

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2018  
FIFTY-FIFTH DAY

---

Charleston, West Virginia, Monday, March 5, 2018

The Senate met at 11:32 a.m.

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

Prayer was offered by Pastor Matt Friend, Senior Pastor, Bible Center Church, Charleston, West Virginia.

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

Pending the reading of the Journal of Saturday, March 3, 2018,

At the request of Senator Smith, 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 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 46**, Permitting pharmacists to inform customers of lower-cost alternative drugs.

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

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

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

**ARTICLE 51. PHARMACY AUDIT INTEGRITY AND TRANSPARENCY ACT.**

**§33-51-9. Regulation of Pharmacy Benefit Managers.**

(a) A pharmacy technician and a pharmacist shall have the right to provide a covered individual with information related to lower cost cash alternatives and cost share for such covered individual to assist health care consumers in making informed decisions. Neither a pharmacy technician nor a pharmacist shall be penalized by a pharmacy benefit manager for discussing information in this section or for selling a lower cost alternative to a covered individual, if one is available, without using a health insurance policy. The employer of the pharmacy technician or pharmacist shall not be penalized by a pharmacy benefit manager for permitting its employees to discuss information in this section or sell a lower cost alternative to a covered individual, if one is available, without using a health insurance policy.

(b) A pharmacy benefit manager shall not collect from a pharmacy or a pharmacist a cost share charged to a covered individual that exceeds the total submitted charges by the pharmacy or pharmacist to the pharmacy benefit manager.

(c) A pharmacy benefit manager may only directly or indirectly charge or hold a pharmacy, pharmacy technician or pharmacist responsible for a fee related to a claim if:

(1) The total amount of the fee is identified, reported, and specifically explained for each line item on the remittance advice of the adjudicated claim; or

(2) The total amount of the fee is apparent at the point of sale and not adjusted between the point of sale and the issuance of the remittance advice.

(d) This section shall not apply with respect to claims under an employee benefit plan under the Employee Retirement Income Security Act of 1974 or Medicare Part D.;

And,

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

**Eng. Com. Sub. for Senate Bill 46**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-51-9, all relating to pharmacy benefit managers; providing that a pharmacy or pharmacist may inform consumers of lower cost alternatives and cost share to assist health care consumers in making informed decisions; prohibiting pharmacy benefit managers from penalizing a pharmacy or pharmacist for discussing certain information with consumers; prohibiting pharmacy benefit managers from collecting cost shares exceeding the total submitted charges by a pharmacy or pharmacist; setting forth limitations on pharmacy benefit managers when charging certain claim fees to a pharmacy or pharmacist; and excluding an employee benefit plan under the Employee Retirement Income Security Act of 1974 or Medicare Part D from this code section.

On motion of Senator Ferns, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. 46) and requested the House of Delegates to recede therefrom.

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

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

**Eng. Senate Bill 143**, Permitting DNR identification tag be used to identify trap.

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

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

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

## **ARTICLE 2. WILDLIFE RESOURCES.**

### **§20-2-19. Marking of traps.**

All traps used for taking game or fur-bearing animals shall be marked with a durable plate or tag, attached to the snare, trap, or trap chain, bearing: either the name and address of the owner of the trap; or the Division of Natural Resources identification number of the owner of the trap.

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

Engrossed Senate Bill 143, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Arvon—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 143) 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 to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Senate Bill 343**, Limiting expenses in preparing list for notice to redeem.

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

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

**Eng. Senate Bill 343**—A Bill to amend and reenact §11A-3-58 of the Code of West Virginia, 1931, as amended, relating to distributions to purchasers after land has been redeemed;

increasing the amount of expenses that may be paid to a purchaser for expenses incurred in preparing the list of those to be served with notice to redeem and title examination to \$500.

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

Engrossed Senate Bill 343, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 343) passed with its House of Delegates amended title.

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

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

**Eng. Senate Bill 350**, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State.

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

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

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

**ARTICLE 22A. RACETRACK VIDEO LOTTERY.**

**§29-22A-5. Video lottery terminal requirements; filing of specific game rules with the Secretary of State application for approval of a video lottery terminal; testing of video lottery terminals; report of test results; modifications to previously approved models; conformity to prototype; seizure and destruction of terminals.**

(a) Video lottery terminals registered with and approved by the commission for use at licensed racetracks may offer video lottery games regulated, controlled, and owned and operated by the commission in accordance with the provisions of this section: and utilizing specific game rules separately filed from time to time by the commission with the Secretary of State *Provided, That the Secretary of State shall post on the secretary's website that the rules for video lottery games that have been approved by the commission are available for review at the office of the commission and provide relevant contact information.*

(b) A manufacturer may not sell or lease a video lottery terminal for placement at a licensed racetrack in this state unless the terminal has been approved by the commission. Only manufacturers with permits may apply for approval of a video lottery terminal or associated equipment. The manufacturer shall submit two copies of terminal illustrations, schematics, block diagrams, circuit analysis, technical and operation manuals, and any other information requested by the commission for the purpose of analyzing and testing the video lottery terminal or associated equipment.

(c) The commission may require that two working models of a video lottery terminal be transported to the location designated by the commission for testing, examination, and analysis.

(1) The manufacturer shall pay all costs of testing, examination, analysis, and transportation of such video lottery terminal models. The testing, examination, and analysis of any video lottery terminal model may require dismantling of the terminal and some tests may result in damage or destruction to one or more electronic components of such terminal model. The commission may require that the manufacturer provide specialized equipment or pay for the services of an independent technical expert to test the terminal.

(2) The manufacturer shall pay the cost of transportation of two video lottery terminals to lottery headquarters. The commission shall conduct an acceptance test to determine terminal functions and central system compatibility. If the video lottery terminal fails the acceptance test conducted by the commission, the manufacturer shall make all modifications required by the commission.

(d) After each test has been completed, the commission shall provide the terminal manufacturer with a report containing findings, conclusions, and pass/fail results. The report may contain recommendations for video lottery terminal modification to bring the terminal into compliance with the provisions of this article. Prior to approving a particular terminal model, the commission may require a trial period not in excess of 60 days for a licensed racetrack to test the terminal. During the trial period, the manufacturer may not make any modifications to the terminal model unless such modifications are approved by the commission.

(e) The video lottery terminal manufacturer and licensed racetrack are jointly responsible for the assembly and installation of all video lottery terminals and associated equipment. The manufacturer and licensed racetrack shall not change the assembly or operational functions of a terminal licensed for placement in West Virginia unless a request for modification of an existing video terminal prototype is approved by the commission. The request must contain a detailed description of the type of change, the reasons for the change, and technical documentation of the change.

(f) Each video lottery terminal approved for placement at a licensed racetrack must conform to the exact specifications of the video lottery terminal prototype tested and approved by the commission. If any video lottery terminal or any video lottery terminal modification, which has not been approved by the commission, is supplied by a manufacturer and operated by a licensed racetrack, the commission shall seize and destroy all of that licensed racetrack's and manufacturer's noncomplying video lottery terminals and shall suspend the license and permit of the licensed racetrack and manufacturer.;

And,

By striking out the title of the bill and substituting therefore a new title, to read as follows:

**Eng. Senate Bill 350**—A Bill to amend and reenact §29-22A-5 of the Code of West Virginia, 1931, as amended, relating to the elimination of a requirement that the Lottery Commission file racetrack video lottery game rules with the Secretary of State; and requiring the Secretary of State to post a notice on its website that the rules for video lottery games that have been approved by the Lottery Commission are available for review at the office of the commission and provide relevant contact information.

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

Engrossed Senate Bill 350, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: Azinger and Smith—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. S. B. 350) 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 2696**, Relating to crossbow hunting.

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 4145**, Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel.

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

Delegates Anderson, Espinosa, and Boggs.

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 4332**, Relating to home peritoneal renal dialysis.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

**Senate Bill 633** (originating in the Committee on Finance)—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2018 in the amount of \$1,620,000 from the Department of Revenue, Insurance Commissioner - Insurance Commission Fund, fund 7152, fiscal year 2018, organization 0704, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Consolidated Medical Services Fund, fund 0525, fiscal year 2018, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 634** (originating in the Committee on Finance)—A Bill supplementing and amending by adding, increasing and decreasing the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511 and to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2018, organization 0506, by supplementing, amending, adding, increasing and decreasing the appropriations for the fiscal year ending June 30, 2018.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4214**, Increasing penalties for unlawfully possessing or digging ginseng.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4276**, Allowing magistrates to grant work release privileges.

And,

**Eng. House Bill 4529**, Relating to oath by municipal official certifying list of delinquent business and occupation taxes.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Eng. House Bill 4376**, Expiring funds to the balance of the Department of Health and Human Resources.

And,

**Eng. House Bill 4379**, Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4571**, Relating to the final day of filing announcements of candidates for a political office.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4627**, Relating to providing a limitation on the eminent domain authority of a municipal park board.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Maynard, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the sixth order of business.

Senators Carmichael (Mr. President), Stollings, Plymale, Cline, and Prezioso offered the following resolution:

**Senate Resolution 61**—Designating the month of March 2018, as American Red Cross Month.

Whereas, The American Red Cross saw a record-breaking year in 2017 of challenging domestic and international disaster response efforts, responding to six of the largest and most complex disasters, including back-to-back hurricanes, the deadliest week of wildfires in California history, and the horrific mass shooting in Las Vegas. West Virginia American Red Cross volunteers and staff deployed over 250 times in response to such large scale disasters; and

Whereas, In West Virginia, the American Red Cross has a long history of helping our neighbors in need. In the past year alone, they: Assisted over 1,000 families who have experienced a disaster, a majority of which were home fires; installed almost 8,000 smoke alarms; reached 5,600 people with fire safety information; and educated more than 7,000 students in disaster preparedness education through the Pillowcase Project; and

Whereas, In West Virginia, the American Red Cross assisted over 700 military members, veterans, and their families; collected almost 40,000 units of blood; and educated over 23,000 West Virginians in life-saving skills courses in the past year; and

Whereas, March is American Red Cross Month, a special time to recognize and thank the American Red Cross volunteers and donors who give their time and resources to help members of their community. The American Red Cross depends on these local heroes to deliver help and hope during a disaster. We applaud our heroes here in West Virginia who give of themselves to assist their neighbors when they need a helping hand; and

Whereas, The month of March is dedicated to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money, and blood to fulfill its humanitarian mission; therefore, be it

*Resolved by the Senate:*

That the Senate designates the month of March 2018, as American Red Cross Month; and, be it

*Further Resolved,* That the Senate extends its sincere gratitude and appreciation to the West Virginia American Red Cross for its dedicated public service to the citizens of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia American Red Cross.

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

Senators Boso and Plymale offered the following resolution:

**Senate Resolution 62**—Congratulating Quinn Raffo, of Craigsville, West Virginia, on being a distinguished finalist of the 2018 Prudential Spirit of Community Award.

Whereas, Quinn Raffo, an esteemed resident of Craigsville, West Virginia, and a student at Richwood High School, has achieved national recognition for exemplary volunteer service by being named a distinguished finalist for the 2018 Prudential Spirit of Community Award; and

Whereas, Distinguished finalists of the 2018 Prudential Spirit of Community Award presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

Whereas, Quinn Raffo earned this award by giving generously of her time and energy to a program she founded, Hunger Heroes. This is a program that distributes weekly backpacks filled with food during the summer to ensure that local students in need have enough to eat. She has raised nearly \$15,000 and recruited volunteers to support her backpack program, which has distributed more than 8,000 meals over the past three years; and

Whereas, The success of West Virginia, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Quinn Raffo, who use their considerable talents and resources to serve others; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates Quinn Raffo, of Craigs ville, West Virginia, on being a distinguished finalist of the 2018 Prudential Spirit of Community Award; and, be it

*Further Resolved,* That the Senate recognizes Quinn Raffo's outstanding record of volunteer service, peer leadership, and community spirit, and extends its best wishes to her for continued success; and be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Quinn Raffo.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Boso regarding the adoption of Senate Resolution 62 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:54 a.m., the Senate recessed to present Senate Resolution 62.

The Senate reconvened at 11:57 a.m. today and proceeded to the seventh order of business.

**Senate Concurrent Resolution 48**, US Army MSG Monty Ray Skeen, Sr., Memorial Bridge.

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 49**, US Army PFC Robert "Bobby" Tate, Jr., Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for House Bill 2889**, Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer.

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: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2889) passed with its title.

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

**Eng. Com. Sub. for House Bill 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia.

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: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2995) passed.

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

**Eng. Com. Sub. for House Bill 2995**—A Bill to amend and reenact §30-10-12 of the Code of West Virginia, 1931, as amended, relating to qualifications for certification as an animal euthanasia technician; authorizing issuance of animal euthanasia technician certificate to certain persons certified by another state or jurisdiction; setting requirements for issuance of certificate; and authorizing fees to be prescribed by the Board of Veterinary Medicine in legislative rule.

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

**Eng. House Bill 4219**, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System.

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

At the request of Senator Ferns, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Eng. Com. Sub. for House Bill 4238**, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan.

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 4238 pass?”

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4238) 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 4539**, Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses.

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

At the request of Senator Ferns, unanimous consent being granted, the bill was referred to the Committee on Rules.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Joint Resolution 8**, County Economic Development Amendment.

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

At the request of Senator Ferns, unanimous consent being granted, the resolution was referred to the Committee on Rules.

**Eng. Com. Sub. for House Bill 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods.

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:

#### **ARTICLE 6. GENERAL CONSUMER PROTECTION.**

##### **§46A-6-107. Disclaimer of warranties and remedies prohibited.**

(a) Notwithstanding any other provision of law to the contrary Except as otherwise provided in subsection (b) of this section, with respect to goods which are the subject of or are intended to become the subject of a consumer transaction, no merchant shall may:

(1) Exclude, modify, or otherwise attempt to limit any warranty, express, or implied, including the warranties of merchantability and fitness for a particular purpose; or

(2) Exclude, modify or attempt to limit any remedy provided by law, including the measure of damages available, for a breach of warranty, express, or implied.

~~Any such exclusion, modification or attempted limitation shall be void.~~

(b) A consumer who purchases a used manufactured home may waive the warranties of merchantability and fitness for a particular purpose, or waive a warranty as to a particular defect or malfunction which the merchant has identified and disclosed in writing to the consumer, if the used manufactured home is not being sold for human habitation: *Provided*, That notice be posted on the front door of the used manufactured home that it is not being sold for human habitation: *Provided, however*, That the waiver is not effective unless the waiver:

(1) Is in writing;

(2) Is conspicuous and is in plain language;

(3) Identifies with particularity the disclosed defect or malfunction, if any, in the used manufactured home for which the warranty is to be waived;

(4) Describes any additional defects or malfunctions, if any, disclosed to the merchant by a previous owner of the used manufactured home or discoverable by the merchant after an inspection of the used manufactured home;

(5) States that the warranty being waived applies only to the disclosed defect or malfunction, if any, to the extent the merchant intends to waive a warranty as to a specific defect;

(6) Acknowledges that the used manufactured home will not be used for human habitation: *Provided*, That the consumer shall sign or initial such provision in order to evidence the consumer's acknowledgment thereof; and

(7) Is signed by both the consumer and the merchant before the sales contract is executed.

For purposes of this subsection, "used manufactured home" means a manufactured home, as defined in §21-9-2 of this code, that is more than four years old from its date of production and has previously been occupied, used, or sold for purposes other than resale.

The bill (Eng. Com. Sub. for H. B. 2464), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4015**, Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies.

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:

**CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

**ARTICLE 1. DEPARTMENT OF ADMINISTRATION.****§5A-1-2. Department of Administration and Office of Secretary; secretary; divisions; directors.**

(a) The Department of Administration and the Office of Secretary of Administration are continued in the executive branch of state government. The secretary is the Chief Executive Officer of the department and shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term not exceeding the term of the Governor.

(b) The Department of Administration may receive federal funds.

(c) The secretary serves at the will and pleasure of the Governor. The annual compensation of the secretary shall be as specified in §6-7-2a of this code.

(d) There shall be in the Department of Administration an Aviation Division, at the discretion of the secretary, a Finance Division, a Fleet Management Division, a General Services Division, an Information Services and Communications Division, Division of Personnel and a Purchasing Division. Each division shall be headed by a director who may also head any and all sections within that division and who shall be appointed by the secretary.

(e) There shall also be in the Department of Administration those agencies, boards, commissions and councils specified in §5F-2-1 of this code.

~~(f) The secretary may establish a Fleet Management Office within the Department of Administration to:~~

~~(1) Manage all motor vehicles and aircraft owned or possessed by the State of West Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or authorities: *Provided*, That, such vehicles and aircraft shall not be used for personal purposes, other than for de minimis personal use;~~

~~(2) Administer the rules, including emergency rules, promulgated under the provisions of sections forty-eight and forty-nine, article three of this chapter; and~~

~~(3) Perform any duties relating to motor vehicles and aircraft owned or possessed by the State of West Virginia assigned by the secretary, which duties may include those set out in §5A-3-50 through §5A-3-53 of this code.~~

**ARTICLE 3. PURCHASING DIVISION.****§5A-3-49. Central motor pool for state-owned vehicles and aircraft.**

[Repealed]

**§5A-3-52. ~~Special funds for travel management created.~~ Aviation division; fund.**

~~(a) The travel management special fund is terminated. All deposits currently in this special~~

~~fund from aviation fees shall be transferred into the Aviation Fund created in subsection c of this section. All funds in this special fund from the monthly fee for vehicles shall be transferred into the Fleet Management Office Fund created in subsection (b) of this section.~~

~~(b) There is created in the State Treasury a special revenue account, to be known as the Fleet Management Office Fund. Expenditures are authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of article two, chapter eleven-b of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. All costs and expenses incurred pursuant to this section, including administrative, shall be paid from those funds. Charges for operating, repairing and servicing motor vehicles made against any institution, agency or department shall be paid into the Fleet Management Office Fund by that institution, department or agency.~~

(a) The secretary may establish an aviation division within the Department of Administration to:

(1) Manage all aircraft owned or possessed by the State of West Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or authorities: *Provided*, That, such aircraft shall not be used for personal purposes;

(2) Administer the rules, including emergency rules, promulgated under the provisions of §5A-3-48 of this code; and

(3) Perform any duties relating to aircraft owned or possessed by the State of West Virginia assigned by the secretary, which duties may include those set out in §5A-3-50 through §5A-3-53 of this code.

~~(e)(b) The special revenue account, to be known as the Aviation Fund, is hereby continued and shall be administered by the director of the division, or in the absence of a director, by the secretary. Expenditures from this fund are authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions of §11B-2-1 *et seq.* of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. All costs and expenses incurred pursuant to §5A-3-52 of this code, including administrative, shall be paid from those funds. Charges for operating, repairing and servicing aircraft made against any institution, agency, or department shall be paid into the Aviation Fund by that institution, department, or agency.~~

## **ARTICLE 12. FLEET MANAGEMENT DIVISION.**

### **§5A-12-1 Definitions.**

As used in this article:

(a) "Central motor pool" means, under the direction and control of the Secretary of Administration, the group of state vehicles to be shared among spending units;

(b) "Centralized accounting system" means the system of record for the maintenance of an accurate inventory of state vehicle fixed assets as maintained by the Enterprise Resource Planning Board pursuant to §12-6D-1 *et seq.* of this code;

(c) "Director" means the Director of the Fleet Management Division;

(d) "Division" means the Fleet Management Division, under the Department of Administration, as established pursuant to this article;

(e) "Fleet Coordinator" means the head of a spending unit, or his or her designee, who is responsible for the duties of fleet coordinator as required by this article;

(f) "Indirect costs" means the expenses of operating state vehicles that may or may not be attributable to a specific vehicle, including miscellaneous expenses for cleaning supplies, shop supplies, small parts, office and administrative expenses attributable to fleet coordinator activity, training costs for fleet coordinators and state vehicle driver training, facilities costs, administrative office overhead, parking costs, and shop equipment costs where applicable;

(g) "Secretary" means the Secretary of the Department of Administration;

(h) "Spending unit" means the State of West Virginia and all agencies, offices, departments, divisions, boards, commissions, councils, committees, or other entities of the state government for which an appropriation is requested or to which an appropriation is made by the Legislature. "Spending unit" does not mean any county, city, township, public service district, or other political subdivision of the state;

(i) "State vehicle" means, for the purpose of this article, a vehicle with a rating of one ton or less that is owned, purchased, or leased by any state spending unit, on which a state vehicle license plate is required, where the use of such vehicle is paid for with public funds regardless of the source of such funding, but does not include all-terrain vehicles (ATVs) or vehicles requiring a commercial driver's license to operate;

(j) "State vehicle fleet" means all state vehicles;

(k) "State vehicle license plate" means a license plate authorized to be issued by the Division of Motor Vehicles pursuant to §17A-3-23 and §17A-3-25 of this code, which identifies the vehicle as owned or leased by the state or a spending unit;

(l) "State Vehicle Title, Registration and Relicensing Project of 2018" means the requirement for all spending units owning or leasing state vehicles, to report to the Division of Motor Vehicles and obtain new titles, new registration cards and new state vehicle license plates by December 31, 2018, pursuant to §17A-3-23 and §17A-3-25 of this code, to standardize the naming conventions on titles and registration cards of state vehicles in order to facilitate the creation and maintenance of a centralized state vehicle inventory system; and

(m) "Vehicle log" means the record of state vehicle use, to be updated by the vehicle operator and maintained by the fleet coordinators, used to track vehicle utilization data required to be compiled and maintained pursuant to this article.

#### **§5A-12-2. Scope of Article.**

(a) This article applies to all spending units of state government relating to the purchase, lease, or use of any state vehicle with the expenditure of public funds, except as otherwise provided by this code.

(b) Notwithstanding any exemption given to a spending unit by this code from the provisions of §5A-3-1 et seq. of this code or any prior exemption granted administratively from the Fleet Management Division or the Fleet Management Office, each spending unit of the state that owns, leases, purchases, or reimburses for personal vehicle use, shall comply with the reporting provisions of this article.

**§5A-12-3. Fleet Management Division created; director; duties and responsibilities.**

(a) The Fleet Management Office, as previously authorized pursuant to §5A-1-2 and §5A-3-52 of this code, is hereby continued in the Department of Administration as the Fleet Management Division for the purpose of maintaining a state vehicle fleet.

(b) The Division shall have the following duties and responsibilities:

(1) To provide or contract for management services, including fueling and vehicle maintenance, and any other services necessary to properly manage the operation and use of state vehicles;

(2) To preapprove and assist with purchase of new or replacement vehicles for agencies including facilitating financing arrangements;

(3) To maintain a state vehicle fleet for all state vehicles owned or leased by the State of West Virginia or any of its spending units;

(4) To charge a fee for division services by spending units utilizing state vehicles;

(5) To provide training and notice to fleet coordinators and spending units concerning the duties and responsibilities under this article, including any requirements related to the State Vehicle Title, Registration and Relicensing Project of 2018, established pursuant to §17A-3-25 of this code;

(6) To develop safe operation and other policies governing state vehicle use;

(7) To propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code;

(8) Report annually to the Governor and to the Joint Committee on Government and Finance, regarding the operations of the state fleet and the utilization of state vehicles;

(9) To develop and maintain, in cooperation with the Travel Management Office, state policies for the utilization of state vehicles, including establishing best practices for state vehicle use; and

(10) To provide assistance upon request to any spending unit related to financing, purchasing, leasing, operating, maintaining, transferring, and decommissioning state vehicles.

(c) The secretary shall appoint a director of the division, who shall:

(1) Employ such staff as needed to effectuate the provisions of this article;

(2) Maintain adequate office space for staff and equipment as needed to effectuate the provisions of this article; and

(3) Under the direction of the secretary, establish a central motor pool, which shall be maintained and administered by the division, subject to such rules as the director may promulgate: *Provided*, That the division is responsible for the storage, maintenance, and repairs of all vehicles assigned to the central motor pool.

#### **§5A-12-4. Fleet Management Division Fund.**

The special revenue account, known as the "Fleet Management Office Fund", previously created by §5A-3-52 of this code, shall terminate effective July 1, 2018. On and after July 1, 2018, all funds previously belonging to the Fleet Management Office Fund shall transfer to the special revenue account which shall be known as the "Fleet Management Division Fund" which shall be created in the State Treasury, and shall be administered by the director. Expenditures are authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with §12-3-1 *et seq.* of this code and upon fulfillment of the requirements of §11B-2-1 *et seq.* of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and may be used solely in a manner consistent with this article.

#### **§5A-12-5. Rule-making authority; emergency rules.**

(a) The director shall propose legislative rules as may be necessary to implement this article, in accordance with §29A-3-1 *et seq.* of this code. Those rules shall include, but not be limited to:

- (1) Requirements governing the use of state vehicles;
- (2) Reporting requirements and responsibilities for fleet coordinators;
- (3) Requirements and responsibilities for each driver or operator of a state vehicle;
- (4) Information to be collected and maintained on state vehicle log sheets, including information related to mileage, destinations, and purpose of trip;
- (5) The form and manner for each spending unit fleet coordinator to report to the division, including any electronic format as deemed necessary by the director;
- (6) The information that each spending unit fleet coordinator shall collect and maintain regarding state vehicle use by the spending unit;
- (7) The information for spending unit fleet coordinators to annually report to the division regarding state vehicle use;
- (8) Requirements and policies governing commuting in and taking home state vehicles; and
- (9) Requirements and policies governing volunteer and non-public employee drivers.

(b) All rules of the Fleet Management Office in effect on the effective date of this article shall remain in effect until they are amended, replaced, or repealed: *Provided*, That these rules shall expire on July 1, 2021, if not sooner superseded.

(c) On or before June 15, 2018, the director shall propose emergency legislative rules which may amend or modify existing legislative rules governing the use of state vehicles pursuant to §5A-12-1 et seq. of this code to implement the provisions of this article.

**§5A-12-6. Vehicle operator regulations; training.**

(a) Each operator of a state vehicle, or a personal vehicle for which reimbursement is sought, shall maintain the vehicle logs to the level of detail required by the division through legislative rules, and as may be required by the spending unit.

(b) Each operator of a state vehicle shall comply with the laws, rules, and policies governing state vehicle use, including spending unit rules and policies.

(c) Prior to operating a state vehicle, each operator shall be required to take such training courses as may be required by the Board of Risk and Insurance Management, the Travel Management Office, the Fleet Management Division, and the spending unit.

(d) If any public employee or public official fails to comply with any rule or regulation for state vehicle use, the spending unit may require that the individual attend training, be restricted from using state vehicles, or be prohibited from using state vehicles: *Provided*, That nothing in this section authorizes the division to restrict the use of state vehicles except for those employees under its control.

**§5A-12-7. Spending unit duties and responsibilities.**

(a) Every spending unit shall report all vehicles and equipment requiring a state license plate, including those vehicles with a rating of more than one ton, those requiring a commercial driver's license to operate, and all-terrain vehicles, as fixed assets in the centralized accounting system maintained by the Enterprise Resource Planning Board.

(b) Every spending unit that owns state vehicles shall annually affirm to the State Agency for Surplus Property on or before July 15 of each year, that the vehicles and assets reported to the centralized accounting system as required by §5A-12-7(a) of this code are accurate and current.

**§5A-12-8. Fleet coordinators.**

(a) Each spending unit shall name a fleet coordinator, who shall be responsible for the management and maintenance of state vehicle information, and for reporting state vehicle utilization reports to the division as required by this article and legislative rules promulgated pursuant thereto.

(b) Each spending unit shall provide to the division the name and contact information for the spending unit fleet coordinator.

(c) Each fleet coordinator is required to attend the Fleet Coordinator training provided by the Fleet Management Division.

(d) Each fleet coordinator shall be responsible for providing adequate training to each operator of a state vehicle within his or her spending unit.

**§5A-12-9. Utilization of Vehicle Management Services; exemption.**

(a) Each spending unit that owns, uses, or maintains a state vehicle shall utilize the vehicle management services provided by the Fleet Management Division for all state vehicles.

(b) Spending units may request an exemption from part or all of the services provided by the Fleet Management Division. The division shall review each request and may recommend approval of the request by the secretary. The division shall submit a legislative rule identifying each spending unit for which an exemption has been approved, which rule shall further state the nature of the proposed exemption, and which services will be used, as well as the manner in which the spending unit will comply with all other requirements of this article, including the requirements to report certain information to the division: *Provided*, That no request for exemption pursuant to this section shall become effective without the enactment of a legislative rule pursuant to the provisions of §29A-3-1 *et seq.* of this code.

#### **§5A-12-10. Annual reports by spending units.**

(a) Each spending unit that owns or operates a state vehicle, rents vehicles for a state purpose, or reimburses for personal vehicle use, shall annually report the Fleet Management Division, beginning on or before October 31, 2018, and on or before October 31 each year thereafter, in the manner required by this article and by legislative rule.

(b) Each spending unit that owns or leases a state vehicle or rents or reimburses an employee for personal vehicle use, shall periodically compile and maintain the individual specific vehicle records of each state vehicle, and all records of vehicle rental and private vehicle use expenditures, for not less than three years, or as may be required by the division or the State Auditor pursuant to §5A-12-13 of this code.

#### **§5A-12-11. Complaint process.**

(a) The director shall provide a complaint process for use by the general public to report to the division issues relevant to the operation and maintenance of a state vehicle fleet. Complaints may be received by the division in writing, by telephone, or electronically: *Provided*, That the division shall review all complaints weekly, and report to the appropriate spending unit the information regarding the state vehicle in use by the spending unit, and shall describe the nature of the complaint, including, but not limited to mechanical problems, equipment failures, misuse, or illegal operation of a state vehicle.

(b) Each spending unit shall investigate each complaint it receives and provide an update to the division on a regular basis and at the conclusion of the investigation.

#### **§5A-12-12. State vehicle fleet annual report.**

(a) The Fleet Management Division shall maintain sufficient records and fleet coordinator reports to produce a State Vehicle Fleet Annual Report, regarding the maintenance and operation of the state vehicle fleet.

(b) On or before December 31, 2019 and each December 31 thereafter, the division shall submit the State Vehicle Fleet Annual Report to the Governor, and to the Joint Committee on Government and Finance, containing, at a minimum:

(1) The total number of state vehicles;

- (2) The total number of vehicles operated by each spending unit;
  - (3) The total number of state vehicle miles driven, both in the aggregate and by spending unit;
  - (4) The total amount of fuel purchased, and the total expenditures for annual maintenance, repair, fuel expenditures, both in the aggregate and by spending unit;
  - (5) The total number of miles reimbursed for personal vehicle use and the amount reimbursed annually, both in the aggregate and by spending unit;
  - (6) The total number of vehicles owned and operated by the division, including information on the total miles driven, and the annual expenditures for maintenance, repair, and fuel;
  - (7) The total annual indirect costs of operating the state vehicle fleet, both in the aggregate and by spending unit;
  - (8) A summary of complaints received concerning state vehicle usage;
  - (9) A summary of the State Auditor's spot compliance audit report authorized pursuant to §5A-12-13 of this code;
  - (10) The operating revenue and expenses of the division; and
  - (11) Recommendations for any policy or statutory changes the director determines may be necessary to maintain accurate records of the state vehicle fleet, utilization of state vehicles, and the expenses necessary to maintain such vehicle fleet.
- (c) An annual report produced in an electronic format complies with the reporting requirements of this article and shall be made available on the division website: *Provided*, That the division shall redact any personally identifiable or confidential information.

**§5A-12-13. Spot compliance audits by the State Auditor.**

- (a) Beginning July 1, 2019, the State Auditor shall conduct spot compliance audits to monitor operator, spending unit, and fleet coordinator records and reports for accuracy and compliance with the record keeping provisions of this article. The State Auditor shall conduct a spot compliance audit on not less than 20 percent of the state vehicle fleet annually, in order to conduct spot compliance audits of all state vehicle records on a five-year cycle.
- (b) A spending unit found to be noncompliant with the recordkeeping provisions of this article may be subject to further compliance monitoring as the State Auditor and director deem necessary.
- (c) The State Auditor shall report to the division the findings of each spot compliance audit. Such reports shall list the spending units and fleet coordinators audited, and verify:
  - (1) That state vehicle drivers of the spending unit have complied with applicable training requirements and are keeping complete and accurate vehicle logs;
  - (2) That spending unit fleet coordinators have attended training, and are compiling and maintaining the state vehicle records required by this article; and

(3) The accuracy of fleet coordinator reporting in the manner consistent with the provisions of this article.

**§5A-12-14. Legislative compliance audit.**

On or before December 31, 2020, the Legislative Auditor, in accordance with §4-10-1 et seq. of this code, shall audit the division for state spending unit and fleet coordinator compliance with the reporting requirements and applicable provisions of this article. Such audit shall also include an evaluation of the data collected by the division to determine if the data being provided to the division in spending unit annual reports are sufficient to evaluate the state costs of owning, maintaining, and leasing state vehicles, and to evaluate vehicle use and expenditure trends among the spending units.

**CHAPTER 12. PUBLIC MONEYS AND SECURITIES. ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.**

**§12-6D-7. Establishing state vehicle fixed assets record keeping.**

The West Virginia Enterprise Resource Planning Board shall, after consulting with the Fleet Management Division, established pursuant to §5A-12-1 et seq. of this code, and the Division of Motor Vehicles, pursuant to the authority in §17A-3-25, develop standard naming conventions for the title, registration, and other fixed asset information to be used in the identification of state vehicles in the system of record for fixed assets, and shall also designate the information to be entered by spending units into the centralized accounting system maintained by the West Virginia Enterprise Resource Planning Board, for the development and maintenance of an accurate and updated state vehicle inventory.

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

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

**§17A-3-23. Registration plates to state, county, municipal and other governmental vehicles; use for undercover activities.**

(a) Any motor vehicle designed to carry passengers, owned or leased by the state of West Virginia, or any of its departments, bureaus, commissions, or institutions, except vehicles used by the Governor, Treasurer, not to exceed 8 vehicles operated by investigators of the Office of the Attorney General, three vehicles per elected office of the Board of Public Works not otherwise specified, vehicles operated by the State Police, not to exceed five vehicles operated by the office of the Secretary of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division of Homeland Security and Emergency Management, vehicles operated by natural resources police officers of the Division of Natural Resources, not to exceed 10 vehicles operated by the arson investigators of the Office of State Fire Marshal, not to exceed two vehicles operated by the Division of Protective Services, not to exceed 16 vehicles operated by inspectors of the Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia Wing of the Civil Air Patrol, and vehicles operated by probation officers employed under the Supreme Court of Appeals may not be operated or driven by any person unless it has displayed and attached to the front thereof, in the same manner as regular motor vehicle registration plates are attached, a plate of the same size as the regular registration plate, with white lettering on a

green background bearing the words "West Virginia" in one line and the words "State Car" in another line, and the lettering for the words "State Car" shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight: Provided, That beginning January 1, 2019, state vehicle license plates shall be gold with blue lettering.

The vehicle shall also have attached to the rear a plate bearing a number and any other words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall also be green with the number in white : Provided, That beginning January 1, 2019, state vehicle license plates shall be gold with blue lettering.

(b) Registration plates issued to vehicles owned by counties shall be white on red with the word "County" on top of the plate and the words "West Virginia" on the bottom.

(c) Registration plates issued to a city or municipality shall be white on blue with the word "City" on top and the words "West Virginia" on the bottom.

(d) Registration plates issued to a city or municipality law-enforcement department shall include blue lettering on a white background with the words "West Virginia" on top of the plate and shall be further designed by the commissioner to include a law-enforcement shield together with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-enforcement department motor vehicle. The colors may not be reversed and shall be of reflectorized material. The registration plates issued to counties, municipalities, and other governmental agencies authorized to receive colored plates hereunder shall be affixed to both the front and rear of the vehicles.

(e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed by the commissioner in cooperation with the sheriffs' association with the word "Sheriff" on top of the plate and the words "West Virginia" on the bottom. The plate shall contain a gold shield representing the sheriff's star and a number assigned to that plate by the commissioner. Every county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

(2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and include the words "Civil Air Patrol" on the plate. The Civil Air Patrol shall provide the commissioner with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section, and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

(f) The commissioner is authorized to designate the colors and design of any other registration plates that are issued without charge to any other agency or non-state government entity entitled to registration plates at no charge in accordance with the motor vehicle laws: Provided, That where the institutions of higher education opt to have their logo displayed on the state license plate, such institution shall bear any additional costs of those added features: Provided, however, That no public service districts or designated nongovernmental organizations shall be issued a license plate designated for vehicles owned or leased by the state of West Virginia, or any of its departments, bureaus, commissions, or institutions.

(g) Upon application, the commissioner is authorized to issue a maximum of five Class A license plates per applicant to be used by county sheriffs and municipalities on law-enforcement vehicles while engaged in undercover investigations.

(h) The commissioner is authorized to issue a maximum of five Class A license plates to be used on vehicles assigned to the Division of Motor Vehicles investigators for commercial driver examination fraud investigation and driver's license issuance fraud detection and fraud prevention.

(i) The commissioner is authorized to issue an unlimited number of license plates per applicant to authorized drug and violent crime task forces in the state of West Virginia when the chairperson of the control group of a drug and violent crime task force signs a written affidavit stating that the vehicle or vehicles for which the plates are being requested will be used only for official undercover work conducted by a drug and violent crime task force.

(j) The commissioner is authorized to issue 20 Class A license plates to the Criminal Investigation Division of the Department of Revenue for use by its investigators.

(k) The commissioner may issue a maximum of 10 Class A license plates to the Division of Natural Resources for use by natural resources police officers. The commissioner shall designate the color and design of the registration plates to be displayed on the front and the rear of all other state-owned vehicles owned by the Division of Natural Resources and operated by natural resources police officers.

(l) The commissioner is authorized to issue an unlimited number of Class A license plates to the Commission on Special Investigations for state-owned vehicles used for official undercover work conducted by the Commission on Special Investigations.

(m) The commissioner is authorized to issue a maximum of two Class A plates to the Division of Protective Services for state-owned vehicles used by the Division of Protective Services in fulfilling its mission.

(n) The commissioner is authorized to issue Class A registration plates for vehicles used by the Medicaid Fraud Control Unit created by §9-7-7 of this code.

(o) The commissioner is authorized to issue Class A registration plates for vehicles used by the West Virginia Insurance Fraud Unit created by §33-41-8 of this code.

(p) No other registration plate may be issued for, or attached to, any state-owned vehicle.

(q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and rear plates produced to attach to all state-owned cars. ~~The numbered registration plates for the vehicles shall start with the number five hundred and the commissioner shall issue consecutive numbers for all state-owned cars or leased vehicles.~~

(r) The commissioner shall, after consultation with the Fleet Management Division established pursuant to §5A-12-1 et seq. of this code and the Enterprise Resource Planning Board established pursuant to §12-6D-1 et seq. of this code, develop and adopt a standardized naming convention for the title, registration, and licensing of state vehicles, pursuant to §17A-3-23 and 7A-3-25 of this code. The naming convention adopted shall be consistent with the naming convention adopted for the centralized accounting system as maintained by the Enterprise Resource Planning Board for the purpose of creating and maintaining an accurate and up to date inventory of the state vehicle fleet.

(s) It is the duty of each office, department, bureau, commission, or institution furnished any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle by any official or employee.

~~(s)~~ (t) The commissioner may issue special registration plates for motor vehicles titled in the name of the Division of Public Transit or in the name of a public transit authority as defined in this subsection and operated by a public transit authority or a public transit provider to transport persons in the public interest. For purposes of this subsection, "public transit authority" means an urban mass transportation authority created pursuant to the provisions of §8-27-1 *et seq.* of this code or a nonprofit entity exempt from federal and state income taxes under the Internal Revenue Code and whose purpose is to provide mass transportation to the public at large. The special registration plate shall be designed by the commissioner and shall display the words "public transit" or words or letters of similar effect to indicate the public purpose of the use of the vehicle. The special registration plate shall be issued without charge.

(u) Each green registration plate with white letters affixed to a state vehicle, and each corresponding title and registration certificate for all state vehicles, other than those vehicles with Class A registration plates as provided in this section, terminates at midnight on December 31, 2018. Each spending unit assigned a state vehicle that is required to display a state vehicle license plate and registration shall obtain a new title, new registration card, and new state vehicle license plate prior to January 1, 2019: *Provided*, That no state vehicle license plate shall be issued unless the spending unit has provided an affirmative statement under penalty of perjury that the vehicle is a state asset recorded in the central accounting system as maintained by the Enterprise Resource Planning Board, and the same has been verified by the commissioner, as required by §17A-3-25 of this code. When new registrations are issued pursuant to this article and for subsequent, non-Class A registrations of state owned or leased vehicles, the state vehicle registration plate and certificate shall be valid for a period of not more than 24 months and shall be required to be renewed every two years.

(v) The commissioner is authorized to prepare and promulgate emergency rules, pursuant to §29A-3-1 *et seq.* of this code in order to implement amendments to this section.

~~(t)~~ (w) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$100. Magistrates have concurrent jurisdiction with circuit courts for the enforcement of this section.

**§17A-3-25. State vehicle title, registration and relicensing project of 2018; emergency and legislative rules.**

(a) On or before July 1, 2018, the commissioner shall coordinate with the Fleet Management Division established pursuant to §5A-12-1 *et seq.* of this code and the Enterprise Resource Planning Board established pursuant to §12-6D-1 *et seq.* of this code and other applicable agencies, to develop a standardized titling and registration system for state vehicles. To the extent practicable, the standardization of vehicle title, registration, and state vehicle license plates shall conform to the state's central accounting system maintained by the Enterprise Resource Planning Board. The standardization of state vehicle titles, registrations, and license plates, as described in this section, shall be known as the "State Vehicle Title, Registration, and Relicensing Project of 2018." Every spending unit shall comply with the provisions of this section, and §17A-3-23 of this code.

(b) The commissioner, in coordination with the Fleet Management Division, shall develop a standard system for identifying and recording the names of agencies, offices, or spending units to which each state vehicle is assigned, or registered, and such standard naming conventions shall be developed to align with the state's central accounting system, and the centralized state vehicle inventory system. The commissioner shall propose legislative and emergency rules, pursuant to §29A-3-1 et seq. of this code, establishing those standard naming conventions for the registration, titling, and licensing of every state vehicle, and assigning by rule a list of the standardized naming conventions for each spending unit for the purpose of issuing new title, registration, and license plates to each state vehicle by December 31, 2018.

(c) Once the commissioner has promulgated legislative and emergency rules as authorized pursuant to subsection (b) of this section, and not later than September 1, 2018, the division shall begin to issue the standardized title, registration, and state vehicle license plates for all state vehicles.

(d) Any spending unit applying to license or relicense a state vehicle pursuant to this section shall include with the application an affirmative statement under the penalty of perjury that the vehicle is a state asset recorded in the central accounting system as maintained by the Enterprise Resource Planning Board before the commissioner is required to issue any motor vehicle registration plates: *Provided*, That for leased vehicles, the spending unit shall affirm to the commissioner that the vehicle is leased and not required to be recorded in the state central accounting system.

(e) The commissioner shall confirm that each vehicle for which an agency applies for a license, title, or registration is properly listed within the centralized accounting system as being a vehicle owned by a state agency before processing the application.

(f) The commissioner is authorized, by legislative and emergency rule, to establish a procedure whereby the commissioner shall reject the application for a state vehicle title, registration and state vehicle license plate if that application does not conform to the standard naming convention requirements. The commissioner shall provide by rule for the reasonable remedy, correcting of errors, or to compel compliance with the standard naming conventions.

(g) At midnight on December 31, 2018, all green state vehicle license plates with white lettering affixed to vehicles shall expire. The commissioner, in coordination with the Fleet Management Division, shall provide notice to each spending unit, and advertise as deemed appropriate, to inform the fleet coordinators, as defined in §5A-12-3 of this code, that such license plates expire and the procedure for being issued new titles, registrations, and license plates pursuant to this article. The head of each spending unit with state vehicles shall cooperate and comply with the requirements of the State Vehicle Title, Registration, and Relicensing Project of 2018, and the centralized accounting system.

(h) Upon receipt of the new title, registration, and license plates, each spending unit shall enter the appropriate information into the state's central accounting system maintained by the Enterprise Resource Planning Board, in such detail and specificity as required by the board, the Fleet Management Division established pursuant to §5A-12-1 et seq. of this code.

#### **§17A-3-26. Enforcement; report.**

(a) Beginning January 1, 2019, any state vehicle in this state with a green state license plate with white lettering is in violation of this article.

(b) After January 1, 2019, any law-enforcement officer who discovers a state vehicle with an expired state vehicle license plate shall issue a citation with a penalty of \$100 per violation. Upon payment of such penalty, notwithstanding court costs, the clerk of the court shall remit the amount of the penalty to the law-enforcement agency having brought the charge before the court.

(c) Any spending unit issued a citation pursuant to this section shall file a report with the Fleet Management Division within 30 days of the citation and describe the state vehicle by the vehicle identification number, the make, model, and year of the vehicle, the state vehicle license plate, and the date on which the license plate was renewed.

#### **§17A-3-27. Compliance audit.**

On or before December 31, 2019, the Legislative Auditor, in accordance with §4-10-1 et seq. of this code, shall audit the Division of Motor Vehicles for compliance with the State Vehicle Title, Registration, and Relicensing Project of 2018. The Legislative Auditor may make recommendations for future compliance monitoring of any spending unit found not in compliance with the project and make such recommendations for administrative penalties for noncompliance with the project.

### **CHAPTER 29B. FREEDOM OF INFORMATION.**

#### **ARTICLE 1. PUBLIC RECORDS.**

##### **§29B-1-4. Exemptions.**

(a) There is a presumption of public accessibility to all public records, subject only to the following categories of information which are specifically exempt from disclosure under ~~the provisions of this article~~:

(1) Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors;

(2) Information of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure of the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular instance: *Provided*, That this article does not preclude an individual from inspecting or copying his or her own personal, medical, or similar file;

(3) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment, or academic examination;

(4) (A) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement;

(B) Records identifying motor vehicles used, and the agencies using them, for undercover investigation activities conducted by state law-enforcement agencies or other agencies that are authorized by this code to use undercover or unmarked vehicles;

(5) Information specifically exempted from disclosure by statute;

(6) Records, archives, documents or, manuscripts describing the location of undeveloped historic, prehistoric, archaeological, paleontological, and battlefield sites or constituting gifts to any public body upon which the donor has attached restrictions on usage or the handling of which could irreparably damage the record, archive, document, or manuscript;

(7) Information contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions, except those reports which are by law required to be published in newspapers;

(8) Internal memoranda or letters received or prepared by any public body;

(9) Records assembled, prepared, or maintained to prevent, mitigate, or respond to terrorist acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the public health;

(10) Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases, and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of law-enforcement or emergency response personnel;

(11) Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, state and local law-enforcement, and other agencies within the Department of Military Affairs and Public Safety;

(12) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;

(13) Computing, telecommunications, and network security records, passwords, security codes, or programs used to respond to or plan against acts of terrorism which may be the subject of a terrorist act;

(14) Security or disaster recovery plans, risk assessments, tests, or the results of those tests;

(15) Architectural or infrastructure designs, maps, or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located;

(16) Codes for facility security systems; or codes for secure applications for facilities referred to in subdivision (15) of this subsection;

(17) Specific engineering plans and descriptions of existing public utility plants and equipment;

(18) Customer proprietary network information of other telecommunications carriers, equipment manufacturers, and individual customers, consistent with 47 U.S.C. §222;

(19) Records of the Division of Corrections, Regional Jail and Correctional Facility Authority, and the Division of Juvenile Services relating to design of corrections, jail and detention facilities owned or operated by the agency, and the policy directives and operational procedures of personnel relating to the safe and secure management of inmates or residents, that if released, could be used by an inmate or resident to escape a facility, or to cause injury to another inmate, resident, or to facility personnel;

(20) Information related to applications under §61-7-4 of this code, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon permit: *Provided:* That information in the aggregate that does not identify any permit holder other than by county or municipality is not exempted: *Provided, however,* That information or other records exempted under this subdivision may be disclosed to a law-enforcement agency or officer: (i) To determine the validity of a permit, (ii) to assist in a criminal investigation or prosecution, or (iii) for other lawful law-enforcement purposes; and

(21) Personal information of law-enforcement officers maintained by the public body in the ordinary course of the employer-employee relationship. As used in this paragraph, "personal information" means a law-enforcement officer's social security number, health information, home address, personal address, personal telephone numbers, and personal email addresses, and those of his or her spouse, parents, and children, as well as the names of the law-enforcement officer's spouse, parents, and children.

(b) As used in subdivisions (9) through (16), inclusive, subsection (a) of this section, the term "terrorist act" means an act that is likely to result in serious bodily injury or damage to property or the environment and is intended to:

- (1) Intimidate or coerce the civilian population;
- (2) Influence the policy of a branch or level of government by intimidation or coercion;
- (3) Affect the conduct of a branch or level of government by intimidation or coercion; or
- (4) Retaliate against a branch or level of government for a policy or conduct of the government.

(c) The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section do not make subject to the provisions of this chapter any evidence of an immediate threat to public health or safety unrelated to a terrorist act or the threat of a terrorist act which comes to the attention of a public entity in the course of conducting a vulnerability assessment response or similar activity.

The bill (Eng. Com. Sub. for H. B. 4015), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4023**, Relating to the regulation of dialysis technicians.

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

**Eng. House Bill 4025**, Permitting reciprocity for licensure as a pharmacy technician.

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

**Eng. Com. Sub. for House Bill 4027**, Creating an education permit for allopathic physician resident.

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

**Eng. House Bill 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies.

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

**Eng. Com. Sub. for House Bill 4197**, Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation.

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:

On page two, section five, lines twenty-nine through thirty-four by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

(2) A nationally recognized training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation selected by the medical director of an emergency medical dispatch center. This training course shall incorporate protocols for out of hospital cardiac arrest and compression-only cardiopulmonary resuscitation and continuing education, as appropriate. The training requirements of this subdivision are effective not later than July 1, 2019. Persons employed subsequent to July 1, 2018, shall complete the training within one year of the date of employment; and

The bill (Eng. Com. Sub. for H. B. 4197), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4279**, Relating to adult protective services system.

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

**Eng. Com. Sub. for House Bill 4368**, Relating to voluntary assignments of wages by state employees who have been overpaid.

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

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 bill was withdrawn.

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

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

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

**§21-5-3. Payment of wages by employers other than railroads; assignments of wages.**

(a) Every person, firm or corporation doing business in this state, except railroad companies as provided in section one of this article, shall settle with its employees at least twice every month and with no more than 19 days between settlements, unless otherwise provided by special agreement, and pay them the wages due, less authorized deductions and authorized wage assignments, for their work or services.

(b) Payment required in subsection (a) of this section shall be made:

(1) In lawful money of the United States;

(2) By cash order as described and required in §21-5-4 of this code;

(3) By deposit or electronic transfer of immediately available funds into an employee's payroll card account in a federally insured depository institution. The term "payroll card account" means an account in a federally insured depository institution that is directly or indirectly established through an employer and to which electronic fund transfers of the employee's wages, salary, commissions or other compensation are made on a recurring basis, whether the account is operated or managed by the employer, a third person payroll processor, a depository institution or another person. "Payroll card" means a card, code or combination thereof or other means of access to an employee's payroll card account, by which the employee may initiate electronic fund transfers or use a payroll card to make purchases or payments. Payment of employee compensation by means of a payroll card must be agreed upon in writing by both the person, firm or corporation paying the compensation and the person being compensated; or

(4) By any method of depositing immediately available funds in an employee's demand or time account in a bank, credit union or savings and loan institution that may be agreed upon in writing between the employee and such person, firm or corporation, which agreement shall specifically identify the employee, the financial institution, the type of account and the account number: *Provided*, That nothing herein contained shall be construed in a manner to require any person, firm or corporation to pay employees by depositing funds in a financial institution.

(c) If, at any time of payment, any employee ~~shall be~~ is absent from his or her regular place of labor and ~~shall~~ does not receive his or her wages through a duly authorized representative, he or she ~~shall be~~ is entitled to payment at any time thereafter upon demand upon the proper paymaster at the place where his or her wages are usually paid and where the next pay is due.

(d) Nothing herein contained ~~shall~~ may affect the right of an employee to assign part of his or her claim against his or her employer except as in subsection (e) of this section.

(e) No assignment of or order for future wages ~~shall~~ may be valid for a period exceeding one year from the date of the assignment or order. An assignment or order shall be acknowledged by the party making the same before a notary public or other officer authorized to take acknowledgments, and any order or assignment shall specify thereon the total amount due and collectible by virtue of the same and, unless otherwise provided for in subsection (f) of this section, three-fourths of the periodical earnings or wages of the assignor ~~shall~~ are all times ~~be~~ exempt

from such assignment or order and no assignment or order ~~shall be~~ is valid which does not so state upon its face: *Provided*, That no such order or assignment ~~shall be~~ is valid unless the written acceptance of the employer of the assignor to the making thereof is endorsed thereon: *Provided, however*, That nothing herein contained ~~shall~~ may be construed as affecting the right of employer and employees to agree between themselves as to deductions to be made from the payroll of employees.

(f) If an employee of the state has been overpaid wages, including incremental salary increases pursuant to §5-5-2 of this code, an employee may voluntarily authorize a written assignment or order for future wages to the state to repay the overpayment in an amount not to exceed three-fourths of his or her periodical earnings or wages.

The bill (Eng. Com. Sub. for H. B. 4368), as amended, was then ordered to third reading.

**Eng. House Bill 4434**, Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement.

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:

**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

**§3-5-23. Certificate nominations; requirements and control; penalties.**

(a) Groups of citizens having no party organization may nominate candidates who are not already candidates in the primary election for public office otherwise than by conventions or primary elections. In that case, the candidate or candidates, jointly or severally, shall file a nomination certificate in accordance with the provisions of this section and the provisions of §3-5-24 of this code.

(b) The person or persons soliciting or canvassing signatures of duly qualified voters on the certificate or certificates, may solicit or canvass duly registered voters residing within the county, district, or other political division represented by the office sought, but must first obtain from the clerk of the county commission credentials which must be exhibited to each voter canvassed or solicited, which credentials may be in the following form or effect:

State of West Virginia, County of ....., ss:

This certifies that the holder of this credential is hereby authorized to solicit and canvass duly registered voters residing in ..... (here place the county, district or other political division represented by the office sought) to sign a certificate purporting to nominate ..... (here place name of candidate heading list on certificate) for the office of ..... and others, at the general election to be held on ....., 20.....

Given under my hand and the seal of my office this ..... day of ....., 20.....

.....

Clerk, county commission of ..... County.

The clerk of each county commission, upon proper application made as herein provided, shall issue such credentials and shall keep a record thereof.

(c) The certificate shall be personally signed by duly registered voters, in their own proper handwriting or by their marks duly witnessed, who must be residents within the county, district, or other political division represented by the office sought wherein the canvass or solicitation is made by the person or persons duly authorized. The signatures need not all be on one certificate. The number of signatures shall be equal to not less than one percent of the entire vote cast at the last preceding general election for the office in the state, district, county, or other political division for which the nomination is to be made, but in no event shall the number be less than 25. The number of signatures shall be equal to not less than one percent of the entire vote cast at the last preceding general election for any statewide, congressional, or presidential candidate, but in no event shall the number be less than 25. Where two or more nominations may be made for the same office, the total of the votes cast at the last preceding general election for the candidates receiving the highest number of votes on each ticket for the office shall constitute the entire vote. A signature on a certificate may not be counted unless it be that of a duly registered voter of the county, district, or other political division represented by the office sought wherein the certificate was presented.

(d) The certificates shall state the name and residence of each of the candidates; that he or she is legally qualified to hold the office; that the subscribers are legally qualified and duly registered as voters and desire to have the candidates placed on the ballot; and may designate, by not more than five words, a brief name of the party which the candidates represent and may adopt a device or emblem to be printed on the official ballot. All candidates nominated by the signing of the certificates shall have their names placed on the official ballot as candidates, as if otherwise nominated under the provisions of this chapter.

The Secretary of State shall prescribe the form and content of the nomination certificates to be used for soliciting signatures.

Offices to be filled by the voters of more than one county shall use separate petition forms for the signatures of qualified voters for each county.

Notwithstanding any other provision of this code to the contrary, a duly registered voter may sign the certificate provided in this section and may vote for candidates of his or her choosing in the corresponding primary election.

(e) The Secretary of State, or the clerk of the county commission, as the case may be, may investigate the validity of the certificates and the signatures thereon. If, upon investigation, there is doubt as to the legitimacy and the validity of certificate, the Secretary of State may ask the Attorney General of the state, or the clerk of the county commission may ask the prosecuting attorney of the county, to institute a quo warranto proceeding against the nominee by certificate to determine his or her right to the nomination to public office and upon request being made, the Attorney General or prosecuting attorney shall institute the quo warranto proceeding. The clerk of the county commission shall, at the request of the Secretary of State or the clerk of the circuit court, compare the information from any certificate to the county voter registration records in order to assist in determining the validity of any certificates.

(f) For the purposes of this section, any person who, at the time of the filing of the nomination certificate or certificates, is registered and affiliated with a recognized political party as defined in §3-1-8 of this code may not become a candidate for political office by virtue of the nomination-certificate process as set forth in this section.

(g) For the purposes of this section, any person who was a candidate for nomination by a recognized political party as defined in §3-1-8 of this code may not, after failing to win the nomination of his or her political party, become a candidate for the same political office by virtue of the nomination-certificate process as set forth in this section.

~~(f)~~ (h) In addition to penalties prescribed elsewhere for violation of this chapter, any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000, or confined in jail not more than one year, or both fined and ~~imprisoned~~ confined: Provided, That a criminal penalty may not be imposed upon anyone who signs a nomination certificate and votes in the primary election held after the date the certificate was signed.

The bill (Eng. H. B. 4434), as amended, was then ordered to third reading.

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

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:

## **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

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

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

(b) Notwithstanding any other provision of this article to the contrary, the superintendent may contract with public, quasi-public, military, or private entities to provide extraordinary police or security services by the ~~department~~ State Police when it is determined by the superintendent to be in the public interest. The superintendent shall assign ~~such~~ the personnel, equipment, or facilities ~~as is deemed~~ he or she considers necessary and the ~~department~~ State Police shall be

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

The bill (Eng. H. B. 4462), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4478**, Authorizing public schools to distribute excess food to students.

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 five, line thirty-six, after the word "made" by striking out the word "food".

The bill (Eng. Com. Sub. for H. B. 4478), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4502**, Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception.

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:

**ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.**

**§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for order authorizing interception.**

The prosecuting attorney of any county or duly appointed special prosecutor may apply to one of the designated circuit judges referred to in §62-1D-7 of this code and the judge, in accordance with the provisions of this article, may grant an order authorizing the interception of wire, oral, or electronic communications by an officer of the investigative or law-enforcement agency when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of: (1) Kidnapping or abduction as defined and prohibited by the provisions of §61-2-14 and §61-2-14a of this code and including threats to kidnap or demand ransom as defined and prohibited by the provisions of §61-2-14c of this code; (2) any offense included and prohibited by §25-4-11 of said code, §61-5-8, §61-5-9 and §61-5-10 or §62-8-1 of said this code to the extent that any of said sections provide for offenses punishable as a felony; (3) ~~dealing, transferring or trafficking in any controlled substance or substances in the felonious violation~~ felony violations of §60A-1-101 *et seq.* of this code; (4) ~~of any offense included and prohibited by~~ violations of §61-14-1 *et seq.* of this code; (5) violations of §61-2-1 of this code; (6) violations of §61-2-12 of this code; (7) felony violations of §61-8B-1 et seq. of this code; (8) violations of §61-1-1 of this code; (9) violations of §61-13-3 of this code; or (10) any aider or abettor to any of the ~~foregoing~~ offenses referenced in this section or any conspiracy to commit any of the ~~foregoing~~ offenses referenced in this section if any aider, abettor, or conspirator is a party to the communication to be intercepted.

The bill (Eng. Com. Sub. for H. B. 4502), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4509**, Relating to the establishment of substance abuse treatment facilities.

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:

On page one, section one, line three, following the words “throughout the” by inserting the words “state which the”.

The bill (Eng. Com. Sub. for H. B. 4509), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4522**, Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor.

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

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and the right for further amendments to be considered on that reading.

**Eng. House Bill 4622**, Relating to authorizing legislative rules regarding higher education.

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

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Eng. Com. Sub. for House Bill 4016**, Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency.

**Eng. Com. Sub. for House Bill 4035**, Creating a legislative coalition to study and report to the Legislature on palliative care.

**Eng. Com. Sub. for House Bill 4042**, Redefining school zone to facilitate placement of school zone signs.

**Eng. House Bill 4183**, Relating generally to standardized testing requirements for nonpublic schools.

**Eng. Com. Sub. for House Bill 4275**, Relating to the law-enforcement authority of the director and officers of the division of protective services.

**Eng. Com. Sub. for House Bill 4400**, Relating to the West Virginia Physicians Mutual Insurance Company.

And,

**Eng. Com. Sub. for House Bill 4546**, Relating to where an application for a marriage license may be made.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Palumbo, Romano, Ojeda, Clements, Karnes, and Unger.

At the request of Senator Unger, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of Bonita Schreckengost, a substitute teacher who was seriously injured in a car accident on February 23, 2018.

Remarks were made by Senator Beach.

At the request of Senator Beach, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of the Honorable Stephen L. Cook, a former senator from the fourteenth district.

Remarks were made by Senators Trump and Plymale.

Following a point of inquiry to the President, with resultant response thereto,

Remarks were made by Senator Smith.

Senator Romano called attention to Saturday, March 3, 2018, being the birthday of the senator from Tucker and on behalf of the Senate extended felicitations and good wishes to Senator Smith, with Senator Romano leading the members in singing "Happy Birthday".

Remarks were made by Senators Unger, Blair, and Woelfel.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate recessed until 5 p.m. today.

The Senate reconvened at 6:33 p.m. today 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, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 451**, Relating generally to hunting and fishing.

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

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

On page three, section five, line thirty-five, by striking out the word “handgun” and inserting in lieu thereof the word “firearm”;

On page three, section five, line forty, after the word “in” by striking out the word “a”;

On page three, section five, line forty, after the word “park” by striking out the comma and inserting in lieu thereof the word “or”;

On page three, section five, line forty, after the word “facilities” by striking out the comma;

On page seven, section nine, line eight, by striking out “§20-2-5b” and inserting in lieu thereof “§20-2-5(b)”;

On page seven, section nine, line twelve, by striking out “§20-2-5b” and inserting in lieu thereof “§20-2-5(b)”;

On page seven, section nine, line sixteen, by striking out “§20-2-5b” and inserting in lieu thereof “§20-2-5(b)”;

And,

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

**Eng. Com. Sub. for Senate Bill 451**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-9 of said code, all relating generally to hunting and fishing; authorizing the use of certain technologies for hunting coyote, fox, racoon, opossum, and skunk; regulating firearm use and possession in certain places; prohibiting the use of a drone or unmanned aircraft to wound, harass, or transport wildlife; allowing certain persons to carry firearms, including handguns, rifles, or shotguns, for self-defense with certain exceptions; creating a misdemeanor and providing penalties for catching, taking, killing or attempting to catch, take, or kill any fish by any means within 200 feet of agency personnel stocking fish into public waters; removing a limitation on the starting time for Sunday hunting on private lands with the landowner’s permission; providing that the misdemeanor offenses of

hunting, trapping, or fishing on the lands of another person, entering posted lands, hunting on private land on Sunday without written permission, and destroying posted land signs will all carry penalties equivalent to the penalty for the offense of criminal trespass; providing increased penalties upon conviction of second and subsequent violations of certain natural resources laws; permitting Sunday hunting on public lands; permitting noodling, or fishing for catfish using one's bare hands; and making technical changes.

On motion of Senator Trump, 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 451**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-9 of said code, all relating generally to hunting and fishing; authorizing the use of certain technologies for hunting coyote, fox, racoon, opossum, and skunk; regulating firearm use and possession in certain places; prohibiting the use of a drone or unmanned aircraft to wound, harass, or transport wildlife; allowing certain persons to carry firearms, including handguns, rifles, or shotguns, for self-defense with certain exceptions; creating a misdemeanor and providing penalties for catching, taking, killing or attempting to catch, take, or kill any fish by any means within 200 feet of agency personnel stocking fish into public waters; removing a limitation on the starting time for Sunday hunting on private lands with the landowner's permission; requiring crossbows and bows be cased when in a motor vehicle during certain times; prohibiting nocked bows from being transported in a motor vehicle; providing that the misdemeanor offenses of hunting, trapping, or fishing on the lands of another person, entering posted lands, hunting on private land on Sunday without written permission, and destroying posted land signs will all carry penalties equivalent to the penalty for the offense of criminal trespass; providing increased penalties upon conviction of second and subsequent violations of certain natural resources laws; permitting Sunday hunting on public lands; permitting noodling, or fishing for catfish using one's bare hands; and making technical changes.

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

Engrossed Committee Substitute for Senate Bill 451, as amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 451 pass?"

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

The nays were: Sypolt—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. 451) 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 proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 2028**, Relating to the venue for suits and other actions against the state.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4336**, Updating the schedule of controlled substances.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Eng. Com. Sub. for House Bill 4401**, Relating to the registration of business.

And has amended same.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4453**, Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**House Concurrent Resolution 27**, Making Grafton's Annual Memorial Day Parade the Official State Memorial Day Parade.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

The Senate again proceeded to the sixth order of business.

At the request of Senator Trump, and by unanimous consent, Senator Trump offered the following resolution from the floor:

**Senate Concurrent Resolution 51**—Extending the Committee of Conference relating to consideration of Engrossed Committee Substitute for House Bill 4013, *Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.*

*Resolved by the Legislature of West Virginia:*

That pursuant to Rule No. 3 of the Joint Rules of the Senate and House of Delegates, the Committee of Conference is hereby extended for a period of three days for the express purpose of consideration of matters of disagreement between the two houses as to extending the Committee of Conference relating to consideration of Engrossed Committee Substitute for House Bill 4013, *Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.*

At the request of Senator Trump, 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.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 6:45 p.m., the Senate recessed until 7:15 p.m. tonight.

The Senate reconvened at 7:58 p.m. tonight 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, adoption as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Senate Concurrent Resolution 51**, Extending conference committee relating to Engrossed Committee Substitute for HB 4013.

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

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

On page one, in the Resolved clause, by striking out the word "three" and inserting in lieu thereof the word "one".

On motion of Senator Trump, the Senate concurred in the House of Delegates amendment to the resolution.

The question being on the adoption of the resolution (S. C. R. 51), as amended, the same was put and prevailed.

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

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

**Senate Bill 152**, Budget Bill.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 152** (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,

Craig Blair,  
*Chair.*

At the request of Senator Blair, unanimous consent being granted, the bill (Com. Sub. for S. B. 152) 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.

On motion of Senator Blair, the bill was rereferred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4618**, Relating to the authority of the Division of Protective Services.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 8:03 p.m., the Senate adjourned until tomorrow, Tuesday, March 6, 2018, at 11 a.m.

---

## **SENATE CALENDAR**

**Tuesday, March 06, 2018  
11:00 AM**

### **UNFINISHED BUSINESS**

H. C. R. 27 - Making Grafton's Annual Memorial Day Parade the Official State Memorial Day Parade

### **THIRD READING**

- Eng. Com. Sub. for H. B. 2464 - Relating to disclaimers and exclusions of warranties in consumer transactions for goods - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4015 - Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies
- Eng. Com. Sub. for H. B. 4023 - Relating to the regulation of dialysis technicians
- Eng. H. B. 4025 - Permitting reciprocity for licensure as a pharmacy technician
- Eng. Com. Sub. for H. B. 4027 - Creating an education permit for allopathic physician resident
- Eng. H. B. 4178 - Permitting certain portions of certified nurse aide training to be provided through distance learning technologies
- Eng. Com. Sub. for H. B. 4197 - Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation (original similar to SB409)
- Eng. Com. Sub. for H. B. 4279 - Relating to adult protective services system
- Eng. Com. Sub. for H. B. 4368 - Relating to voluntary assignments of wages by state employees who have been overpaid - (Com. title amend. pending)
- Eng. H. B. 4434 - Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement - (Com. title amend. pending)
- Eng. H. B. 4462 - Allowing off duty members and officers of the department of public safety to guard private property - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4478 - Authorizing public schools to distribute excess food to students
- Eng. Com. Sub. for H. B. 4502 - Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4509 - Relating to the establishment of substance abuse treatment facilities - (Com. title amend. pending)

- Eng. Com. Sub. for H. B. 4522 - Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor - (Amend. pending) - (With right to amend)
- Eng. H. B. 4622 - Relating to authorizing legislative rules regarding higher education

## **SECOND READING**

- Eng. Com. Sub. for H. B. 4016 - Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4035 - Creating a legislative coalition to study and report to the Legislature on palliative care - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4042 - Redefining school zone to facilitate placement of school zone signs - (Com. amend. pending)
- Eng. H. B. 4183 - Relating generally to standardized testing requirements for nonpublic schools - (Com. amends. and title amend. pending)
- Eng. Com. Sub. for H. B. 4275 - Relating to the law-enforcement authority of the director and officers of the division of protective services
- Eng. Com. Sub. for H. B. 4400 - Relating to the West Virginia Physicians Mutual Insurance Company
- Eng. Com. Sub. for H. B. 4546 - Relating to where an application for a marriage license may be made

## **FIRST READING**

- S. B. 633 - Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund
- S. B. 634 - Adding, increasing, and decreasing appropriations from General Revenue to DHHR
- Eng. Com. Sub. for H. B. 2028 - Relating to the venue for suits and other actions against the state
- Eng. Com. Sub. for H. B. 4214 - Increasing penalties for unlawfully possessing or digging ginseng - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4276 - Allowing magistrates to grant work release privileges
- Eng. Com. Sub. for H. B. 4336 - Updating the schedule of controlled substances - (Com. title amend. pending)
- Eng. H. B. 4376 - Expiring funds to the balance of the Department of Health and Human Resources

- Eng. H. B. 4379 - Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation
- Eng. Com. Sub. for H. B. 4401 - Relating to the registration of business - (Com. amend. and title amend. pending) (original similar to SB497)
- Eng. Com. Sub. for H. B. 4453 - Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review
- Eng. H. B. 4529 - Relating to oath by municipal official certifying list of delinquent business and occupation taxes
- Eng. Com. Sub. for H. B. 4571 - Relating to the final day of filing announcements of candidates for a political office - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4618 - Relating to the authority of the Division of Protective Services - (Com. amend. and title amend. pending)
- Eng. H. B. 4627 - Relating to providing a limitation on the eminent domain authority of a municipal park board - (Com. amend. pending)

## **ANNOUNCED SENATE COMMITTEE MEETINGS**

### **Regular Session 2018**

---

**Tuesday, March 6, 2018**

9:30 a.m.	Judiciary	(Room 208W)
10 a.m.	Transportation & Infrastructure	(Room 451M)
1 p.m.	Health & Human Resources	(Room 451M)
1 p.m.	Energy, Industry & Mining	(Room 208W)
2 p.m.	Government Organization	(Room 208W)