginia	394			395	
20 -	By Senators Williams, Walters, Hall, Plymale, Stollings and Unger: Recognizing Putnam Area Robotics Team	395			396	
21 -	By Senators Takubo, Cole (Mr. President), Plymale, Stollings, Prezioso, Kessler and Unger: Designating February 5, 2016, as Go Red for Women Day	397			398	
22 -	By Senators Ashley, Plymale, Stollings and Carmichael: Recognizing Roane County High School golf team	448			449	
23 -	By Senators Boso, Plymale, Stollings, Unger, Blair, Leonhardt, Carmichael, Laird, Williams, Prezioso and Kessler: Recognizing WV firefighters	450			450	
24 -	By Senators Plymale, Woelfel and Stollings: Honoring life and legacy of Dr. Carter G. Woodson	484			486	486
25 -	By Senators Mullins, Walters, Beach, Stollings, Woelfel, Unger, Miller, Plymale, Kessler and Blair: Down Syndrome Awareness Day at Capitol	487			488	488
26 -	By Senators Miller, Facemire, Leonhardt, Plymale, Williams and Laird: Recognizing Bryan Humphreys as West Virginia's Outstanding Logger	551			553	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
27 -	By Senators Kessler, Leonhardt, Beach, Williams and Laird: Designating February 9, 2016, as Fairness West Virginia Day at the Legislature	553			554	
28 -	By Senators Karnes, Plymale, Williams and Kessler: Designating February 9, 2016, as Forestry Day at Legislature	554			555	
29 -	By Senators Ferns, Plymale, Williams, Beach, Kessler and Laird: Designating February 9, 2016, as Women's and Girls' Day at the Legislature	555			556	
30 -	By Senators Gaunch, Stollings, Williams and Kessler: Recognizing John Canfield for leadership and service to West Virginia's Insurance community	592			593	
31 -	By Senators Gaunch, Palumbo, Stollings and Williams: Congratulating Ross Johnson for being named 2015 Earle S. Dillard Agent of the Year	593			594	
32 -	By Senators Ferns, Stollings, Unger, Prezioso, Williams, Leonhardt and Kessler: Designating February 10, 2016, as Disability Advocacy Day at the Legislature	594			595	
33 -	By Senators Ashley, Stollings, Plymale and Williams: Congratulating Wirt County Ladies Volleyball team	618			618	
34 -	By Senators Palumbo, Walters, Gaunch, Takubo, Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Cole (Mr. President), Facemire, Ferns, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Williams, Woelfel and Yost: Memorializing life of Virginia Mae Ellars	662			663	



Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
35 -	By Senators Laird, Stollings, Palumbo, Kessler, Plymale, Williams and Yost: Designating February 15, 2016, as Corrections Day	680			681	681
36 -	By Senators Leonhardt, Palumbo, Stollings, Kessler, Plymale, Williams, Prezioso and Yost: Designating February 15, 2016, as Veterans Visibility Day at Legislature	681			682	682
37 -	By Senators Romano, Facemire, Kessler, Stollings, Plymale and Yost: Recognizing Harrison County, West Virginia, as County of Champions	683			684	
38 -	By Senators Kessler, Yost, Stollings, Laird, Unger, Prezioso, Williams, Plymale, Romano and Facemire: Recognizing WV Federation of Democratic Women	729			730	
39 -	By Senators Leonhardt, Ferns, Cline, Unger, Blair, Beach, Boley, Stollings and Laird: Designating February 17, 2016, as Nurses Unity Day at the Legislature	776			777	
40 -	By Senators Ferns, Yost, Stollings, Plymale, Maynard, Unger, Leonhardt, Prezioso, Williams and Kessler: Designating February 18, 2016, as WV Kids at Risk Day at Legislature	809			811	
41 -	By Senators Maynard, Cole (Mr. President), Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost: Memorializing life of Honorable A. Keith Wagner	835			837	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
42 -	By Senators Williams, Beach, Prezioso, Kessler, Sypolt, Leonhardt, Stollings, Plymale, Yost and Unger: Designating February 19, 2016, as WVU and WVU Extension Service Day	837			838	838
43 -	By Senators Carmichael, Kessler, Williams, Prezioso, Stollings, Blair, Boso and Laird: Designating February 22, 2016, as WV Arts Day	1075			1077	
44 -	By Senators Unger, Trump, Kessler, Williams, Prezioso, Sypolt, Plymale, Stollings and Laird: Recognizing WV State Historic Preservation Office	1077			1079	
45 -	By Senators Unger, Snyder, Stollings, Plymale, Williams, Prezioso, Trump, Blair and Miller: Recognizing Leadership Jefferson	1117			1119	
46 -	By Senators Cole (Mr. President), Maynard, Stollings, Plymale and Miller: Designating February 23, 2016, as Mercer County Day	1119			1120	
47 -	By Senators Stollings, Plymale, Unger, Williams and Prezioso: Designating March 7-13, 2016, as Multiple Sclerosis Awareness Week	1121			1122	
48 -	By Senators Gaunch, Stollings, Plymale, Laird, Unger and Miller: Recognizing Sylvia Shafer for her tireless efforts in advocating for humane treatment of animals	1122			1123	
49 -	By Senators Walters, Gaunch, Palumbo, Takubo, Stollings, Plymale, Unger and Prezioso: Designating February 23, 2016, as West Virginia State University Day	1124			1125	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
50 -	By Senators Palumbo, Takubo, Walters, Gaunch, Williams, Stollings, Unger and Plymale: Congratulating Charleston Catholic High School girls' soccer team	1174			1176	
51 -	By Senators Plymale, Woelfel, Williams, Stollings and Unger: Congratulating Cabell Midland High School boys' cross country team	1176			1177	
52 -	By Senators Plymale, Woelfel, Maynard, Ashley, Romano, Stollings, Prezioso, Williams, Unger, Laird, Kessler, Trump and Facemire: Designating February 26, 2016, as Marshall University Day	1260			1262	1262
53 -	By Senators Plymale, Woelfel, Maynard, Romano, Stollings, Prezioso, Williams, Unger, Kessler and Facemire: Honoring William "Red" Dawson for dedication and service to Marshall University and West Virginia	1262			1265	1266
54 -	By Senators Sypolt, Williams, Unger, Kessler, Prezioso and Stollings: Designating February 29, 2016, as Preston County Day	1366			1367	
55 -	By Senators Boso, Unger, Stollings, Williams and Gaunch: Designating March, 2016, as Healthy Bodies Healthy Spirits Month	1431			1432	
56 -	By Senators Kessler, Prezioso, Williams, Unger, Stollings, Plymale and Ashley: Reaffirming sister-state relationship between West Virginia and Taiwan	1432			1434	1434
57 -	By Senators Ashley, Stollings, Kessler and Plymale: Recognizing Sistersville Tank Works	1567			1569	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
58 -	By Senators Cole (Mr. President), Stollings, Ashley, Unger, Kessler, Prezioso, Williams and Plymale: Designating March 2, 2016, as Domestic Violence Prevention Day	1569			1570	
59 -	By Senators Carmichael, Beach, Williams, Prezioso, Stollings, Plymale, Ashley, Cline, Unger, Leonhardt and Kessler: Designating March 3, 2016, as Cancer Survivorship Day	1628			1629	1629
60 -	By Senators Karnes, Williams, Stollings, Plymale, Ashley, Cline, Unger and Leonhardt: Recognizing June 12, 2016, as 75th Anniversary of American Tree Farm System	1629			1630	1630
61 -	By Senators Cline, Mullins, Unger, Kessler and Stollings: Designating March 7, 2016, as Wyoming County Day	1788			1789	1789
62 -	By Senators Palumbo, Stollings and Unger: Congratulating Charleston Catholic golf team for 2015 Class A State Championship	2081			2082	2082
63 -	By Senators Trump, Kessler, Ashley, Maynard, Palumbo, Gaunch, Unger, Laird, Romano, Miller, Boso, Kirkendoll, Cline, Walters, Plymale, Stollings, Yost and Williams: Recognizing contributions of drug courts to WV	2259			2261	2261
64 -	By Senators Leonhardt, Kessler, Beach, Prezioso, Williams, Sypolt, Plymale, Stollings, Ashley and Yost: Supporting Morgantown High School marching band's efforts to represent USS West Virginia at 75th Anniversary Pearl Harbor Memorial Parade	2261			2262	2262
65 -	By Senators Walters, Plymale, Stollings, Gaunch, Yost, Williams and Prezioso: Recognizing YMCA WV Alliance on YMCA Day at Capitol	2263			2264	2264

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
66 -	By Senators Walters, Gaunch, Palumbo, Takubo, Ashley, Beach, Blair, Boley, Boso, Carmichael, Cole (Mr. President), Cline, Facemire, Ferns, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Williams, Woelfel and Yost: Memorializing life of Honorable Darrell E. Holmes	2728			2730	2730
67 -	By Senators Miller, Cole (Mr. President), Kessler, Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost: Recognizing dedicated public service of Hon. William R. Laird IV	3126			3127	3126-3128
68 -	By Senators Unger, Cole (Mr. President), Kessler, Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Yost: Recognizing dedicated public service of the Hon. Herb Snyder	3128			3129	3128-3130
69 -	By Senators Unger, Cole (Mr. President), Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel and Yost: Recognizing dedicated public service of Hon. Jeffrey V. Kessler	3142			3144	3142-3145

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
70 -	By Senators Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Walters, Williams, Woelfel and Yost: Recognizing dedicated public service of Honorable William P. Cole III	3210			3211	3211-3212
71 -	By Senators Cole (Mr. President), Carmichael, Ashley, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Yost: Recognizing dedicated public service of Honorable Howard Wellman	3252			3253	
72 -	By Senator Carmichael: Raising committee to notify House of Delegates Senate is ready to adjourn <i>sine die</i>	3281			3282	
73 -	By Senator Carmichael: Raising committee to notify Governor Legislature is ready to adjourn <i>sine die</i>	3282			3282	

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2101 -	By Delegates Morgan, Caputo, Faircloth, Folk, Howell and R. Smith: Eliminating obsolete government entities	214	322	432	454	542	214, 367, 404-405, 432, 454, 570, 643
*2110 -	By Delegates Howell, Moye, Storch, Moffatt, Hamrick, Householder, Statler, Walters, Arvon, Blair and Kessinger: Relating generally to the tax treatment of manufacturing entities	1354	2244	2563-2575, 2907, 3076-3077	2907, 3077	3076	1355, 2244, 2563-2575, 2907, 3076-3077, 3290, 3315
*2122 -	By Delegates Ambler, Cooper, Householder, Walters, R. Smith, Canterbury and Gearheart: Making it illegal for first responders to photograph a corpse; Jonathan's Law	751	1691	1741-1743, 1791	1791	1937	751, 1692, 1741-1743, 1790-1792, 2716, 3302
*2130 -	By Delegates Westfall, Espinosa, Hamrick, McCuskey, Stansbury, B. White and Ihle: Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties	293					293
2147 -	By Delegates Folk, Hamilton, Frich, Shott, Householder, Ireland, Weld, Gearheart, Hanshaw and Azinger: Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested attorneys in the circuit	253					253
*2202 -	By Delegates Rowan, Romine, Duke, Perry, Ambler, Butler, D. Evans, Pethel, Cooper, Espinosa and Householder: Relating to more equitable disbursement of funds to county boards	1245	2019				1245, 2019
*2205 -	By Delegates Howell, Stansbury, Ambler, Cooper, Miller, Faircloth, Zatezalo, Blair, Statler and Wagner: Creating the crime of prohibited sexual contact by a psychotherapist	1355	2063	2338-2339, 2519-2520	2519	2964	1355, 2064, 2338-2339, 2519-2520, 3297, 3303

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2366 -	By Delegates Rowan, Miller, Sobonya, P. Smith, Border, Arvon and Storch: Relating generally to the solicitation of minors	542	2244	2575-2577, 2908	2908	3266	542, 2245, 2575-2577, 2908-2909, 3297, 3303
*2444 -	By Delegates Mr. Speaker (Mr. Armstead), Miller, Waxman, Azinger, Upson, Kessinger, Summers, Hanshaw, Kurcaba, Hill and E. Nelson: Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals	602	1193	1275	1313	2889	602, 1208, 1276, 1314, 3289, 3303
*2474 -	By Delegates Cowles, Rowan and Duke: Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind	855					855
2494 -	By Delegates Weld, Fast, Sponaugle, Skinner and Shott: Creating a provisional plea process in criminal cases	1281	1956	2098-2099, 2283, 3087-3088	2283, 3088	3087	1281, 1956, 2098-2099, 2283-2284, 3087-3088, 3291, 3303
*2511 -	By Delegates Walters, Howell, Ellington, Canterbury, R. Smith, Gearheart, Perry, P. Smith and Ambler: Health Care Sharing Ministries Freedom to Share Act	542	1116				543, 1187, 1207
2584 -	By Delegates Rohrbach, Sobonya, Shott, Miller, Hicks, Reynolds and Rowe: Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment	254					254
*2588 -	By Delegates E. Nelson, Lane, Kurcaba, O'Neal, Westfall, McCuskey, Byrd, Gearheart, Storch and Espinosa: Relating to the filing of financial statements with the Secretary of State	254	1729	1807-1809, 1965	1964	2510	254, 1729, 1807-1809, 1964-1965, 3281, 3302



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
2605 -	By Delegates Moore, Hornbuckle and Shott: Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor	1104	2244	2909, 2910	2910	3266	1104, 2245, 2577, 2909-2911, 3291, 3303
*2615 -	By Delegates Lane, Faircloth, Miller, Frich and E. Nelson: West Virginia Small Business Capital Act	720	1730		1965		720, 1730, 1809, 1965-1966, 3291, 3303
*2665 -	By Delegates Folk, Skinner, Espinosa, Householder, Faircloth, Overington, Upson, Blair, Perdue, Sobonya and Waxman: Relating to participation in Motor Vehicle Alcohol Test and Lock Program	1540	2453	2577-2581, 2911	2911	3266-3267	1540, 2453, 2577-2581, 2911-2912, 3291, 3304
*2795 -	By Delegates Westfall, B. White and McCuskey: 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	1144	2454	2582-2584, 2912-2913	2912		1145, 2454, 2581-2584, 2912-2913
2796 -	By Delegate Mr. Speaker (Mr. Armstead): Providing paid leave for certain state officers and employees during a declared state of emergency	254	1692		1792		254, 1693, 1743, 1792, 2511, 3316
*2800 -	By Delegates Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge: Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests	254	508-509	563-567, 596, 1640-1646	596, 1646	1640	255, 540, 567, 597, 671-672, 751, 1224, 1640-1646, 1728, 2243
*2801 -	By Delegates Rowe, Pushkin, Lynch, Guthrie and Byrd: Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas	1355	1730		1966		1355, 1731, 1809, 1966, 2716, 3302

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2823 -	By Delegates Walters, Blair, Upson, Phillips, J. Nelson, Hanshaw, E. Nelson, Boggs and Caputo: Eliminating the street and interurban and electric railways tax	1198	1731		1966		1198, 1731, 1809, 1966-1967, 2716, 3302
*2826 -	By Delegates Butler, Trecost, J. Nelson, Eldridge, Longstreth, Boggs, Summers, Wagner, R. Smith, Perdue and Zatezalo: Requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; "Sarah Nott's Law"	1421	2019	2100-2102, 2284-2285	2284	3267	1422, 2020, 2099-2102, 2284-2285, 2294, 3291, 3304
*2849 -	By Delegates Mr. Speaker (Mr. Armstead), Miller, Walters and Hanshaw: Creating the West Virginia Sentencing Commission	1540	2245				1541, 2246
*2852 -	By Delegates Hamrick, Trecost, Zatezalo, Waxman and E. Nelson: Relating to legalizing and regulating the sale and use of fireworks	1054	1223	1318-1334, 1377-1378, 1937	1377, 1938	1937-1938	1055, 1280, 1334, 1351, 1377-1379, 1937-1939, 3291, 3304
*2897 -	By Delegates Weld, Foster, Kessinger, Hill, Blair and Ihle: Young Entrepreneur Reinvestment Act	1245	2020, 2512	2914, 2915, 3088	2915, 3089		1245, 2021, 2513, 2913-2916, 3088-3089, 3291, 3303
*2904 -	By Delegates McGeehan and Zatezalo: Requiring the clerk of a county commission to maintain a county ordinance book	820	1781	1984-1986, 2889-2890	2083, 2890	2889	820, 1781, 1984-1987, 2083-2084, 2889-2890, 3291, 3303
2960 -	By Delegate Lane: Permitting county boards of education to develop emergency preparedness drills in schools	1355					1356
*2963 -	By Delegates Weld, B. White, Sobonya, Folk, Campbell and Byrd: Expanding the definition of kidnapping	1541					1541

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*3019 -	By Delegates Ireland, Overington, Foster, Fast, Lynch, Azinger, Shott, Hicks and Hanshaw: Requiring official business and records of the state and its political subdivisions be conducted in English	793	1063		1205		793, 1134, 1186, 1205, 1364, 1420, 1728
*4001 -	By Delegates Upson, Mr. Speaker (Mr. Armstead), Hamilton, Hill, Kurcaba, Weld, McCuskey, Rohrbach, Stansbury, Storch and Zatezalo: Relating to candidates or candidate committees for legislative office disclosing contributions	1145	2454	2585-2586, 2916-2917	2916		1145, 2455, 2584-2586, 2916-2917
*4002 -	By Delegates Howell, Anderson, Mr. Speaker (Mr. Armstead), Faircloth, Frich, Hanshaw, McCuskey, Rohrbach, Summers, Shott and Walters: Relating to rule making under the state Administrative Procedures Act	236					236
4005 -	By Delegates Cowles, Duke, Foster, Gearheart, Miller, Overington, Shott, Walters, Waxman, Westfall and Householder: Repealing prevailing hourly rate of wages requirements	293	344		455, 656	656	293, 358, 405-406, 432-436, 455, 545, 654-657
*4007 -	By Delegates Rohrbach, Weld, Espinosa, Cooper, Butler, Waxman, Moffatt, Arvon, Cowles, Hill and Anderson: Relating generally to appointment of attorneys to assist the Attorney General	236	412	495-503, 522, 1637-1639	522, 1639	569, 1636-1637	237, 458, 503, 522-523, 603, 1633-1639, 1728, 2243
*4009 -	By Delegates Statler, Ambler, Cooper, Ellington, D. Evans, Moffatt, Romine, Storch, Weld and Zatezalo: Letting Our Counties Act Locally Act	1281	1956, 2246	2586-2626, 2969	2968	3267	1283, 1957, 2586-2626, 2968-2972, 3297, 3304

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4012 -	By Delegates O'Neal, Mr. Speaker (Mr. Armstead), Hanshaw, Moye, Fast, A. Evans, Azinger, Waxman, Romine, Rowan and Phillips: West Virginia Religious Freedom Restoration Act	641	1299	1532-1539			641, 839, 1353, 1367, 1415, 1532-1539, 1600-1601
*4013 -	By Delegates Lane, Anderson, Blair, Hamrick, Ambler, D. Evans, Border, McCuskey, Householder, Ireland and Zatezalo: Requiring a person desiring to vote to present documentation identifying the voter	855	2064	2340-2365, 2520-2523, 3213-3239	2520, 3240	3212	856, 2064, 2340-2366, 2520-2523, 2967, 2996-2997, 3035, 3212-3240, 3291, 3304
*4014 -	By Delegates Butler, Moffatt, Waxman, McGeehan, Espinosa, Kelly, Faircloth, Summers, Atkinson, Hamrick and Cowles: Preventing the State Board of Education from implementing common core academic standards and assessments	1283	1957	2285-2292, 2293, 3027-3028	2292, 3029	3026	1284, 1957, 2102-2109, 2285-2294, 3026-3029, 3276, 3283, 3291, 3318
*4031 -	By Delegates Frich, Sobonya, Howell, Moffatt, Hanshaw, McCuskey, Shott, Overington, Mr. Speaker (Mr. Armstead), Rowe and Fleischauer: Requiring agencies to respond to public comments received during the rule-making process	237					237
4033 -	By Delegates Ellington, Summers, Householder, Rohrbach, Stansbury, Waxman, Perdue and Rodighiero: Adding criminal penalties for the unauthorized practice of pharmacists care	186	867, 2246	2627-2632, 2973, 2974	2973	3267	187, 867, 2247, 2627-2632, 2972-2974, 3291, 3303
*4035 -	By Delegates Stansbury, Householder, Ellington, Summers, Rohrbach, Weld, Miller, Hanshaw, Westfall, B. White and Perdue: Permitting pharmacists to furnish naloxone hydrochloride	1609	2065	2366-2371			1609, 2065, 2366-2371, 2523, 2974-2975

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4038 -	By Delegates Ellington, Summers, Bates, Faircloth, Householder, Rohrbach and Stansbury: Relating to insurance requirements for the refilling of topical eye medication	255	2065	2371, 2524	2523	2964-2965	255, 2066, 2371-2372, 2523-2524, 3297, 3303
*4040 -	By Delegates Kelly, Rohrbach, Cooper, Frich, Sobonya, Border, Faircloth, Atkinson, Perdue, Perry and Waxman: Regulating step therapy protocols in health benefit plans	1055	2066	2372-2385, 2525	2524	3267	1055, 2066, 2372-2385, 2524-2525, 3297, 3304, 3305
*4046 -	By Delegates Sobonya, Frich and Moffatt: Relating to the promulgation of rules by the Department of Administration	1939	2247	2633-2644, 2975, 3255	2975, 3256	3254	1940, 2247, 2633-2644, 2975-2977, 3257, 3297, 3304
*4053 -	By Delegates Sobonya, Frich and Moffatt: Department of Environmental Protection, Air Quality, rule relating to the control of annual nitrogen oxide emissions	1055	2021	2385-2395, 2526-2529	2525		1056, 2162, 2385-2395, 2525-2529
*4060 -	By Delegates Sobonya, Frich and Moffatt: Relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety	1057	2021	2395-2397, 2530	2529	3268	1057, 2162, 2395-2397, 2529-2531, 3301, 3304
*4080 -	By Delegates Sobonya, Frich and Moffatt: Department of Veterans' Assistance, rule relating to VA headstones or markers	1057	1958		2295		1057, 1958, 2110, 2294-2295, 3284, 3319
*4145 -	By Delegates Blair, Azinger, Butler, Cadle, Eldridge, Householder, Marcum, Overington, Phillips, Sobonya and Upson: Relating to carry or use of a handgun or deadly weapon	543	770	928, 1085-1086, 1178-1179	1085, 1179, 1727	1177, 1727	544, 777, 817, 850, 899-928, 1087, 1180, 1289, 1725-1728
*4146 -	By Delegates Ellington, Summers, Bates, Faircloth, Householder, Rohrbach, Sobonya, Stansbury, Eldridge, McCuskey and Frich: Providing insurance cover abuse-deterrent opioid analgesic drugs	720	1117, 1560	1703-1711	1739	2965	720, 839, 1117, 1633, 1701, 1711, 1739, 3297, 3304

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4147 -	By Delegates Rowan, Mr. Speaker (Mr. Armstead), Cowles, Perry, Duke, Miley, Hamilton, Espinosa, O'Neal, Anderson and E. 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	672					672
4148 -	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	642	726		843		642, 791, 816, 843, 1152, 1250
4150 -	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	856	2248		2977		856, 2248, 2644, 2714-2715, 2977-2978, 3285, 3302, 3305
4151 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Education	856	2248		2978		857, 2248, 2644, 2978-2979, 3285, 3302, 3305
4152 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Division of Environmental Protection – Protect Our Water Fund	1105	2248		2979		1105, 2248, 2644, 2979-2980, 3285, 3302, 3305
4155 -	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, Division of Health – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund	1105	2248, 2717	2718-2722, 2980	2980	3268	1105, 2248, 2462, 2717-2722, 2980-2981, 3285, 3302, 3305

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4157 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways	1105	1693		1792		1105, 1693, 1743, 1792-1793, 2511, 2715
*4158 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Commerce, WorkForce West Virginia – Workforce Investment Act	642	726		844		642, 791, 816, 844, 1152, 1250
4159 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Public Services Commission – Motor Carrier Division	857	1693		1794		857, 1693, 1743, 1793-1794, 2511, 2715
4160 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Revenue, Tax Division	1106	1693		1794		1106, 1693, 1743, 1794-1795, 2716, 3302
4161 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Relating to levies on classifications of property by the Board of Public Works	642	803		1087		643, 853, 928, 1087, 1153, 1250
*4163 -	By Delegates Howell, Arvon, Moffatt, Westfall, McCuskey, Miller, Cadle, Walters, Zatezalo, Kelly and Ellington: Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes	544	1165	1276, 1314	1314	1609	544, 1208, 1278, 1315, 1728, 2062
*4168 -	By Delegates Howell, Frich, Storch, Arvon, Eldridge, Moffatt, Faircloth, Upson, Westfall, Phillips and Miller: Creating a special motor vehicle collector license plate	1609	2022	2398, 2531, 2532, 3140-3141	2532, 3141	3140	1609, 2022, 2110, 2397-2399, 2531-2533, 3140-3142, 3291, 3320

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4171 -	By Delegates Cooper, D. Evans, Ambler, Perry, Moye, Lynch, Kelly, Wagner, Rowan and R. Smith: Relating to the public school calendar	1246	1781		2084		1246, 1782, 1987, 2084-2085, 2235, 3275, 3321
*4174 -	By Delegates Kurcaba, Statler, Weld, Fast, Kelly, Azinger, Waxman, Blair, Upson, Frich and Phillips: Exempting activity at indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house	820	2063	2399-2401, 2533-2534, 3136-3139	2533, 3139	3135-3136	820, 2064, 2399-2401, 2533-2534, 2967-2968, 2993, 2997, 3016, 3135-3140, 3297, 3304
*4175 -	By Delegates Kurcaba, Faircloth, Statler, Espinosa, McGeehan, Azinger, Upson, Kelly, Trecoast and Ihle: Relating generally to home schooling	407	758	851-852, 891	891	1145	408, 817, 851-853, 891-893, 1251, 1690-1691
*4176 -	By Delegates Stansbury, Howell, Householder, Ellington, Summers, Rohrbach, Weld, Miller, Hanshaw, Westfall and B. White: Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program	1541	2068, 2455	2645-2651, 2982	2981	3268	1541, 2069, 2645-2651, 2981-2982, 3298, 3304
*4183 -	By Delegates Stansbury, Rohrbach, Perdue, R. Smith, Campbell, Bates, B. White, Weld, McCuskey, Westfall and Ellington: Relating generally to reporting opioid overdoses	1541					1542
*4186 -	By Delegates Cadle, Cooper, Foster, Ambler, Howell, Butler, Householder, Moffatt, R. Smith, Westfall and Hamrick: Relating to additional duties of the Public Service Commission	569	2248	2651-2653, 2983	2982	3268	570, 2249, 2651-2653, 2982-2984, 3298, 3303



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4188 -	By Delegates Hamrick, Ambler, Boggs, Cadle, Guthrie, Longstreth, Rohrbach and Gearheart: Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas	720	1165, 1730				721, 1166, 1730, 1809, 1967, 2085
*4196 -	By Delegates Howell, Frich, Arvon, Moffatt, Storch, Eldridge, Faircloth, Westfall, Phillips, Miller and Cadle: Relating to abandoned antique vehicles	1610					1610
*4197 -	By Delegates Kelly, Cooper, Faircloth, Atkinson, Weld, Frich, Blair, Waxman, Zatezalo, Howell and Ireland: Allowing required HIV and hepatitis testing for the protection of law-enforcement officers who may have been exposed	1106					1106
*4201 -	By Delegates Overington, Hanshaw, Blair, Shott, Statler, Sobonya, Summers, Weld, Kessinger, B. White and Fleischauer: Increasing the criminal penalties for participating in an animal fighting venture	1285	2244	2653-2656, 3121, 3257-3258	3121, 3258	3257	1285, 2245, 2653-2656, 2984, 3005, 3120-3121, 3259, 3291, 3304
*4209 -	By Delegates Ellington, Summers, Householder, Rohrbach, Stansbury, Campbell and Fleischauer: Relating generally to health care provider taxes	793	1299, 1732		1967		793, 1299, 1732, 1809-1810, 1967-1968, 2716, 3302
*4213 -	By Delegates Storch, Faircloth, P. Smith and Ferro: Uniform Deployed Parents Custody and Visitation Act	857	1732	1810-1825, 1969	1968		858, 1733, 1810-1825, 1968-1969
*4218 -	By Delegates Miley and Cowles [By Request of the Executive]: Expanding the definition of "underground facility" in the One-Call System Act	721	2249		2984		721, 2249, 2656, 2984, 3292, 3303

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4225 -	By Delegates Overington, Sobonya, Hanshaw, Gearheart, Cadle, Householder, Butler, Moffatt, Frich, Rowan and Kelly: Relating to patriotic displays at public buildings	1542	1730		1970		1542, 1731, 1826, 1969-1970, 2716, 3302
*4227 -	By Delegates Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan: Relating to qualifications of members of the Real Estate Appraiser Licensing and Certification Board	341					341
*4228 -	By Delegates Cowles, B. White, Shott, Espinosa, E. Nelson, Howell, Upson, Trecost, Reynolds, Gearheart and Hamrick: Relating to transportation network companies	721	1259	1394-1408, 1441, 1724	1440, 1724	1723	722, 1335, 1352, 1408, 1441-1442, 1723-1725, 2063, 3301
*4230 -	By Delegates Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, R. Smith, Hamrick and Morgan: Relating to qualifications of members of the Board of Registration For Professional Engineers	341					341
4235 -	By Delegate Shott: Relating to the publication requirements of the administration of estates	372	1623	1740	1739	1780	373, 1623, 1701, 1739-1740, 2062, 2243
*4237 -	By Delegates O'Neal, Arvon, Storch, Azinger, Butler, Hamrick, Kessinger, Rowan, P. Smith, Ferro and Longstreth: Supporting and Strengthening Families Act	1356	2023	2401-2409, 2535	2534	3268	1356, 2162, 2401-2409, 2534-2536, 3292, 3304
*4238 -	By Delegates Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, R. Smith, Hamrick and Morgan: Relating to qualifications of members of the board of Professional Surveyors	342					342

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4239 -	By Delegates Marcum, Phillips, O'Neal, Bates, Arvon, Gearheart, Shott, Cooper, P. White, Ellington and Moye: Relating to construction of a modern highway from Pikeville, Kentucky to Beckley, West Virginia	1610	2022				1611, 2023
*4240 -	By Delegates Marcum, Phillips, Hamilton, Hicks, Rodighiero, Westfall, Sobonya, R. Smith, Storch, Summers and Byrd: Relating to the Uniform Controlled Substances Act	1542					1543
*4241 -	By Delegates Howell, Arvon, Zatezalo, Border, Phillips, Hartman, Ihle, Cadle, Moffatt, Atkinson and Morgan: Relating to qualifications of members of the Real Estate Commission	342					342
4243 -	By Delegates Border, Ellington, Arvon, Kelly, Sobonya, Anderson, Deem and Ireland: Extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds	439	2456				439, 2456, 2656
*4244 -	By Delegates Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Shott, Flanigan, Waxman, Perry and B. White: Eliminating the need for a public hearing when no objection is filed on an application from an out of state state-chartered credit union to establish a branch in West Virginia	506	727		845		507, 791, 816, 845, 1152, 1250
*4245 -	By Delegates Walters, Frich, Westfall, McCuskey, Manchin, Skinner, Rowe, Flanigan, Waxman, Perry and B. White: Requiring the cashier or executive officer of a banking institution to provide shareholders with the institution's most recent year-end audited financial statement	507	727		846		507, 791, 816, 846, 1152, 1250

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4246 -	By Delegates Overington, Householder, Faircloth, Blair and Folk: Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library	1611	1782		2085		1611, 1782, 1987, 2085-2086, 3275, 3322
*4248 -	By Delegates Rohrbach, Sobonya, Bates, Ellington, Householder, Miller, Perdue, Stansbury, Waxman, B. White and Frich: Relating to methadone regulation	1543					1543
*4261 -	By Delegates Shott, McCuskey, Cowles, O'Neal, Butler, Marcum, Shaffer, Sobonya, Folk, Overington and Azinger: Prohibiting the sale or transfer of student data to vendors and other profit making entities	858	2250	2656, 2985	2985	3268-3269	858, 2250, 2656-2657, 2985-2986, 3298, 3303
*4265 -	By Delegates Walters, Frich, Canterbury, McCuskey, Hanshaw, Skinner, Marcum and Perry: Relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the bonds	1106	1959	2110-2120	2296	2890	1107, 1959, 2110-2120, 2295-2296, 3289, 3303
*4271 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Ending discretionary transfers to the Licensed Racetrack Modernization Fund	1543	2456	3005-3015			1544, 2456, 2657, 2986, 3005-3016
*4279 -	By Delegates Hamilton, A. Evans, Romine, Wagner, Ambler, Eldridge, Pethtel, Sponaugle and Guthrie: Relating to disposition of seized firearms	1422	1694		1795		1422, 1694, 1744, 1795-1796, 2511, 2715
*4291 -	By Delegates J. Nelson, Phillips, Moffatt, Espinosa, Westfall, Perdue, Upson, Lane, Moye, Mr. Speaker (Mr. Armstead) and Miley: Increasing penalties for teachers who commit sexual offenses against children	793					794

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4295 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Relating to the School Innovation Zones Act	1246	1733	1826-1828, 1971	1970	3269	1247, 1733, 1826-1828, 1970-1972, 3292, 3303
4299 -	By Delegates J. Nelson, Phillips, Moffatt, R. Smith, McCuskey, Wagner, Bates, Eldridge, Stansbury, Arvon and Miley: Increasing the amount volunteer fire companies or paid fire departments may charge for reimbursement	1356	2251				1356, 2251
*4301 -	By Delegates Espinosa, Westfall, Ambler, Cooper, D. Evans, Statler, Hamrick, Kurcaba, Rohrbach, Upson and Householder: Relating to a framework for initiating comprehensive transformation of school leadership	1611	2024		2536		1612, 2024, 2162, 2409, 2536, 3292, 3303
*4307 -	By Delegates Summers, Mr. Speaker (Mr. Armstead), Blair, Azinger, Waxman, McGeehan, Overington, Ihle, Phillips and Eldridge: Clarifying that a firearm may be carried for self defense in state parks, state forests and state recreational areas	1544	2024	2409-2416, 2537	2537	2965	1544, 2162-2163, 2409-2416, 2537, 3292, 3323
*4308 -	By Delegates Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Duke, Phillips and Ferro: Barring persons who are convicted of certain criminal offenses from acquiring property from their victims	1612					1612
4309 -	By Delegates Rowan, Border, Fast, Stansbury, Moye, Campbell, Overington, Romine, Duke, Pethel and Ferro: Increasing criminal penalties for conviction of certain offenses of financial exploitation of an elderly person	722	1783	1987-1993, 2086-2087, 3134-3135	2086, 3135	3134	722, 1783, 1987-1993, 2086-2087, 3134-3135, 3298, 3303

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4310 -	By Delegates O'Neal, Anderson, Espinosa, E. Nelson, Arvon, Bates, Fleischauer, Frich, Statler, Kurcaba and Miley: Relating to the West Virginia University Institute of Technology	1107	1694	1744, 1745	1796	2890	1107, 1695, 1744-1745, 1796, 3289, 3303
*4311 -	By Delegates Howell, Arvon, Blair, Phillips, Hartman, Ihle, Cadle, McGeehan, Moffatt, Atkinson and Morgan: Relating to qualifications of members of the Board of Landscape Architects	472					472
*4313 -	By Delegates Howell, Arvon, Blair, Phillips, Hill, Hartman, Stansbury, McGeehan, Moffatt, Atkinson and Morgan: Relating to qualifications of members of the Board of Architects	472					472
*4314 -	By Delegates Rohrbach, Stansbury, Bates, Ellington, Householder, Miller, Perdue, Waxman and B. White: Prohibiting the sale of powdered or crystalline alcohol	1544	2066	2416, 2538	2538	3269	1545, 2066, 2416, 2537-2539, 3292, 3303
4315 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Relating to air-ambulance fees for emergency treatment or air transportation	1356	1959		2986		1357, 1960, 2120, 2416, 2539, 2986, 3292, 3303
4316 -	By Delegates Espinosa, Ellington, Duke, Perry, Moye, Upson, Wagner, Ambler, Cooper, D. Evans and Kelly: Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification	1108	2067		2539		1108, 2067, 2417, 2539, 3292, 3303
*4317 -	By Delegates Foster, McGeehan, Butler, Ihle, Azinger, Fast, Moffatt, J. Nelson, Summers, Waxman and Miller: Limiting factors in parenting plans	1422	2023	2417, 2540	2540	3269	1422, 2162-2163, 2417, 2540-2541, 3298, 3304

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4319 -	By Delegates Weld, McGeehan, J. Nelson, Cooper, Ireland, Longstreth, Anderson and Frich: Including in the definition of "veteran" active members of the Guard and Reserve in order to exempt them from fees charged by the Secretary of State	1108	1730				1108, 1731
4321 -	By Delegates Foster, Cadle, McGeehan, Butler, Ihle, Azinger, Fast, Moffatt, J. Nelson, Waxman and Summers: Relating to tax credits for apprenticeship training in construction trades	1357	2457	2657, 2987	2987		1357, 2457, 2657, 2987-2988
*4322 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Expanding the Learn and Earn Program	1108	1733		1972		1108, 1734, 1828, 1972, 2716, 3302
*4323 -	By Delegates Cowles and Miley [By Request of the Executive]: Relating to the reporting of emergency incidents by well operators and pipeline operators	794	2067	2417-2418	2541	2965	794, 2068, 2417-2418, 2541-2542, 3296, 3304
4324 -	By Delegates Mr. Speaker (Mr. Armstead) and Miley [By Request of the Executive]: Authorizing information sharing by Workforce West Virginia	1422	1692		1797		1423, 1693, 1745, 1797, 2511, 2715
*4330 -	By Delegates Cadle, Ihle, Butler, Weld, Ireland, Zatezalo, Azinger, Kelly, Anderson, Sobonya and Deem: Relating to make unlawful to take a fish, water animal or other aquatic organism from state waters to stock a commercial pond or lake	1357	1694		1798		1358, 1694, 1745, 1797-1798, 2512, 3302
4334 -	By Delegates Summers, Campbell, Miller, Sobonya, Faircloth, Bates, Westfall, Householder, Cooper and Fleischauer: Clarifying the requirements for a license to practice as an advanced practice registered nurse and expanding prescriptive authority	1358	1784	2296-2325, 3032-3035	2325, 3035	3031	1358, 1784, 2011, 2120, 2296-2326, 3031-3035, 3292, 3304

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4339 -	By Delegates Cadle, Foster, Butler, Ihle, Lynch, Atkinson, R. Smith, Gearheart, Ireland, Howell and Storch: Relating to wildlife resources	1358					1359
4340 -	By Delegates Howell, Foster, Canterbury, Summers, Waxman, Azinger, Rohrbach, Storch, Cadle, R. Smith and Perdue: Amending licensing requirements for an act which may be called Lynette's Law	1109	1782		2087		1109, 1782, 1993, 2087-2088, 3275, 3303
4345 -	By Delegates Howell, Arvon, Blair, Phillips, Hill, Hartman, Ihle, Cadle, Stansbury, R. Smith and Morgan: Repealing the West Virginia Permitting and Licensing Information Act	1612	1784		2088		1612, 1785, 1993, 2088-2089, 3275, 3302
4346 -	By Delegates Hamilton, A. Evans, Romine, Wagner and Guthrie: Relating to bear hunting and offenses and penalties	1423	1695	1746, 1799	1799	2510-2511	1423, 1695, 1745-1746, 1798-1800, 3281, 3302
4347 -	By Delegates Ellington, Summers, Faircloth, Rohrbach, Sobonya, Stansbury, Storch, Upson, B. White and Frich: Providing pregnant women priority to substance abuse treatment	794	2457		2988		794, 2457, 2657, 2988, 3292, 3303
4351 -	By Delegates Westfall, Atkinson, Butler, Ihle, Cadle, B. White, Hamrick and McCuskey: Transferring the Cedar Lakes Camp and Conference Center from the West Virginia Board of Education to the Department of Agriculture	1285	1696, 1960		2326		1285, 1696, 2120, 2326-2327, 3284, 3303
*4352 -	By Delegates E. Nelson, Ellington, Summers, Waxman and Lane: Relating to the selling of certain state owned health care facilities by the Secretary of the Department of Health and Human Resources	1423	2068				1424, 2068, 2418, 2542-2543



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4358 -	By Delegates Statler, Kurcaba, Rohrbach, Sobonya, Summers, Ellington, Blair, Flanigan, Butler, Frich and Fleischauer: Relating to out of state physicians and surgeons traveling with sports teams within this state	1285					1286
*4360 -	By Delegates Shaffer, Sponaugle, Shott, Reynolds, Miley, Mr. Speaker (Mr. Armstead), Hanshaw and Weld: Increasing the criminal penalty for the unlawful practice of law	1146	1956	2121-2122, 2328	2327	2891	1146, 1956, 2121-2122, 2327-2328, 3289, 3303
4362 -	By Delegates Kurcaba, Fleischauer, Statler, Householder, Espinosa, Overington, Weld, Summers, Blair, Byrd and Upson: Establishing a felony offense of strangulation	643	1623	1702, 1741	1740	1780	643, 1624, 1702, 1740-1741, 2062, 2243
4364 -	By Delegates Skinner, McGeehan, Hamrick, Fluharty, Householder, Blair, Sponaugle, Manchin, Miley, Byrd and Marcum: Internet Privacy Protection Act	1612	2251	2658-2660, 2989	2988	3269	1613, 2251, 2657-2660, 2988-2989, 3298, 3304
*4365 -	By Delegates Ellington, Arvon, Bates, Cooper, Householder, Rohrbach, Stansbury, Summers and Waxman: Relating to the certificate of need process	1247	1960	2330, 3030-3031	2330, 3031	3030	1248, 1961, 2122-2155, 2328-2331, 3030-3031, 3292, 3303
*4366 -	By Delegates Canterbury, E. Nelson, Frich, Westfall, Guthrie and Longstreth: Finding and declaring certain claims against the state and its agencies to be moral obligations of the state	1109	1224		1379		1109, 1280, 1334, 1351, 1379-1380, 1617, 1690-1691
*4377 -	By Delegates Storch, Anderson, Trecost, Manchin, Fluharty, Zatezalo, Weld, D. Evans, Frich and Longstreth: Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days	1424	1731		1972		1424, 1731, 1828, 1972-1973, 2716, 3302

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4378 -	By Delegates Shott, Lane, McCuskey, Sobonya, Hanshaw, Miller, Arvon, Border and Kessinger: Relating to access to and receipt of certain information regarding a protected person by certain relatives of the protected person	794	1783	1993-1996, 2089	2089	3269	795, 1783, 1993-1996, 2089-2090, 3298, 3324
*4380 -	By Delegates Ellington, Summers, Rohrbach and Stansbury: Adding the spouse of an indigent person as a possible individual who may be liable for the funeral service expenses	1359	2458	2660-2663, 2990	2990		1359, 2458, 2660-2663, 2989-2991
*4383 -	By Delegates Phillips, Reynolds, Marcum, Hamrick, Walters, Sobonya, P. White, Butler, McCuskey, Weld and Hanshaw: Making individuals responsible for the costs relating to the filing of excessive false complaints	1146	1785	1996-1998, 2091	2090		1146, 1786, 1996-1998, 2090-2091
*4388 -	By Delegates Rohrbach, Ellington, Householder, Bates, Byrd, Sobonya, Summers, Upson and B. White: Relating to stroke centers	1147	2458	2663-2665	2991	3269-3270	1147, 2459, 2663-2665, 2991, 3298, 3304
4411 -	By Delegates R. Smith, J. Nelson, D. Evans, Rohrbach, Anderson, Hamrick, Ihle, Wagner and Stansbury: Relating to penalty for illegally taking native brook trout	1359	1696, 2025	2155, 2331	2331	2891	1360, 1697, 2155, 2331-2332, 3289, 3303
4417 -	By Delegates Shott, Hanshaw, Rowe, Marcum, Shaffer, Manchin, Summers, Kessinger, Ireland and Skinner: Increasing wages protected from garnishment	795	1784		2092		795, 1785, 1998, 2091-2092, 3275, 3302
4428 -	By Delegates Householder, Faircloth, Rodighiero, Campbell, Perry and B. White: Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified	1545	2459		2992		1545, 2459, 2665, 2991-2992, 3292, 3304

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4433 -	By Delegates Weld, Zatezalo, Storch and McGeehan: Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees	1286	1734		1973		1286, 1734, 1828, 1973-1974, 2716, 3306
*4435 -	By Delegates R. Smith, Ireland, McCuskey and Marcum: Authorizing the Public Service Commission to approve expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects	1613	2025		2543		1613, 2162-2163, 2418, 2543, 3292, 3303
*4445 -	By Delegates Hanshaw, Espinosa, Perry, Moye, Ambler, Cooper, D. Evans, Westfall and Ellington: Relating to the adoption of instructional educational resources	1109					1110
*4448 -	By Delegates Walters, McCuskey, Frich and Westfall: Clarifying that communication by a lender or debt collector which is allowed under the West Virginia Consumer Credit and Protection Act, likewise does not violate the provisions of the West Virginia Computer Crime and Abuse Act	1425	1785	1998, 2891-2892	2092, 2892	2891	1425, 1786, 1998-1999, 2092-2093, 2891-2892, 3293, 3303
4461 -	By Delegates Arvon, Duke, Espinosa, Howell, Hill, Blackwell and Border: Relating to School Building Authority School Major Improvement Fund eligibility	1360	2024		2543		1360, 2024, 2162-2163, 2418, 2543-2544, 3293, 3303
*4463 -	By Delegates Rohrbach, Sobonya, Waxman, Stansbury, Ellington, Summers, Kurcaba, Arvon, Perdue and Miller: Permitting the practice of telemedicine	1425	2069		2544		1426, 2069, 2418, 2544, 3293, 3303
*4466 -	By Delegates Espinosa, Statler, Duke, Westfall, Rowan, Ambler, Romine, Rohrbach, Kelly, Cooper and Kurcaba: Relating to public school support	1545					1546

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4467 -	By Delegates Espinosa, Statler, Duke, Westfall, Rowan, Rohrbach and Ambler: Including financial aid planning and completion of the Free Application for Federal Student Aid in secondary school instruction in personal finance	820					821
4470 -	By Delegates Rohrbach, Summers, Ellington, Waxman, Stansbury, Campbell, Longstreth, Arvon, Perdue and Miller: Expanding newborn testing to include Adrenoleukodystrophy	1147					1147
*4480 -	By Delegates Walters, Perdue, J. Nelson, Rohrbach, Stansbury, Phillips, Bates, Ellington, Hanshaw, Frich and Campbell: The Ryan Brown Addiction Treatment Act	1546					1547
*4487 -	By Delegates Folk, Walters, Kurcaba and Marcum: Relating to state retirement systems	1286	1624, 1961		2332		1287, 1624, 2155-2159, 2332-2333, 3284, 3302
4489 -	By Delegates Fleischauer, Shott, Storch, Guthrie, Border, Moore, Hamilton, Sobonya, Miller, Manchin and Shaffer: Relating generally to human trafficking	1147	1732	1829-1849, 1974	1974		1148, 1733, 1828-1850, 1974-1976
4499 -	By Delegates O'Neal, Shott, Lane, Hanshaw, Overington, Sobonya, Azinger and Fast: Relating to certain persons who have been disqualified or excused from jury service	858					859
*4500 -	By Delegates Ireland, Anderson, R. Smith, Border, Miller, Ambler, Cooper, Zatezalo, Lynch and Eldridge: Oil and Gas Royalty Payment and Transparency Act of 2016	1547					1547
*4502 -	By Delegates Lane, Miller and Sobonya: Allowing reciprocity agreements with contiguous states to establish regulations, licensing requirements and taxes for small businesses	1426	1958		2333		1426, 1958, 2159, 2333, 3284, 3303

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4505 -	By Delegate Skinner: Allowing powerball winners to remain anonymous	1426	1697	1800	1800	1940	1427, 1697, 1746, 1800-1801, 2512, 3326
*4507 -	By Delegates Upson, J. Nelson, Cooper, Blair, Trecost, Householder, Espinosa and Frich: Providing an employer may grant preference in hiring to a veteran or disabled veteran	1547	1961	2334	2333	3270	1548, 1962, 2159, 2333-2334, 3293, 3303
*4517 -	By Delegates Manchin, Shott, Shaffer, Byrd, Skinner, Caputo, Longstreth, Lane, McCuskey and Hanshaw: Limiting the ability of an agent under a power of attorney to take self-benefiting actions	1548	1958		2334		1548, 1958, 2159, 2334-2335, 3293, 3303
*4519 -	By Delegates Hamilton, Campbell, Lynch, P. Smith, Pettel, Marcum, A. Evans, Statler, Wagner, Moffatt and Frich: Allowing certain municipalities to elect to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System	1287	1625, 1962	2160	2335	2892	1287, 1625, 2159-2160, 2335, 3289, 3304
*4520 -	By Delegates Hanshaw and Shott: Clarifying that certain hospitals have only one governing body whose meetings shall be open to the public	859	1735		1976		859, 1735, 1850, 1976-1977, 2717, 3303
*4521 -	By Delegates Cowles and Shott: Modifying the requirements that allow a child witness to testify by closed circuit television	1057					1058
*4537 -	By Delegates Stansbury, Bates, Rohrbach, Perdue, Sobonya and Ellington: Relating to the regulation of chronic pain clinics	1613	2065	2419-2423, 2545	2545	2965	1614, 2065, 2418-2423, 2544-2545, 3296, 3303
*4540 -	By Delegates A. Evans, Hamilton, Kelly, Zatezalo, Romine, Wagner and Boggs: Removing prohibition of disposal of certain electronics in landfills	1110	1698		1801		1110, 1698, 1746, 1801, 2512, 2715

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4542 -	By Delegates Canterbury and Ambler: Allowing persons with property within rural fire protection districts to opt out of fire protection coverage	1549	2252				1549, 2252, 2666-2670, 2992
*4554 -	By Delegates Ambler, Gearheart, Trecost, Hamrick, P. Smith, Ireland, Cooper and D. Evans: Allowing an increase of gross weight limitations on certain roads in Greenbrier County	1360	2026	2546, 2548	2548	2965	1360, 2162-2163, 2423, 2545-2548, 3296, 3304
4558 -	By Delegates Frich, Shott, Arvon, P. Smith, Rowan, Sobonya, Miller, Border, Upson, Kessinger and Summers: Relating to victim notification and designation of additional individuals to receive notice of an offender's release	1287	1691	1747-1749, 1802	1801	2965-2966	1287, 1692, 1746-1749, 1801-1802, 3296, 3303
*4561 -	By Delegates Kurcaba, Statler, Upson, Householder, McGeehan, Azinger, Overington, Ellington, Fast, Foster and Gearheart: Creating a special hiring process for West Virginia Division of Highways employees	1549	1735	1850, 1979	1978	2966	1549, 1736, 1850, 1977-1978, 3296, 3327
*4566 -	By Delegates Espinosa, Duke, Statler and D. Evans: Relating to school personnel	1549	2250	2671	2993	3270	1551, 2250, 2671, 2992-2993, 3298, 3305
4572 -	By Delegates Espinosa, Statler, Blackwell, D. Evans, Romine, Westfall, Stansbury and R. Smith: Excepting specialized contract instructors from the definition of teacher	1248					1248
*4575 -	By Delegates McCuskey, Foster, Hanshaw, Sobonya and Frich: Creating criminal offenses relating to money laundering	1551	2064	2423-2427, 2549	2549		1551, 2064, 2423-2427, 2549
*4577 -	By Delegates Overington, Folk, Kessinger, Shaffer, Azinger, Frich and Sobonya: Creating an additional penalty for use of a firearm in furtherance of a drug offense	1551					1552

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4578 -	By Delegates Weld, Byrd, Sobonya, B. White, Foster, Moore, Hicks, Perdue and Frich: Creating a criminal offense of conspiracy to violate the drug laws	1552	1956	2428-2429, 2550	2550		1552, 1956, 2160-2161, 2427-2429, 2550
*4586 -	By Delegate Cowles: Ensuring that the interest of protected persons, incarcerated persons and unknown owners are protected in condemnation actions filed by the Division of Highways	1614	2026		2551		1614, 2162-2163, 2429, 2551, 3293, 3298, 3304
*4587 -	By Delegates Moffatt and Miller: Relating to violations associated with absent voters' ballots	1360	1729	1851, 1979	1978	2511	1361, 1729, 1850-1851, 1978-1979, 3281, 3302
4594 -	By Delegates Howell, Sponaugle, Cadle, Hartman, Morgan, Blair, Hamilton and Butler: Relating to predoctoral psychology internship qualifications	1248	2069		2551		1249, 2070, 2429-2430, 2551-2552, 3293, 3303
*4604 -	By Delegates Householder, Mr. Speaker (Mr. Armstead), Kessinger, Upson, Shott, Folk and Lane: Relating to violations of the Ethics Act	1110	1625	1750, 1803	1802	3270	1111, 1702, 1750, 1802-1803, 3293, 3303
*4605 -	By Delegates Kessinger, Mr. Speaker (Mr. Armstead), Shott, Householder, Upson, Lane and Folk: Prohibiting contracting with a state agency unless business entity submits disclosure of interested parties	1111	2252	2671-2672, 2994	2994		1111, 2253, 2671-2672, 2994
*4606 -	By Delegates Upson, Mr. Speaker (Mr. Armstead), Lane, Kessinger, Shott, Householder and Folk: Relating to the recusal of certain public officials from voting for appropriation of moneys to nonprofit entities	1148	2023	2430-2446			1149, 2162-2163, 2430-2446, 2552, 2994-2995, 3120

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4607 -	By Delegates Shott, Lane, Folk, Kessinger and Householder: Adding violations of law upon which a public servant's retirement plan may be forfeited	1361					1361
*4612 -	By Delegates E. Nelson, Mr. Speaker (Mr. Armstead), Gearheart, Hamrick, Householder, Anderson, Shott, Storch, Espinosa, Howell and Boggs: Relating generally to tax increment financing and economic opportunity development districts	1287	1736	1999, 2093-2094	2093	2893	1288, 1736, 1852, 1999-2005, 2093-2094, 3289, 3303
4616 -	By Delegates Moffatt and Eldridge: Permitting county commissions the option of paying the salaries of county officials and their employees on a bi-weekly basis	1614-1615					1615
4617 -	By Delegates Espinosa and Duke: Authorizing legislative rules of the Higher Education Policy Commission regarding the Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program	1249	1734		1979		1249, 1734, 1852, 1979-1980, 2717, 3301
4618 -	By Delegates Sobonya, Ireland, Foster, Zatezalo, Fast, Rowe, Deem, Skinner, Folk, Manchin and Marcum: Relating to limitations on use of a public official's name or likeness	1111	2070	2552-2559, 2560, 3245-3251	2560, 3252	3244	1112, 2070, 2446, 2552-2561, 3245-3252, 3293, 3304
*4625 -	By Delegates Mr. Speaker (Mr. Armstead), Sobonya, Kurcaba, Hanshaw, Overington, Hamrick, Kessinger, Gearheart and Shott: Redirecting certain racing and gaming revenues from greyhound development funds to the State Road Fund	1552					1552



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4633 -	By Delegates Eldridge, Ambler, Skinner, P. White, Butler, J. Nelson, Phillips, Marcum, B. White, Storch and Summers: 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	1552	2253	2672-2674, 2995-2996	2995		1553, 2253, 2672-2674, 2995-2996, 3283
*4636 -	By Delegate Shott: Increasing the penalties for violating the Whistle-blower Law	1288	1958	2161, 2336	2335		1289, 1958, 2161, 2335-2336
4644 -	By Delegates Miller, Border, D. Evans, Statler, Moffatt, McCuskey, Sobonya and Rohrbach: Relating to jury fees	1553	1692		1803		1553, 1693, 1750, 1803-1804, 2512, 3302
4651 -	By Delegates Howell, Arvon, Ihle, Hamrick, P. White and Stansbury: Relating to professional examination requirements for hearing-aid dealers and fitters	1249	1782		2094		1249, 1782, 2005, 2094-2095, 3275, 3303
4652 -	By Delegates Howell, Cadle, Atkinson, R. Smith, Stansbury, Moffatt, P. White, Arvon, Foster, Hamrick and McGeehan: Relating to the creation of an intermediate contractor's license	1289					1289
4654 -	By Delegates Summers, Campbell, Ellington, Householder and Rohrbach: Relating to the Executive Secretary of the Board of Registered Professional Nurses	1553	1698	1804	1804	1940-1941	1554, 1698, 1750, 1804-1805, 2512, 2715
4655 -	By Delegates Walters and Perry: Prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers to provide discounts on noncovered services or materials	1554	1962, 2071	2447-2452, 2998	2997	3270	1555, 1963, 2446-2452, 2561, 2997-2999, 3283, 3298, 3305

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4658 -	By Delegates Howell, Arvon, Ihle, Moffatt, Hill, Cadle, Hamrick, Lynch, Blair, P. White and R. Smith: Relating to the Board of Funeral Service Examiners	1361					1361
*4659 -	By Delegate Ellington: Authorizing local health departments to bill health insurance plans for services	1555	2460	2999	2999	3270	1555, 2460, 2674, 2999-3000, 3283, 3293, 3303
*4660 -	By Delegate Espinosa: Relating to the information required to be included in support of an application to the Public Service Commission for a certificate of convenience and necessity for a water, sewer and/or stormwater service project	1555	2254				1555, 2254, 2674, 3000-3001
*4662 -	By Delegate Walters: Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers	1555	2071, 2254	2675-2710, 3001	3001	3270-3271	1556, 2072, 2675-2710, 3001-3002, 3298, 3303
*4668 -	By Delegates Byrd, J. Nelson, Marcum, Phillips, Rowe, McCuskey, Stansbury, B. White, E. Nelson, Guthrie and Pushkin: Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services	1615	2255		3002		1615, 2255, 2710, 3002-3003, 3293, 3328
*4673 -	By Delegates Anderson, Kelly, Border, A. Evans, Phillips, Wagner, Trecost, R. Smith, Shaffer, Ireland and Miller: Providing for a crime for the theft, damage or release of deer from private game farms	1556	1695	1750-1752, 1805-1806, 2893	1805, 2894	2893	1556, 1695, 1750-1752, 1805-1806, 2893-2894, 3293, 3303
4674 -	By Delegates Howell, R. Smith, Ihle, Hamrick and Pushkin: Relating to motor vehicle back-up lamps	1250	1692		1806		1250, 1693, 1752, 1806, 2512, 2715
4685 -	By Delegates Ihle, Moffatt, Hamrick, R. Smith and Atkinson: Relating to professional and occupational board members	1556					1557

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4696 -	By Delegates Howell, Faircloth, Stansbury, R. Smith, Cadle, Arvon, Hartman, Hill, Atkinson and Ihle: Creating the unlicensed practice review board	1557					1557
4705 -	By Delegates Anderson, Boggs, Frich, Westfall, P. Smith, Canterbury, Hamilton, Miller and E. Nelson: Relating to adding an additional type of West Virginia source income of nonresident individual	1250	1736		1980		1250, 1737, 1852, 1980-1981, 3296, 3303
4706 -	By Delegates Cooper, Duke, Ellington, D. Evans, Rohrbach, Espinosa, Statler, Blackwell, Hicks, Hornbuckle and Perdue: Relating to county board regional meetings	1427					1427
4724 -	By Delegates Folk, Overington, Zatezalo, Manchin, Moore, Sobonya, Kessinger, Foster, Summers, Azinger and McGeehan: Relating to adding a requirement for the likelihood of imminent lawless action to the prerequisites for the crime of intimidation and retaliation	1615	2245	2710-2714, 3004	3003	3271	1615, 2245, 2710-2714, 3003-3004, 3298, 3304
4725 -	By Delegates Lane, Hanshaw, McCuskey, Fleischauer, Azinger, Shaffer, Sobonya, Deem, Fluharty, Skinner and Manchin: Relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate and making certain clarifications	1362	1729	1981, 2895	1981, 2895	2894	1362, 1729, 1852, 1981-1982, 2894-2895, 3293, 3303
4726 -	By Delegates R. Smith, Ireland, Phillips, Caputo, Eldridge, Anderson, Boggs, D. Evans, Ambler, Lynch, Zatezalo, Upton, Cadle, P. White, McCuskey and Storch: Relating to coal mining generally	1557	1737	1852-1928, 1982-1984	1982	2896	1558, 1737, 1852-1928, 1982-1984, 3289, 3305

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4727 -	By Delegates Ellington, Summers, Lane, Householder, Sobonya, Hill, Faircloth, Perdue, Pushkin and Longstreth: Relating to state plan amendments	1362					1362
4728 -	By Delegates Ellington, Summers and Householder: Relating to schedule three controlled substances	1615	2072		2561		1616, 2072, 2452, 2561-2562, 3294, 3304
4730 -	By Delegates Espinosa, Hamrick, Kurcaba, Hicks, Ellington, Blackwell, Statler and Rohrbach: Relating to computer science courses of instruction	1362	2250	2714	3004	3271	1362, 2250, 2714, 3004, 3299, 3303
4731 -	By Delegates Rohrbach, Cooper, Rowan, Hornbuckle, Perdue, Ambler, Hicks, Romine, D. Evans, Ellington and Blackwell: Relating to requiring comprehensive drug awareness and prevention program in all public schools	1363					1363
4732 -	By Delegates Howell, Arvon, Border, Moffatt, Ihle, Hill, Hamrick, Kurcaba, Statler and Frich: Relating to performance metrics for the West Virginia Division of Highways	1363	2027				1363, 2027
4733 -	By Delegates Howell, Border, Moffatt, Hartman, Lynch, Caputo, Sponaugle, Eldridge, Ihle, Blair and Kurcaba: Relating to requiring the Commissioner of Highways to develop a statewide communications plan known as the Comprehensive Public Involvement Plan	1363	2072				1364, 2073
4734 -	By Delegates McCuskey, Shott, Deem, Sobonya, Folk, Fast, Manchin, Moore, Fluharty, Fleischauer and Caputo: Relating to mine subsidence insurance	1559	1963	2162, 2337	2336	2896	1559, 1963, 2161-2162, 2336-2337, 3290, 3303

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4735 -	By Delegates McCuskey, Ireland, Shaffer, Kessinger, Sobonya, Summers and Azinger: Relating to the definition of health care provider, and clarifying that speech-language pathologists and audiologists are two separate providers	1559	1697		1806-1807		1559, 1697, 1752, 1806-1807, 2512, 2715
4738 -	By Delegates Hanshaw, McCuskey, Foster, Weld, Fast, Overington, Folk, Shaffer, Moore, Byrd and Manchin: Relating to the offense of driving in an impaired state	1616	1958	2562-2563	2562	3271	1616, 1958, 2162, 2337-2338, 2562-2563, 3296, 3303
4739 -	By Delegates Shott, Ireland, Kessinger, Sobonya, Foster, Zatezalo, Lane, Rowe, Westfall, Frich and B. White: Unclaimed Life Insurance Benefits Act	1559	1785	2006-2010, 2096, 2896-2898	2095, 2898	2896	1560, 1786, 2006-2010, 2095-2097, 2896-2898, 3294, 3305
4740 -	By Delegates Weld, Hanshaw, McCuskey, Fleischauer, Kessinger, Sobonya, Summers, Zatezalo and J. Nelson: Permitting that current members of the National Guard or Reserves may be excused from jury duty	1616	1786	2010-2011, 2097	2097	2171	1616, 1786, 2010-2011, 2097, 3294, 3303
4741 -	By Delegates Anderson, Boggs, Butler, Frich, Hamilton, Householder, Miller, E. Nelson, Storch, Waxman and Westfall: Expiring funds to the Division of Human Resources, Medical Services Trust Fund	2901					2902
4742 -	By Delegates Anderson, Butler, Canterbury, Espinosa, Frich, Householder, Miller, Perry, Storch, Walters and Waxman: Expiring funds to the Division of Human Resources, Medical Services Trust Fund from various accounts	2902					2905

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): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor	99			100		100
*2 -	By Delegates Rowan and Cowles: U.S. Army PV2 William Frederick Kump Memorial Bridge	722	1164		1164		723, 1165
*3 -	By Delegates Rowan and Cowles: North River Mills Historic Trace	1941	2460	2516-2517	2517	2966	1941, 2516-2517
4 -	By Delegate Rowan: CSA LTG Thomas J. "Stonewall" Jackson Bridge	1941	2461		2462		1941, 2462
*5 -	By Delegates Ambler, Canterbury and Cowles: U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge	1149	2027	2082	2082	2966	1149, 2082
*7 -	By Delegates Miller, Morgan, Moffatt, Hornbuckle, Reynolds, Sobonya and Rohrbach: U.S. Army PFC Cecil Ray Ball Memorial Bridge	1149	2028		2028		1149, 2028-2029
8 -	By Delegates Westfall, McCuskey, B. White, Atkinson, Stansbury, Blair, Foster, Ihle, Butler and Storch: Harry Ripley Memorial Bridge	1941	2461		2462		1942, 2462
*10 -	By Delegates P. White, Phillips, Marcum and Eldridge: U.S. Marine Corps GySgt Lionel Collins Memorial Road	1149	2028		2028		1149, 2028-2029
11 -	By Delegates Campbell, Moye, Rowan, Espinosa, Wagner, Hornbuckle, P. White, Marcum, Phillips, Stansbury and Hamilton: World Autism Awareness Day	1942	3130		3131		1942, 3130-3131

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*12 -	By Delegates Campbell, Hartman, Sponaugle, Espinosa, Wagner, P. White, Stansbury, Perry and Hamilton: Cheat Mountain Salamander as the State symbol of conservation	1942					1942
*13 -	By Delegates Cooper and Ambler: U.S. Army SPC 4 Everette R. Johnson Memorial Bridge	1942	2461		2462		1942, 2562
*14 -	By Delegates Howell, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Arvon, Atkinson, Azinger, Border, Butler, Cadle, Cooper, Cowles, Duke, Ellington, Espinosa, D. Evans, Frich, Hamrick, Hanshaw, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, McGeehan, Miller, Moffatt, O'Neal, Overington, Rowan, Shott, R. Smith, Sobonya, Stansbury, Statler, Storch, Walters, Waxman and Zatezalo: Second Friday in July as West Virginia Collector Car Appreciation Day	723	1164		1164		723, 1165
*15 -	By Delegate Mr. Speaker (Mr. Armstead): U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge	1150	2028		2028		1150, 2028-2029
*17 -	By Delegates Phillips, Marcum, Rodighiero and P. White: SGT Larry Joseph Whitt Bridge	1150	2029	2082- 2083	2083	2966	1150, 2082-2083
*18 -	By Delegates Phillips, Marcum, Rodighiero and P. White: U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway	1150	2028		2028		1151, 2028-2029
*19 -	By Delegates Waxman, Trecost, Miley and Hamrick: H. Laban White Memorial Bridge	723	1164		1164		723, 1165

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
20 -	By Delegates Cooper, D. Evans, J. Nelson, Fleischauer, Longstreth, Rowan and Weld: Funding for the West Virginia National Guard	1942-1943	3130		3131		1943, 3130-3131
*22 -	By Delegates B. White, Miller, Lane, Cowles, A. Evans, Kessinger, Shott, McCuskey, Sobonya, Stansbury, Byrd, Mr. Speaker (Mr. Armstead), Atkinson, Azinger, Blackwell, Blair, Deem, Ellington, Faircloth, Fleischauer, Folk, Hamrick, Householder, Ireland, Kelly, Kurcaba, McGeehan, E. Nelson, Overington, Pushkin, Rohrbach, Rowan, Rowe, Shaffer, P. Smith, R. Smith, Statler, Storch, Upson, Waxman, Weld, Westfall and Zatezalo: U. S. Army SGT Gary Lee DeBoard Memorial Intersection	3079			3079		3079
*26 -	By Delegates Romine, Rowan, Pethel and Hamilton: Corporal Gary Wayne Weekley Memorial Bridge	3078			3078		3078
29 -	By Delegates Manchin, Caputo and Longstreth: Harry C. "Buck" Markley Jr. Memorial Bridge	2235	3132		3132		2235, 3132
*30 -	By Delegates Hamilton, Lynch and P. Smith: U.S. Army PFC Everett Henry Woody Memorial Bridge	3078			3078		3078-3079
*34 -	By Delegate Miller: U.S. Marine Corps PFC Billy Joe Vickers Memorial Bridge	1943					1943



Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
36 -	By Delegates Overington, Ambler, Anderson, Arvon, Atkinson, Azinger, Blair, Border, Butler, Cadle, Canterbury, Cooper, Deem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Flanigan, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hill, Householder, Howell, Ihle, Kelly, Kessinger, Kurcaba, Lane, McCuskey, Miller, Moffatt, Moye, E. Nelson, O'Neal, Perry, Phillips, Rohrbach, Romine, Rowan, Shott, R. Smith, Sobonya, Stansbury, Statler, Storch, Summers, Upton, Wagner, Walters, Waxman, Weld, Westfall, Ireland, Zatezalo and Shaffer: Applying for an Article V Amendments Convention to Propose a Constitutional Amendment	3024			3024		3024
41 -	By Delegates Miley, Hamrick, Trecost and Waxman: U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge	151	2028		2028		151, 2028-2029
42 -	By Delegates Sponaugle, A. Evans, Campbell and Hartman: WVSP Tpr. Phillip S. Kesner Memorial Bridge	3240			3241		3241
47 -	By Delegates Rohrbach, Perdue, Reynolds and Hicks: U.S. Army SFC Jesse Muncy Memorial Bridge	1943					1943
*51 -	By Delegate Pethtel: U.S. Army PFC Danny Mire Stoneking Memorial Bridge	1943- 1944	2461		2462		1944, 2462
*54 -	By Delegates R. Smith, Shaffer, J. Nelson and Wagner: Byron 'Bray' Kelley Memorial Bridge	1944	2461		2462		1944, 2462

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*56 -	By Delegates Statler, Stansbury, B. White, Kessinger, Rohrbach, Sobonya, Waxman, Hamrick, Summers, Ihle and Atkinson: U.S. Army CPL Robert Eugene Jackson Memorial Bridge	1944	2460	2517	2517	2966	1944, 2517-2518
*57 -	By Delegates A. Evans, Kelly, Storch, Hamrick, Sobonya, Summers, Ellington, Overington, O'Neal, McGeehan and Azinger: U.S. Army PVT Leander Reel Memorial Bridge	1944- 1945	2460	2518	2518	2966- 2967	1945, 2518
60 -	By Delegates Sobonya, Rohrbach, Waxman, Hamrick, B. White, Miller, Border, D. Evans, Ambler and Cooper: Requesting Joint Committee on Government and Finance study the state-level background check process for new employees and volunteers of caregiving businesses and facilities	1151	2255				1151, 2256
68 -	By Delegates Howell, Ambler, Anderson, Arvon, Atkinson, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fluharty, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Moye, Mr. Speaker (Mr. Armstead), E. Nelson, J. Nelson, O'Neal, Overington, Perdue, Perry, Pethel, Phillips, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shaffer, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecoast, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, P. White and Zatezalo: Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles Phase 2	1151	2256, 3131		3131		1151, 2256, 3131

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*72 -	By Delegate Duke: Max G. Parkinson Memorial Bridge	1945	2461	2518- 2519	2519	2967	1945, 2518-2519
*74 -	By Delegates Caputo, Guthrie and Rowe: Arnold Miller Memorial Bridge	2235	3132	3133	3133		2235, 3132-3134
78 -	By Delegates Howell, Arvon, Atkinson, Blair, Cadle, Caputo, Faircloth, Ferro, Flanigan, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, J. Nelson, Pushkin, R. Smith, Sponaugle and Stansbury: Requesting the Joint Committee on Government and Finance study professional and occupational licensing boards	1945	2256				1945, 2256
79 -	By Delegates Howell, Arvon, Atkinson, Blair, Cadle, Caputo, Faircloth, Ferro, Flanigan, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, J. Nelson, Pushkin, R. Smith, Sponaugle and Stansbury: Requesting the Joint Committee on Government and Finance study state agency websites	2235- 2236					2236
86 -	By Delegates Waxman, Rohrbach, Hamrick, Border, Butler, Cadle, Ellington, Espinosa, A. Evans, Fast, Frich, Hamilton, Hill, Kessinger, Lane, Miller, Statler and B. White: Designating April 16, 2016 as World Voice Day	1945	3131		3131		1946, 3131
88 -	By Delegates Lane, Hanshaw and Shaffer: Extending the Conference Committee relating to H. B. 2800, Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests	1126			1126		1126
*90 -	By Delegates Moore, P. White, Gearheart, Ellington and Blackwell: U.S. Army CPL Fon Mitchell Memorial Bridge	2236	3132		3132		2236, 3132

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*92 -	By Delegate A. Evans: Captain John Bond and the West Virginia State Troops Memorial Bridge	3079			3079		3079
93 -	By Delegates Howell, Arvon, Atkinson, Blair, Border, Cadle, Caputo, Faircloth, Hamrick, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, J. Nelson, Pushkin, R. Smith, Sponaugle, Stansbury and P. White: Requesting the Joint Committee on Government and Finance study the motor vehicle code	1946	2256, 3131		3131		1946, 2256, 3131
94 -	By Delegates Howell, Arvon, Atkinson, Blair, Border, Cadle, Caputo, Faircloth, Hamrick, Hartman, Hill, Ihle, Lynch, McGeehan, Moffatt, J. Nelson, Pushkin, R. Smith, Sponaugle, Stansbury and P. White: Requesting the Joint Committee on Government and Finance study the holdings of public property by departments, agencies, commissions, bureaus and boards of the state	1946	2256				1946, 2257
96 -	By Delegates Ireland, R. Smith, McCuskey, Zatezalo and D. Evans: Requesting the Federal Energy Regulatory Commission (FERC) expedite the approval of six interstate natural gas pipeline projects in West Virginia.	2236					2236
101 -	By Delegates Ambler, Duke, D. Evans, Hamrick, Kelly, Rohrbach, Romine, Rowan, Wagner, Blackwell, Campbell, Hicks, Hornbuckle, Moye, Perdue, Perry, Rodighiero, Trecost, Espinosa and Moffatt: Requesting the Joint Committee on Government and Finance to conduct an interim study on the areas remaining from the January 3, 2012, Efficiency Audit of West Virginia's Primary and Secondary Education System	2236					2237

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
102 -	By Delegates Kurcaba, Ellington, Hicks, Romine, Trecost, Kelly, Hamrick, Espinosa, Rodighiero and Campbell: Requesting the Joint Committee on Government and Finance to conduct an interim study on the enrollment of students solely for participation in extracurricular activities	2237					2237
103 -	By Delegates Cooper, Ellington, D. Evans, Hamrick, Kelly, Kurcaba, Rowan, Campbell, Hicks, Moye, Rodighiero, Trecost and Espinosa: Requesting the Joint Committee on Government and Finance to conduct an interim study on the educational impact and budgetary and funding formula consequences of Education Savings Accounts	2237	3131		3131		2237, 3131
104 -	By Delegates Ambler, Duke, D. Evans, Hamrick, Kelly, Rohrbach, Romine, Rowan, Wagner, Ellington, Campbell, Hicks, Hornbuckle, Moye, Perdue, Perry, Rodighiero, Cooper and Espinosa: Requesting that the Joint Committee on Government and Finance study the composition, qualifications, terms and duties of the State Board of Education	2237					2237
105 -	By Delegates Ambler, Duke, Ellington, D. Evans, Hamrick, Kurcaba, Rohrbach, Romine, Rowan, Wagner, Campbell, Hicks, Moye, Perry, Rodighiero, Trecost and Espinosa: Requesting the Joint Committee on Government and Finance study the composition and terms of the School Building Authority	2237- 2238					2238
115 -	By Delegates Skinner, Folk, Foster, McCuskey, Fleischauer, Manchin, Rowe and Shott: Requesting the Joint Committee on Government and Finance to study all versions of call for a constitutional convention	2905					2905



# JOURNAL of THE SENATE State of West Virginia

**EIGHTY-SECOND LEGISLATURE**

First Extraordinary Session, 2016

May 16, 2016-June 14, 2016



NOTE: The proceedings of the First Extraordinary Session of the West Virginia Legislature in the year 2016 (convened by the Governor on May 16, 2016, and adjourned *sine die* on June 14, 2016) are shown hereinafter.





WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE  
FIRST EXTRAORDINARY SESSION, 2016

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MONDAY, MAY 16, 2016

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Earl Ray Tomblin, dated the twelfth day of May, two thousand sixteen, convening the eighty-second Legislature of West Virginia in extraordinary session today (Monday, May 16, 2016), 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 12 o'clock Noon, and was called to order by its President, the Honorable William P. Cole III.

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

On the call of the roll, the following answered to their names:

Senators Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President).

Thirty-four members having answered to their names, the President declared the presence of a quorum.

### **Executive Communications**

Senator Cole (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, EARL RAY TOMBLIN**, 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 noon on the sixteenth day of May, Two Thousand Sixteen, 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 enacting a state budget for fiscal year 2017;

**SECOND:** A bill increasing the tax on cigarettes and tobacco products, and imposing a tax on e-cigarettes;

**THIRD:** A bill increasing the Consumers Sales and Service tax rate and the Use tax rate by not more than one percentage point;

**FOURTH:** A bill eliminating the exemption from Consumers Sales and Service tax and Use tax on sales of telecommunications service and ancillary services;

**FIFTH:** A bill expiring to the unappropriated balance in the State Fund, General Revenue, for fiscal year 2016, the following: \$12,150,000.00 from the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC) Fund, fund 0175, fiscal year 2009, organization 2300, appropriation 64200; \$8,500,000.00 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; \$2,500,000.00 from the West Virginia Health Care Authority, Health Care Cost Review Fund, fund 5375, fiscal year 2016, organization 0507; \$29,000,000.00 from the Office of the Secretary of Revenue, Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; \$5,000,000.00 from the Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; \$4,631,089.49 from the Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2016, organization 0705; and \$2,000,000.00 from the Public Service Commission, fund 8623, fiscal year 2016, organization 0926;

**SIXTH:** A bill authorizing the Governor to furlough state employees in the event of certain fiscal emergencies; and

**SEVENTH:** 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 twelfth day of May, in the year of our Lord, Two Thousand Sixteen, and in the One Hundred Fifty-Third year of the State.

**EARL RAY TOMBLIN**  
**GOVERNOR**

**By the Governor**

**NATALIE E. TENNANT**  
**SECRETARY OF STATE**

At the request of Senator Carmichael, unanimous consent being granted, Senator Carmichael 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 Carmichael, 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 Ashley, Walters and Kirkendoll.

Subsequently, Senator Ashley, 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 Ireland, R. Smith and Trecost, 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 Carmichael, unanimous consent being granted, Senator Carmichael 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 Carmichael, 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 Sypolt, Karnes and Kessler.

A message from the House of Delegates, by

Delegates Kessinger, Atkinson and P. Smith, 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 Sypolt reported that the joint Senate and House committee had performed the duty assigned to it.

The Senate proceeded to the third order of business.

### **Executive Communications**

Senator Cole (Mr. President) presented the following communication from His Excellency, the Governor, submitting the budget bill, which was received and read by the Clerk:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

May 16, 2016

EXECUTIVE MESSAGE NO. 1  
FIRST EXTRAORDINARY SESSION

The Honorable William P. Cole III  
West Virginia Senate  
State Capitol  
Charleston, WV 25305

Dear President Cole:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget bill for the fiscal year beginning July 1, 2016.

Sincerely,

Earl Ray Tomblin  
Governor

Subsequently, Senator Cole (Mr. President) laid before the Senate the aforementioned annual budget bill,

**By Senators Cole (Mr. President) and Kessler (By Request of the Executive):**

**Senate Bill 1001**—A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution.

Which was read by its title and referred to the Committee on Finance.

The Senate then 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 Cole (Mr. President) and Kessler (By Request of the Executive):**

**Senate Bill 1002**—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2016, in the amount of \$12,150,000 from the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200; in the amount of \$8,500,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the amount of \$2,500,000 from the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507; in the amount of \$29,000,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; in the amount of \$5,000,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the amount of \$4,631,089.49 from the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the amount of \$2,000,000 from the Public Service Commission, fund 8623, fiscal year 2016, organization 0926.

Referred to the Committee on Finance.

**By Senator Kessler (By Request of the Executive):**

**Senate Bill 1003**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-3d, relating to imposing the consumers sales and service tax and use tax on sales of telecommunications service and ancillary services.

Referred to the Committee on Finance.

**By Senator Kessler (By Request of the Executive):**

**Senate Bill 1004**—A Bill to amend and reenact §11-15-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15A-2 of said code, all relating to increasing the rate of the consumers sales and service tax; increasing the rate of the use tax; providing effective dates for those rate changes; and changing the words “six percent” to the current consumers sales and service tax rate or use tax rate where those terms are used under certain sections of chapter eleven of the code.

Referred to the Committee on Finance.

**By Senators Cole (Mr. President) and Kessler (By Request of the Executive):**

**Senate Bill 1005**—A Bill to amend and reenact §11-17-3 and §11-17-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-17-4b, all relating to increasing the tax rate on cigarettes and tobacco products; requiring a physical inventory of tax stamps, tobacco products and e-cigarette liquids upon the effective date of tax imposition and upon any tax rate increase; applying tax rate changes to inventories; requiring a report of such inventory be filed sixty days after the effective date of the tax imposition or tax rate change; levying the excise tax on e-cigarette liquid; defining terms; providing for administration of the tax on e-cigarette liquid; specifying penalty for failure to file required reports; specifying criminal sanctions; and specifying effective date.

At the request of Senator Carmichael, 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.

At the request of Senator Maynard, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

Pending announcement of a meeting of a standing committee of the Senate, including a minority party caucus,

On motion of Senator Carmichael, the Senate recessed until 4 p.m. today.

Upon expiration of the recess, the Senate reconvened and again proceeded to the sixth order of business.

### **Petitions**

Senator Trump presented a petition from Scott Fortney and numerous West Virginia residents, requesting the Legislature to reinstate funding for PEIA or provide other insurance carrier options.

Referred to the Committee on Finance.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Blair and Snyder.

The Senate proceeded to the thirteenth order of business.

Senator Carmichael called attention to today being the birthday of the senator from Mercer and on behalf of the Senate extended felicitations and good wishes to Senator Cole (Mr. President), with Senator Boso leading the members in singing "Happy Birthday".

Pending announcement of a meeting of a standing committee of the Senate, including a minority party caucus,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Tuesday, May 17, 2016, at 10 a.m.

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## TUESDAY, MAY 17, 2016

The Senate met at 10 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mitch Carmichael, a senator from the fourth district.

Pending the reading of the Journal of Monday, May 16, 2016,

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

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

Environmental Protection, Department of Feasibility Report  
for a State Plan under EPA's Clean Air Act Section 111(d)  
(§22-5-20)

Health and Human Resources, Department of Breast and  
Cervical Cancer Fund (§16-33-6)  
Commission for the Deaf and Hard of Hearing (§5-14-9)  
James "Tiger" Morton Catastrophic Illness Commission  
(§16-5Q-2)  
Sudden Unexplained Infant Death (§16-1-6)  
Women's Commission (§29-20-6)

The Senate proceeded to the ninth order of business.

**Senate Bill 1005**, Increasing tax rate on cigarettes and tobacco products.

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

On motion of Senator Carmichael, the bill was referred to the Committee on Finance.

Pending announcement of a meeting of a standing committee of the Senate, including a minority party caucus,

On motion of Senator Carmichael, the Senate recessed until 3:30 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Carmichael, and by unanimous consent, returned to the fourth order of business.

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

Your Committee on Finance has had under consideration

**Senate Bill 1002**, Expiring funds from various accounts to unappropriated balance in State Fund, General Revenue.

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

Respectfully submitted,

Mike Hall,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (S. B. 1002) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration

**Senate Bill 1005**, Increasing tax rate on cigarettes and tobacco products.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 1005** (originating in the Committee on Finance)—A Bill to amend and reenact §11-17-3 and §11-17-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-17-4b, all relating to increasing the tax rate on cigarettes and other tobacco products; specifying where a portion of the tax revenue shall be dedicated; requiring a physical inventory of tax stamps, tobacco products and e-cigarette liquids upon the effective date of tax imposition and upon any tax rate increase; applying tax rate changes to inventories; requiring a report of such inventory be filed sixty days after the effective date of the tax imposition or tax rate change; levying the excise tax on e-cigarette liquid; defining terms; providing for administration of the tax on e-cigarette liquid; specifying penalty for failure to file required reports; specifying criminal sanctions; and specifying effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Com. Sub. for S. B. 1005) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Pending announcement of majority and minority party caucuses,

Senator Carmichael moved that the Senate adjourn until tomorrow, Wednesday, May 18, 2016, at 11:30 a.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Wednesday, May 18, 2016, at 11:30 a.m.

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WEDNESDAY, MAY 18, 2016

The Senate met at 11:30 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Dave Sypolt, a senator from the fourteenth district.

Pending the reading of the Journal of Tuesday, May 17, 2016,

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

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bill was introduced, read by its title and referred to the appropriate committees:

**By Senators Cole (Mr. President) and Kessler (By Request of the Executive):**

**Senate Bill 1006**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-30, relating to authorizing the Governor to issue executive orders to furlough state employees and pay certain obligations in the event of a fiscal emergency.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

The Senate proceeded to the ninth order of business.

**Senate Bill 1002**, Expiring funds from various accounts to unappropriated balance in State Fund, General Revenue.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

On motion of Senator Carmichael, 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Yost and Cole (Mr. President)—32.

The nays were: Miller and Woelfel—2.

Absent: None.

Engrossed Senate Bill 1002 was then read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Senate Bill 1002 pass?”

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 1002) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1002) takes effect from passage.

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

**Com. Sub. for Senate Bill 1005**, Increasing tax rate on cigarettes and tobacco products.

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:

On page two, section three, line twenty-five, after the word “beginning” by inserting the words “on or after”.

On motions of Senators Prezioso, Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Romano, Snyder, Stollings, Unger, Williams, Woelfel and Yost, the following amendments to the bill (Com. Sub. for S. B. 1005) were next reported by the Clerk and considered simultaneously:

On page two, section three, line nine, by striking out “\$1” and inserting in lieu thereof “\$1.55”;

And,



On pages two and three, section three, lines twenty-four through thirty-six, by striking out all of subsection (d) and inserting in lieu thereof a new subsection, designated subsection (d), to read as follows:

(d) (1) For the fiscal year beginning July 1, 2016, 55 cents of the \$1.55 tax imposed and collected on each twenty cigarettes under subsection (b) of this section shall be dedicated as follows:

(A) The first \$1 million shall be deposited in the Tobacco Education Program in the State Treasury. Expenditures from the fund are to be made in accordance with the provisions of article three, chapter twelve of this code and used for the purpose of providing tobacco cessation programs;

(B) The next \$43 million shall be deposited in the State Treasury to the credit of the Public Employees Insurance Agency; and

(C) The remaining balance of the revenues collected and dedicated under this subdivision shall be deposited in the state's General Revenue Fund.

(2) For each fiscal year beginning on or after July 1, 2017, \$1 of the \$1.55 tax imposed and collected on each twenty cigarettes under subsection (b) of this section shall be dedicated as follows:

(A) The first \$1 million shall be deposited in the Tobacco Education Program in the State Treasury. Expenditures from the fund are to be made in accordance with the provisions of article three, chapter twelve of this code and used for the purpose of providing tobacco cessation programs; and

(B) The remaining balance of the revenues collected and dedicated under this subdivision shall be deposited in the State Treasury to the credit of the Public Employees Insurance Agency.

At the request of Senator Prezioso, and by unanimous consent, the amendments offered by Senators Prezioso, Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Romano,

Snyder, Stollings, Unger, Williams, Woelfel and Yost to the bill were withdrawn.

On motion of Senator Ferns, the following amendments to the bill (Com. Sub. for S. B. 1005) were next reported by the Clerk and considered simultaneously:

On page one, section three, line one, by striking out the words “and tobacco products other than cigarettes”;

On page one, section three, line five, by striking out the words “and tobacco products other than cigarettes”;

On page two, section three, lines sixteen through twenty, after the word “dealer” by striking out the proviso;

On page three, section four, line eight, by striking out the words “other than cigarettes”;

On pages three through eight, by striking out all of section four-b;

And,

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

That §11-17-3 and §11-17-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

Following discussion,

The question being on the adoption of Senator Ferns' amendments to the bill, and on this question, Senator Unger demanded the yeas and nays.

Following discussion,

Senator Ferns requested unanimous consent that his foregoing amendments to the bill be withdrawn.

Senator Woelfel objecting.

The Chair stated that, under Rule XVI, Clause 2, of the Rules of the House of Representatives, the Senator is allowed to withdraw his amendments.

Whereupon, Senator Ferns' foregoing amendments to the bill were withdrawn.

Thereafter, at the request of Senator Romano, and by unanimous consent, the remarks by Senators Ferns, Stollings, Kessler, Hall and Plymale regarding the adoption of Senator Ferns' amendments to Committee Substitute for Senate Bill 1005 were ordered printed in the Appendix to the Journal.

On motion of Senator Miller, the following amendments to the bill (Com. Sub. for S. B. 1005) were next reported by the Clerk and considered simultaneously:

On page two, section three, line nine, by striking out "\$1" and inserting in lieu thereof "\$1.55";

And,

On page three, section three, after line forty, by inserting a new subsection, designated subsection (f), to read as follows:

(f) (1) For each taxable year beginning after December 31, 2016, a West Virginia resident who is eligible for the federal earned income tax credit under Section 32 of the Internal Revenue Code is eligible for a credit under article twenty-one of this chapter equal to fifteen percent of the amount of the federal earned income tax credit that the individual:

(A) Is eligible to receive in the taxable year; and

(B) Claimed for the taxable year under Section 32 of the Internal Revenue Code.

(2) If other credits allowed are used by the taxpayer for the taxable year, the West Virginia Earned Income Tax Credit shall be applied last.

(3) If the amount of the credit allowed exceeds the taxpayer's West Virginia personal income tax liability, the commissioner shall treat the excess as an overpayment and shall pay the taxpayer the amount of the excess, without interest.

(4) The commissioner shall make an effort every year to inform taxpayers who may be eligible to receive the credit provided under this section.

(5) The commissioner may propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code for the administration of the provisions this section and develop and publish any instructions, any or all of which as may be determined to be necessary to provide guidance and assistance to taxpayers when claiming the West Virginia Earned Income Tax Credit.

Senator Hall arose to a point of order that Senator Miller's amendments to the bill (Com. Sub. for S. B. 1005) were not germane to the bill.

Which point of order, the President ruled not well taken.

Following discussion,

The question now being on the adoption of Senator Miller's amendments to the bill, the same was put and did not prevail.

The bill (Com. Sub. for S. B. 1005), as amended by Senator Hall, was then ordered to engrossment and third reading.

Senator Carmichael moved that the constitutional rule requiring a bill to be read on three separate days be suspended.

The roll being taken, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes,

Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters and Cole (Mr. President)—23.

The nays were: Beach, Kessler, Kirkendoll, Laird, Miller, Romano, Snyder, Unger, Williams, Woelfel and Yost—11.

Absent: None.

So, less than four fifths of the members present and voting having voted in the affirmative, the President declared the motion to suspend the constitutional rule rejected.

Pending announcement of a meeting of a standing committee of the Senate, including a minority party caucus,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Thursday, May 19, 2016, at 11:30 a.m.

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## THURSDAY, MAY 19, 2016

The Senate met at 11:30 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Hall, a senator from the fourth district.

Pending the reading of the Journal of Wednesday, May 18, 2016,

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 1005**, Increasing tax rate on cigarettes and tobacco products.

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: Ashley, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Maynard, Mullins, Palumbo, Sypolt, Takubo, Trump, Walters and Cole (Mr. President)—17.

The nays were: Beach, Facemire, Kessler, Kirkendoll, Laird, Leonhardt, Miller, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel and Yost—16.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 1005) passed with its title.

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

Senator Woelfel arose to a point of inquiry.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Friday, May 20, 2016, at 11:30 a.m.

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FRIDAY, MAY 20, 2016

The Senate met at 11:30 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mitch Carmichael, a senator from the fourth district.

Pending the reading of the Journal of Thursday, May 19, 2016,

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Woelfel.

Senator Carmichael moved that the Senate adjourn until Monday, May 23, 2016, at 9:30 a.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Unger—1.

Absent: Leonhardt—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until Monday, May 23, 2016, at 9:30 a.m.

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## MONDAY, MAY 23, 2016

The Senate met at 9:30 a.m.

(Senator Cole, 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 Craig Blair, a senator from the fifteenth district.

Pending the reading of the Journal of Friday, May 20, 2016,

At the request of Senator Yost, 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, including a majority party caucus,

On motion of Senator Blair, the Senate recessed until 4 p.m. today.

Upon expiration of the recess, the Senate reconvened and proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

**Senate Bill 1001**, Budget Bill.



And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 1001** (originating in the Committee on Finance)—A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Com. Sub. for S. B. 1001) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Carmichael moved that the Senate adjourn until tomorrow, Tuesday, May 24, 2016, at 1 p.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Tuesday, May 24, 2016, at 1 p.m.

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## TUESDAY, MAY 24, 2016

The Senate met at 1 p.m.

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

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth 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 Monday, May 23, 2016,

At the request of Senator Stollings, 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 Senate then proceeded to the sixth order of business.

On motions for leave, severally made, the following bill was introduced, read by its title and referred to the appropriate committee:

**By Senators Walters, Trump and Gaunch:**

**Senate Bill 1007**—A Bill to amend and reenact §29-22B-503, §29-22B-504, §29-22B-1101 and §29-22B-1408 of the Code of

West Virginia, 1931, as amended, all relating to limited video lottery terminals at retail locations; allowing a person to be both a limited video operator and retailer; increasing number of limited video lottery terminals allowed at retail locations; requiring Lottery Commission to conduct bid only open to current permit holders prior to September 1, 2016, for permits expiring June 30, 2021; establishing procedure for bid process; and setting commission's share of net terminal income at fifty-four percent effective July 1, 2016, provided that the average daily gross terminal income per terminal is greater than \$140 per day.

Referred to the Committee on Finance.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 1001**, Budget Bill.

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

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

Pending announcement of majority and minority party caucuses,

Senator Carmichael moved that the Senate adjourn until tomorrow, Wednesday, May 25, 2016, at 11 a.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings,

Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Wednesday, May 25, 2016, at 11 a.m.

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## WEDNESDAY, MAY 25, 2016

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Ronald F. Miller, a senator from the tenth district, and Pastor, West Point Baptist Church, Asbury, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jeff Mullins, a senator from the ninth district.

Pending the reading of the Journal of Tuesday, May 24, 2016,

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

The Senate proceeded to the third order of business.

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

**Eng. Com. Sub. for Senate Bill 1005**, Increasing tax rate on cigarettes and tobacco products.

On motion of Senator Carmichael, the Senate recessed until 4 p.m. today.

Upon expiration of the recess, the Senate reconvened and proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 1001**, Budget Bill.

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

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Karnes, unanimous consent being granted, it was ordered that the Journal show had Senator Karnes been present in the chamber on Thursday, May 19, 2016, he would have voted “nay” on the passage of Engrossed Committee Substitute for Senate Bill 1005.

Senator Carmichael moved that the Senate adjourn until tomorrow, Thursday, May 26, 2016, at 9 a.m.

The question being on the adoption of Senator Carmichael’s motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings,

Sypolt, Takubo, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: Trump—1.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Thursday, May 26, 2016, at 9 a.m.

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## THURSDAY, MAY 26, 2016

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Sue Cline, a senator from the ninth district.

Pending the reading of the Journal of Wednesday, May 25, 2016,

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 1001, Budget Bill.**

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

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

Senator Carmichael moved that the Senate recess until 3:30 p.m. today.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Mullins—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate recessed until 3:30 p.m. today.

Upon expiration of the recess, the Senate reconvened.

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Friday, May 27, 2016, at 10 a.m.

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## FRIDAY, MAY 27, 2016

The Senate met at 10 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert Karnes, a senator from the eleventh district.

Pending the reading of the Journal of Thursday, May 26, 2016,

At the request of Senator Romano, 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 Senate then proceeded to the third order of business.

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

**Eng. Senate Bill 1002**, Expiring funds from various accounts to unappropriated balance in State Fund, General Revenue.

On motion of Senator Carmichael, 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 title and inserting in lieu thereof the following:



Whereas, The Governor submitted to the Legislature the Executive Budget document, dated January 13, 2016, which included a Statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2015, and further included the estimate of revenues for the fiscal year 2016, less net appropriation balances forwarded and regular appropriations for the fiscal year 2016; and

Whereas, Current economic and fiscal trends are anticipated to result in projected year-end revenue deficits, including potential significant shortfalls in Severance Tax, and shortfalls in Personal Income Tax and Consumers Sales and Use Tax; and

Whereas, Unappropriated balances and 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 prior to any budget or revenue adjustments was estimated at \$464.5 million; and

Whereas, On October 22, 2015, the Governor issued Executive Order 7-15 which directed a spending reduction for General Revenue appropriations for fiscal year 2016 totaling \$93,379,526; and

Whereas, The Legislature agreed to take voluntary action to effect a four percent spending reduction of its General Revenue appropriation for fiscal year 2016 totaling \$938,067; and

Whereas, The Governor recommended and the Legislature passed SB 342, that reduced General Revenue appropriations to the Department of Health and Human Resources and the Bureau of Senior Services by \$53,900,000; and

Whereas, During the 2016 regular session the Legislature passed HB 4155, which expired \$22,989,375 to the Medical Services Trust Fund from various special revenue balances; and

Whereas, The Secretary of the Department of Revenue has submitted a monthly General Revenue Fund Collections Report for the first ten months of fiscal year 2016 as prepared by the State Budget Office; and

Whereas, This report, which includes approximately \$110 million of additional revenue collected due to previous legislative actions in SB 364 and SB 419 during the 2016 regular session, demonstrates that the State of West Virginia has experienced a revenue shortfall of approximately \$218.7 million for the first ten months of fiscal year 2016, as compared to the monthly revenue estimates for the first ten months of the fiscal year 2016; and

Whereas, An additional \$63 million is anticipated to be collected in May and June due to legislative action in SB 419; and

Whereas, There still remains an estimated deficit of \$111 million that must be addressed; and

Whereas, The Governor intends to issue an additional Executive Order to reduce spending from General Revenue appropriation for the Department of Health and Human Resources for fiscal year 2016 totaling up to \$45,797,000; 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; and

Whereas, The Legislature finds that the account balances in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the Governor's Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400; in the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200; in the Treasurer's Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016,

organization 1300; in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507; in the Department of Revenue, Office of the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; in the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the Public Service Commission, fund 8623, fiscal year 2016, organization 0926, exceed that which is necessary for the purposes for which the accounts were established; 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, 2016, in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000; in the Governor's Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, be decreased by expiring the amount of \$1,000,000; in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000; Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200, be decreased by expiring the amount of \$3,150,000; in the Treasurer's Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300, be decreased by expiring the amount of \$3,000,000; in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500, be decreased by expiring the amount of \$8,500,000; in the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507, be decreased by expiring the amount of \$2,500,000; in the Department of

Revenue, Office of the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701, be decreased by expiring the amount of \$32,000,000; in the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704, be decreased by expiring the amount of \$5,000,000; in the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705, be decreased by expiring the amount of \$4,631,089.49; and in the Public Service Commission, fund 8623, fiscal year 2016, organization 0926, be decreased by expiring the amount of \$2,000,000, all to the unappropriated balance of the State Fund, General Revenue, to be available during the fiscal year ending June 30, 2016.;

And,

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

**Eng. Senate Bill 1002**—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2016, in the amount of \$1,000,000 from the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the amount of \$1,000,000 from the Governor’s Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the amount of \$1,000,000 from the Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400; \$3,150,000 from the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200; in the amount of \$3,000,000 from the Treasurer’s Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300; in the amount of \$8,500,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the amount of \$2,500,000 from the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507; in the

amount of \$32,000,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; in the amount of \$5,000,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the amount of \$4,631,089.49 from the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the amount of \$2,000,000 from the Public Service Commission, fund 8623, fiscal year 2016, organization 0926.

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

Engrossed Senate Bill 1002, 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, Carmichael, Cline, Facemire, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—30.

The nays were: None.

Absent: Ashley, Ferns, Mullins and Takubo—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1002) passed with its House of Delegates amended title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—30.

The nays were: None.

Absent: Ashley, Ferns, Mullins and Takubo—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1002) 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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 105**—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-22 and §29-25-22b of said code, all relating to ending transfers to the Licensed Racetrack Modernization Fund; transferring funds remaining in the Licensed Racetrack Modernization Fund and the Historic Resort Hotel Modernization Fund to the Revenue Shortfall Reserve Fund of the state during the fiscal year ending June 30, 2016; providing exceptions for recoupment of certain expenditures for eligible facility modernization improvements from the Licensed Racetrack Modernization Fund; closing the Licensed Racetrack Modernization Fund and the Historic Resort Hotel Modernization Fund; and preserving operative effect of certain provisions.

Referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bill was introduced, read by its title and referred to the appropriate committee:

**By Senators Karnes, Blair and Boso:**

**Senate Bill 1008**—A Bill to amend and reenact §19-23-10, §19-23-12b, §19-23-13 and §19-23-13c of the Code of West

Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-7, §29-22A-10 and §29-22A-10b of said code; to amend said code by adding thereto two new sections, designated §29-22A-10g and §29-22A-10h; and to amend and reenact §29-22C-8, §29-22C-27 and §29-22C-27a of said code, all relating to horse and dog racing and lottery; transferring certain revenues derived from racetrack video lottery and racetrack table games from special fund established for greyhound racetrack licensees to State Excess Lottery Revenue Fund; defunding West Virginia Greyhound Breeding Development Fund and transferring money so dedicated to State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating requirement that video lottery licensees at dog tracks must hold a racing license to renew video lottery license or racetrack table games license; and eliminating requirement that video lottery licensees at dog tracks must hold a racing license to conduct simulcast racing.

Referred to the Committee on Finance.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 1001, Budget Bill.**

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

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Leonhardt.

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

Pending announcement of majority and minority party caucuses,

Senator Carmichael moved that the Senate adjourn until Tuesday, May 31, 2016, at 1 p.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Cline, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Palumbo, Plymale, Prezioso, Stollings, Trump, Walters, Woelfel, Yost and Cole (Mr. President)—24.

The nays were: Facemire, Romano, Snyder, Sypolt, Unger and Williams—6.

Absent: Ashley, Ferns, Mullins and Takubo—4.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until Tuesday, May 31, 2016, at 1 p.m.

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TUESDAY, MAY 31, 2016

The Senate met at 1 p.m.

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

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



The Senate was then led in recitation of the Pledge of Allegiance by the Honorable C. Edward Gaunch, a senator from the eighth district.

Pending the reading of the Journal of Friday, May 27, 2016,

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

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2016, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 101**—A Bill making appropriations of public money out of the Treasury in accordance with section fifty-one, article VI of the Constitution.

At the request of Senator Carmichael, and by unanimous consent, 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.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 1001**, Budget Bill.

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

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Romano, Hall, Woelfel, Carmichael and Kessler.

Following points of inquiry to the President, with resultant responses thereto,

Pending announcement of meetings of a standing committee of the Senate, including a minority party caucus,

Senator Carmichael moved that the Senate adjourn until tomorrow, Wednesday, June 1, 2016, at 11 a.m.

The question being on the adoption of Senator Carmichael's motion, and on this question, Senator Carmichael demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—30.

The nays were: None.

Absent: Ashley, Karnes, Prezioso and Takubo—4.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Carmichael's motion had prevailed.

In accordance with the foregoing motion, the Senate adjourned until tomorrow, Wednesday, June 1, 2016, at 11 a.m.

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## WEDNESDAY, JUNE 1, 2016

The Senate met at 11 a.m.

(Senator Cole, 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 William R. Laird IV, a senator from the tenth district.

Pending the reading of the Journal of Tuesday, May 31, 2016,

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

The Senate proceeded to the third order of business.

Senator Cole (Mr. President) laid before the Senate the following supplement to the proclamation dated May 12, 2016, from His Excellency, the Governor, 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, EARL RAY TOMBLIN**, by virtue of the authority vested in the Governor by Section 7, Article VII of the Constitution of West Virginia, do hereby **AMEND** the Proclamation dated the twelfth day of May, Two Thousand Sixteen, calling the Legislature of West Virginia to convene in Extraordinary Session at twelve o'clock noon on the sixteenth day of May, Two Thousand Sixteen, by adding items eighth and ninth, as follows:

**EIGHTH:** A bill authorizing the Department of Environmental Protection to promulgate legislative rules;

**NINTH:** A bill appropriating \$2,174,591 to fund 0313, fiscal year 2016, organization 0402 of the Department of Education account.

**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 first day of June, in the year of our Lord, Two Thousand Sixteen, and in the One Hundred Fifty-Third year of the State.

**EARL RAY TOMBLIN**  
**GOVERNOR**

**By the Governor**

**NATALIE E. TENNANT**  
**SECRETARY OF STATE**

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 1001**, Budget Bill.

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

At the request of Senator Carmichael, 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 101**, 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 read a second time.

At the request of Senator Carmichael, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

The end of today's second reading calendar having been reached, the Senate returned to the consideration of

**Eng. Com. Sub. for Senate Bill 1001, Budget Bill.**

On second reading, coming up in deferred order, was again reported by the Clerk.

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

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Carmichael, the Senate recessed until 3 p.m. today.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Carmichael, and by unanimous consent, returned to the fourth order of business.

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 1st day of June, 2016, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 1002)**, Expiring funds from various accounts to unappropriated balance in State Fund, General Revenue.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*Chair, House Committee.*





