



WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

For information about your State Legislature, visit our Web site: www.legis.state.wv.us

Volume XXIV, Final Edition

July, 2013

During the 2013 Regular Session, a total of 1,829 bills were introduced (665 Senate bills and 1,164 House bills) and of those, 216 were passed by the Legislature. The Governor vetoed 4 bills.

This Final Issue of Wrap-Up contains summaries of all bills passed during the 2013 Regular and Extended Budget Sessions.

West Virginia Budget Bill

Fiscal Year 2014

Conference Committee Report for HB 2014

Budget Totals

General Revenue \$ 4,135,751,000

Road Fund 1,199,969,148

Special Revenue 1,540,881,901

Lottery 151,573,583

Excess Lottery 256,522,000

Federal Funds 3,753,608,245

Federal Block Grants 329,905,155

Surplus Accrued 50,000,000

Total \$ 11,418,211,032

General Revenue Highlights

Judiciary

- The Budget for the Supreme Court was reduced by \$4 million.



MARTIN VALENT WEST VIRGINIA LEGISLATURE

Commerce

- Funding has been restored for the Clements State Tree Nursery
- One-time funding has been included for the Citizen Conservation Corp for the second and final year of a project to prepare for the National Boy Scout Jamboree

Public Education

- Cuts to personal services in the House Version of the Budget have been restored by the Conference Committee with the understanding that the Superintendent is to reduce personal services for those employees not involved in direct services and redistribute those funds to other direct service programs for the next two years.
- \$500,000 has been included for the purchase of CTE Curriculum from the SREB
- Funding that had been added in the House version

WEST VIRGINIA

2014 BUDGET

13.49% Special Revenue
\$1,540,812,001

1.33% Lottery Fund
\$151,573,583

10.51% Road Fund
\$1,199,969,148

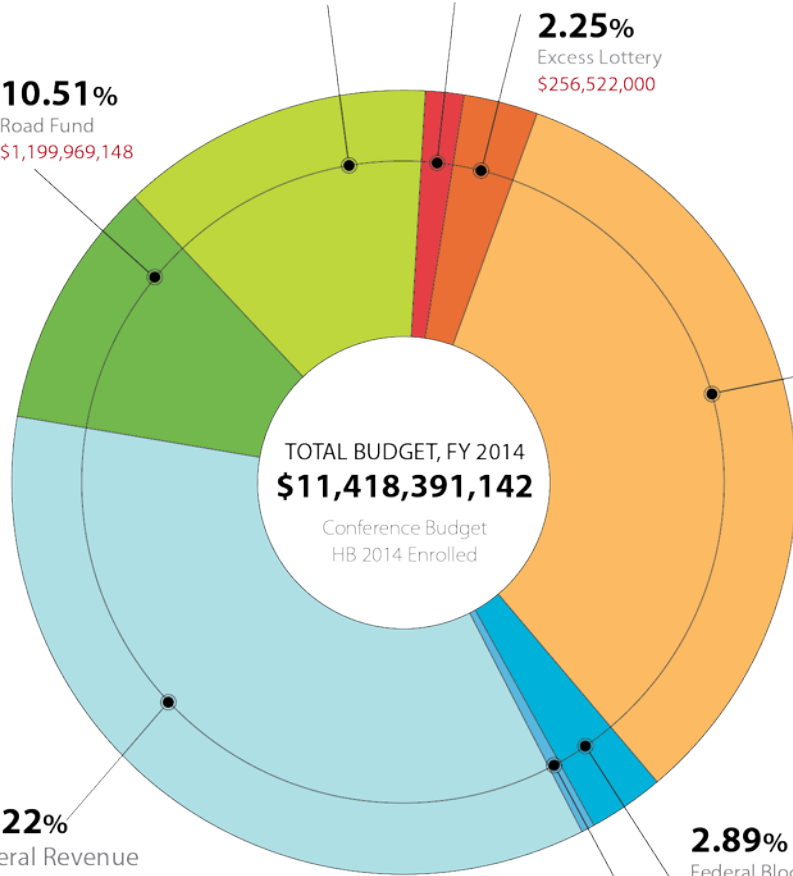
2.25% Excess Lottery
\$256,522,000

32.87% Federal Funds
\$3,753,608,255

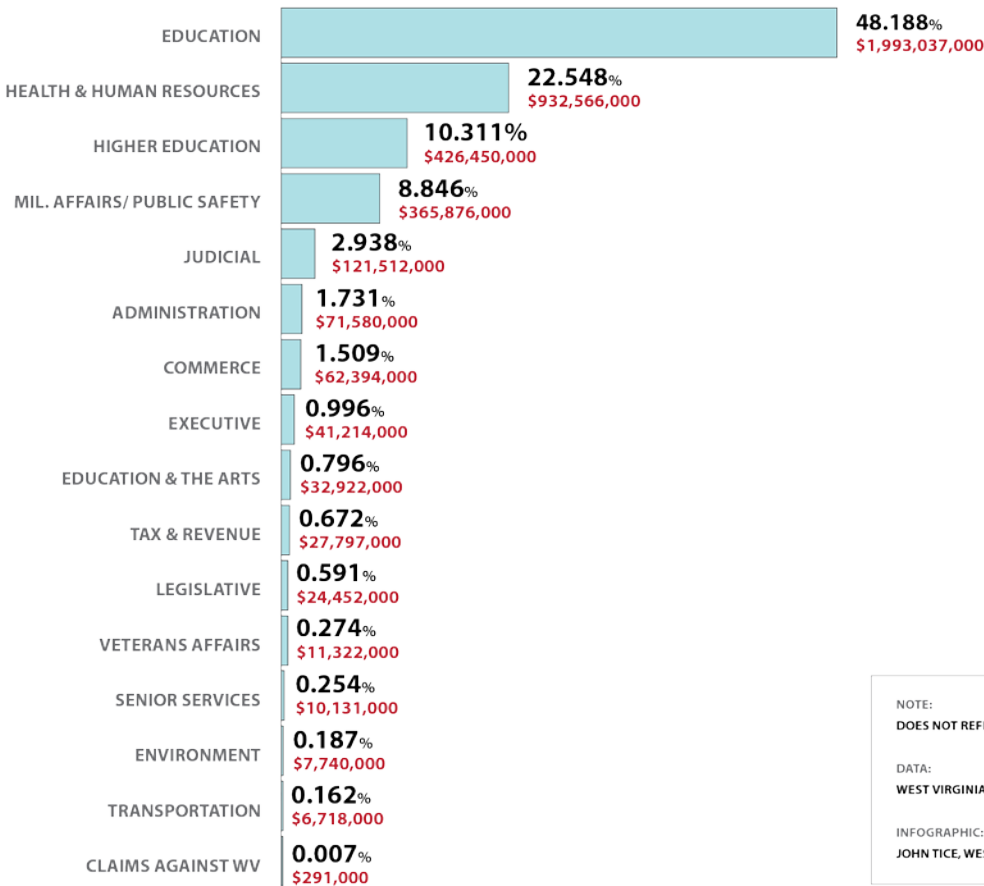
36.22% General Revenue
\$4,136,001,000

2.89% Federal Block Grants
\$329,905,155

.44% Gen. Rev. Surplus
\$50,000,000



APPROPRIATIONS



NOTE:
DOES NOT REFLECT LINE-ITEM REDUCTIONS AND VETOS BY GOVERNOR.

DATA:
WEST VIRGINIA HOUSE OF DELEGATES COMMITTEE ON FINANCE

INFOGRAPHIC:
JOHN TICE, WEST VIRGINIA LEGISLATURE'S OFFICE OF REFERENCE & INFORMATION



for an extra \$100 for each classroom teacher for supplies has been removed. This amount was a total of \$2.1 million.

- Funding has been included for 21st Century Innovation Zones, the Student Enrichment Program, 21st Century Assessment and Professional Development, and for Technology Initiatives.

Education and the Arts

- Restored funding for Independent Living Services to the FY 13 level - this will continue to ensure that West Virginians with disabilities have access to the resources and supports they need to live self-determine, independent lives in their own homes and communities

Department of Health and Human Resources

- In language under Item 63, Fund 0407, Those Primary Care Centers previously removed from the Governor’s Introduced budget have been restored with each center listed with a 50% reduction from their FY 13 appropriation.
- Funding for Grants for Licensed Domestic Violence Programs and Statewide Prevention, and the Children’s Trust Fund both were restored to the FY 13 level.
- A line item for Sexual Assault Intervention and Prevention has been included at \$150,000.

Military Affairs and Public Safety

- Funding has been restored for the WVU-Charleston Poison Control Hotline to allow for the continued operation of the hotline.

- Adjustments have been made to reflect the realignment of certain juvenile and adult correctional facilities
- Sufficient funding has been included for the State Police to have a cadet class in the coming year.
- Funding for Child Advocacy Centers has been restored to the FY 2013 level.

Transportation

- Funding has been added to the Division of Public Transit in the amount of \$100,000 with language directing that it be for Tri-River Transit to match dollar for dollar with federal funds.

Higher Education

- Funding in the amount of \$200,000 has been included for the Underwood-Smith Scholarship Program as directed in SB 359.
- Funding for the WVU Center for Excellence in Women’s Health has been partially restored in the amount of \$200,000
- \$30,000 has been included for the development of a cyber-bullying program.
- The appropriation for West Virginia State University Land Grant match has been restored to the FY 2013 level.

View Legislation Online
 For complete bill history information, roll call votes, amendments, sponsor, veto messages and the full bill text of all legislation from the 2010 Regular Session, please visit Bill Statutus online at:
www.legis.state.wv.us/Bill_Status/bill_status.cfm



Regular Lottery Highlights

Commerce

- Funding has been included for tourism advertising & promotion in the amount of \$2.1 million.
- State Parks and Recreation Advertising has been restored to the FY 13 level
- Funding for the Challenger Learning Center has partially restored in the amount of \$109,844.

Education and the Arts

- Fairs & Festivals and Preservation WV are partially restored to each so that the effective cut is 10%.
- Grants to Public Libraries has been increased by \$174,601.

Senior Services

- Funding for those senior programs that provide direct services has been restored to the FY 2013 level.

Higher Education

- Funding for the HSTA Program has been restored to the FY 2013 level.

Indexes	
Index by Subject	pg.30
Index by Bill Number	pg.31

Agriculture

Senate Bill 504 (Agricultural Cooperative) will revise and update the law regarding agricultural cooperatives. It will allow three or more people who are producing agricultural products to form a for-profit or nonprofit cooperative association.

Alcohol

Senate Bill 172 (Non-intoxicating Beer Licenses) will amend the current provisions of the Code relating to non-intoxicating beer. Four major changes will be made to the Code one of which will allow trusts and limited liability companies to be beer distributors.

Senate Bill 470 (Farm Wineries) permits farm wineries and licensed wineries to sell wine and wine samples during fairs or festivals and on Sunday mornings of those events. Samples would no exceed three ounces. Consumption would be allowed on the premises of these fair and festivities except from 2 a.m. to 10 a.m. on Sundays.

House Bill 2956 (Brewpubs) will amend the sections of the Code relating to resident brewers and brewpubs. This bill does so by clarifying definitions, broadening the definition of who can hold a distributor’s license, and more.

House Bill 3145 (Beer Limits) will remove the maximum limit retailers of beer can sell for off premises consumption. This bill also removes the limit of beer that can be sold to an individual.

Animals

Senate Bill 202 (Spay Neuter Assistance Program) will create the West Virginia Spay Neuter Assistance Program and Fund. This will give nonprofit programs the funds to be able to take care of pets whose owners may not have the financial means to properly do so.

Senate Bill 437 (Commercial dog breeding) - relates to commercial dog breeding and contains a list of requirements for how a commercial breeder, one who breeds dogs solely to be house pets, must keep and maintain the dogs, including that dogs must be housed in shelters that protect them from the elements, be provided clean food and water, adequate medical care and current rabies vaccinations.

Appropriations-Supplemental

Senate Bill 197 (Unappropriated surplus) appropriates unappropriated surplus general revenue funds to the Department of Administration to pay for constitutionally required indigent defense services and the Department Health and Human Resources.

Senate Bill 208 (Supplemental Appropriation) makes a supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services

Senate Bill 523 (Unappropriated Money) will make supplementary appropriation of unappropriated money to various accounts. This bill will provide spending authority for various special revenue accounts.

Senate 524 (Increase/Decrease Appropriations) will supplement, amend, decrease, and increase appropriations from State Road Fund to Department Of Transportation.

Senate Bill 525 (Federal Funds) will make supplementary appropriations of federal funds to various accounts. It will supply spending authority for several federal funds.

Senate Bill 526 (Federal Funds) will make supplementary appropriations of federal funds out of the treasury to the Department fo Health and Human Resources.

Senate Bill 664 (State Fund) will decrease the appropriations of public money in the state fund general revenue for the fiscal year of 2013.

House Bill 2538 expires, supplements, amends, increases, and adds items of appropriation in various accounts including the Department of Administration, the Department of Health and Human Resources, and the Department of Revenue.

Attorneys

House Bill 3069 (Attorney Fees) will amend the section of the code relating to attorney fees during compensation cases relating to a denial of medical benefits. The bill sets forth the maximum fees an attorney can charge per hour, including a maximum for litigation fees. Workers Comp, Attorneys, Insurance.

Audits/Auditing

House Bill 2851 (Audit Costs) will allow the Chief Inspector Division of the Auditor's Office to establish a one-time audit cost amnesty program for local governments with delinquent audit costs. The program would apply to years prior to the two most recent audits.

Banks and Banking

House Bill 2158 (Chartered Banks) allows West Virginia-chartered banks to provide directly through the bank rather than through an affiliate or contract partner, financially related services. Federal and state thrifts, federal credit unions, or other states' state-chartered banks may already provide these services directly.

House Bill 2923 (Banking Boards) provides an alternative way to meet the residency requirement for West Virginia-chartered banking institution's board members. Currently, a majority of board members must be West Virginia residents. Under the bill, a board member may meet the legal requirement if he or she resides in West Virginia or within 100 miles of a physical office of the bank.

Boards and Commissions

House Bill 2399 (Livestock Care Standards) provides procedures to protect livestock that are in dire or extreme condition. The bill creates the Livestock Care Standards Board, which has the responsibility to create procedures to address the inhumane treatment of livestock and

coordinate their efforts with the county humane officers. One of the board's duties is to establish standards for governing the care and well-being of livestock.

House Bill 2531 (Speech Pathology & Audiology) updates the article of the WV Code governing the practice of speech-language pathology and audiology. This new legislation requires audiologists to have a doctorate's degree which goes into effect July 1, 2014. Audiologists are also now permitted to provide services through telepractice, defined as the application of telecommunication technology.

House Bill 2888 (Police Commissions) will allow a Policemen's Civil Service Commissioner from a class I or II city to serve as a notary public. The bill also will allow those commissioners to serve on a state, local, or regional board or commission on a part time basis.

Bonds

Senate Bill 331 (Courthouse Improvements - VETOED) permits the Courthouse Facilities Improvement Authority (CFIA) to issue bonds to pay for the modification or construction of courthouse facilities. The bill would limit the definition of "courthouse facility" to those buildings that are owned by the county or another governmental entity. These bonds would be exempt from state taxation and are to be special obligations payable solely from the revenues and funds specified for their repayment and thus, they are not general obligations of the state or any county or municipality.



House Bill 3003 (Tobacco Sales) requires tobacco product manufacturers not participating in Tobacco Master Settlement Agreement who want to do business in West Virginia to post bond.

provided commodities and services to state agencies who have not been paid because those claims would have put the agency over the allotted appropriation. These claims are subject to approval by the Legislature.

Child Welfare

Senate Bill 461 (Child Witnesses) relates to the procedures and protection need for child witnesses in domestic relations proceedings which includes abuse and neglect cases and criminal cases. The bill will protect the confidentiality of the child and the recording of any child.

Code Repealed

House Bill 2463 (sterilization) repeals an outdated article in the WV Code that permits guardians or care takers of a person who has been judicially ruled mentally incompetent to petition the court to have the person sterilized.

Senate Bill 663 (Feed to Achieve Act) would create the “West Virginia Feed to Achieve Act.” The act would ensure all students have access to a nutritious breakfast and lunch. The act details where these funds would come from and provide funds to schools to establish nutrition programs.

House Bill 3161 (Marriage License Fees) repeals the section of the code relating to marriage license fees. This section of the code is already stated elsewhere.

House Bill 2314 (Family Courts) allows family court judges to order that a child be taken into the emergency custody of the Child Protective Services Division of the Department of Health and Human Resources in instances when the child’s physical well-being is in imminent danger and there are no other reasonable available alternatives to the custody order.

Communications

Senate Bill 604 (Electioneering Communication) will expand the definition of “electioneering communication”. It would add billboard, mass mailings, and phone banking into the definition.

House Bill 2046 (Location Information) will require for wireless telecommunications to release the location information of a cell phone belong to a missing person, in a timely manner. The information will be released to law enforcement in emergency situations.

Claims

Senate Bill 496 (Claims Against State) relates to finding and declaring certain claims against the state. The bill will direct payment of certain claims made by those who have

Indexes
Index by Subjectpg.30
Index by Bill Numberpg.31

Contracts

House Bill 2716 (Construction Contracts Bidding) converts West Virginia Fairness in Competitive Bidding Act into a regular requirement for all state construction contracts. The bill applies to all construction contracts over \$250,000 in cost. It requires that the winning bidder must submit a list of subcontractors to contracting agency within one business day of the opening of bids.

Corrections

Senate Bill 371 (Prison Reform) reforms aspects of the criminal justice system to improve public safety and address the growing prison overcrowding and substance abuse problems in this state. The bill is a result of study and recommendations from the Council of State Governments Justice Center to employ a data-driven “justice reinvestment” approach to develop a statewide policy framework that will reduce spending on corrections and would reinvest savings in strategies to increase public safety and reduce recidivism.

The provisions of the bill are expected to strengthen community supervision by adopting a statewide risk/need assessment instrument to determine an individual’s likelihood of re-offending and to focus supervision resources on people who are most likely to re-offend; maximizing the potential of Day Report Centers to reduce recidivism; and ensuring the effective implementation of evidence-based practices.

The bill is expected to improve accountability by ensuring that inmates released from prison to the community are

supervised; responding to violations with swift, certain, and cost-effective graduated sanctions; and streamlining correctional system processes to reduce delays in parole eligibility and other inefficiencies.

The provisions of the bill are also expected to help reduce substance use by investing in community-based treatment for people on supervision with substance use needs; establishing effective partnerships and resources across systems; and ensuring effective substance use treatment for people incarcerated in state prisons.

Senate Bill 423 (Providing certain convicted persons reduction in sentence) allows those sentenced to six months in regional jails to be eligible for good time credit, which would reduce their sentence.

House Bill 2806 (Prisoner’s Legal Rights) will require prisoners to first use all administrative remedies prior to bringing civil action. The bill will also bring the state’s code up to date with the federal Prison Rape Elimination Act.

House Bill 2933 (Parole Hearings) will require that when an offender is granted parole, a written notice must be sent to the prosecuting of the county in which the offender was prosecuted. The bill defines the specifics as to what should be in the notice and where it should be sent.

House Bill 3086 (Salem Correctional Center) transfers control of the West Virginia Industrial Home for Youth to the Division of Corrections and renaming it the Salem Correctional Center.

Counties

House Bill 2585 (Increased Assessment of Real Property) increases the existing time frame from five days to fifteen business days to file a petition of appeal after a property owner receives notice of an increased assessment of real property. Notice is required to all property owners whose property value has increased by more than 10% and in value of more than \$1,000 to give them notice of the opportunity to appeal their new property assessment value.

House Bill 2717 (Sheriff Ballistic Vest Requirement) requires every sheriff to provide a ballistic resistant vest that meets minimum federal National Institute of Justice protections standards to each certified deputy sheriff effective July 1, 2013. The bill requires the county commission of each county to expend from the general county fund, upon request and requisition by the sheriff, the necessary expenses of providing the vest.

Courts

Senate Bill 60 (name changes) will require the mandated published notice in the newspaper to contain the new name and changes the time requirement of notice to after filing the petition for name change. The bill also establishes that if a person desires to protect their identity for personal safety reasons the published notice need not set forth the new name.

Senate Bill 74 (language clarification for jury duty) deals with jury qualification and removes “other infamous offense” language and replaces it with a crime punishable

by imprisonment for more than 1 year; with a felony in W.Va. and federal courts. This specifies who can qualify for to be placed on a jury for clarification purposes.

Senate Bill 101 (clarification of the Medical Professional Liability Act) will provide technical clean-up and to clarify that the Legislature originally intended that the Medical Professional Liability Act applies to nursing homes and their health care providers. The Medical Professional Liability is an act created to assist in making professional liability insurance available for certain necessary health care providers in West Virginia to assure that quality medical care is available for West Virginia citizens.

Senate Bill 146 (criminal’s income tax reduction) will require the State Tax Commissioner to deduct from a criminal defendant’s state income tax refund the amount of any criminal fines, costs, etc., arising out of the defendant’s Magistrate Court criminal case that are unpaid for more than a year. If the Magistrate Court, or on appeal the circuit clerk, provides information about these unpaid.

Senate Bill 383 (family judges appoint counsel) will authorize family court judges in family court contempt cases to appoint counsel if the indigent litigant faces jail time. Currently, an attorney who gives representation to someone appointed by a circuit or supreme court are immune from potential liability arising from the representation of that person, with this bill, family court is now also included.

Senate Bill 387 (family court background checks) will grant family court judges the authority to compel

and supervise the production of criminal background investigations when appropriate. This will give more control over investigations by family court judges through background checks.

Senate Bill 401 (Juvenile Records) preserves the confidentiality of juvenile records, while eliminating the formal requirement that the records be sealed. The bill also extends the circuit court's jurisdiction over juvenile status offenders who were adjudicated delinquent for habitual truancy until the individual reaches twenty-one years of age or completes a court ordered education plan. The amended provisions would not have adjudicated juveniles attending regular, non-alternative classes once they reach the age of 19 years old.

Senate Bill 403 (Judges Retirement) amends provisions relating to the Judges Retirement System. Beginning July 1, 2013, the bill would reduce the employee's required payments into the system from 10.5 percent of the employee's salary to 7 percent of his or her salary. Beginning July 1, 2014, the employee's contribution would be set by the Consolidated Retirement Board based on the annual actuarial valuation prepared by the State Actuary. The bill restricts the Board to set the employee's contribution within a range of 7 percent to 10.5 percent of his or her salary. Additionally, the bill requires that the annual actuarial valuation prepared by the State Actuary for determination of all participants' contributions and the annual actuarially required contribution (ARC) prepared by the State Actuary for the courts to be provided to the Joint Committee on Government and Finance and the Joint Committee on Pensions and Retirement.

Senate Bill 407 (Child Support Enforcement) provides statutory authority for the Bureau of Child Support Enforcement to require telephone companies and cellular telephone companies to provide the names, address, and telephone numbers of its customers to the Bureau for Child Support Enforcement, pursuant to an administrative subpoena. This information will be used by the Bureau of Child Support Enforcement to locate parents and other persons when establishing paternity, establishing or modifying child support orders, enforcing support orders or distributing support.

Senate Bill 498 (Alcohol Beverage Control Administration) relates to the hearing location for Alcohol Beverage Control Administration's appeal hearings. It would allow for appeals to be heard either in the Kanawha County Circuit Court or the circuit court in the county where the facility subject is located or proposed to be located.

House Bill 2453 (Skylar's Law) expands the Amber Alert Plan. Previously, the plan only included abducted children. Skylar's Law activates Amber Alerts for children who are believed to be missing.

House Bill 2498 (Grand Jury Disclosure) makes it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted. The crime is punishable by up to 30 days incarceration, up to \$1,000 fine, or both.

House Bill 2780 (Children Custody) will require multi disciplinary teams to meet quarterly to discuss children in the custody of the Division of Juvenile Services. The bill will also require that if a child who has been detained for more than 60 days doesn't have an active service plan, the director

of the facility can call a multi disciplinary team meeting to discuss the child.

House Bill 2815 (Guardians for Minors) relates to the process of appointing and terminating guardians for minors. The bill defines circumstances parents request their child receive a guardian, when a court can appoint a guardian, who and how a person can petition to be a minor's guardian, among other aspects.

Crimes

Senate Bill 200 (update eyewitness identification) will update the current law on eyewitness identification which states with new definitions and rule making provisions for clarification purposes.

Senate Bill 601 (Juvenile Proceedings) would remove the current requirement stating that Juvenile records be "sealed by operation of law" and replace it with the requirement that they be kept on a separate, secure, confidential place and be readily available for inspection by court order.

House Bill 2357 (Sexting by Minors) relates to sexting by minors. This bill would establish an educational diversion program to be put in place of prosecuting a minor for sexting. Minors engaged in transferring sexually explicit photos of themselves or others through the use of computers of interactive wireless communication devices would be required to attend this program.

House Bill 2521 (Contraband Property) gives the prosecuting attorney of a county or a duly appointed special prosecutor additional procedures for forfeiture

of contraband property involved in the trafficking of controlled substances.

House Bill 2534 (Pawn Broker Transactions) regulates pawn brokers by requiring transaction records and record retention and requiring a copy of seller identification. This information will all be confidential. The bill also recognizes that municipalities and counties may establish additional requirements of pawn brokers within their jurisdiction by ordinance.

House Bill 2548 (assault on athletic official) increases the penalty for a person who commits an assault on an athletic official while they are serving in an official capacity from jail confinement of between 24 hours to 30 days to between 5 days to 6 months. The fine remains the same, at \$50 to \$100.

House Bill 2814 (Human Trafficking) will make multiple changes to the definitions of human trafficking in the state code. The bill changes the definition of "human trafficking" to take out the current section that states there must be at least three or more victims to qualify as "human trafficking." Also, the bill would exempt those who were victims of human trafficking from prostitution charges.

Criminal Background Checks

Senate Bill 652 (Home Inspector Applicants) would provide for criminal background checks for home inspector applicants. It would require for State Fire Commissioners to propose rules requiring applicants for home inspector licensing, registration, or certification to submit to a state and national criminal history record check.

House Bill 2395 (in-home care workers) makes it mandatory for in-home care workers to obtain and pay for a state or federal criminal background check. The bill removes the requirement to note an in-home care worker's criminal history on the registry.

House Bill 2497 (Real Estate License Requirement) requires applicants for licenses under the West Virginia Real Estate License Act to submit to a fingerprint based criminal history record check and requires the applicant to cover the costs of performing the record checks.

Disabilities

House Bill 2470 (Sign Language Education) requires that a sign support specialist or an educational sign language interpreter be provided in the education of exceptional children. The bill specifies employment duties for certain positions, modifies certain service personnel classification titles, establishes certain service personnel classification titles and sets their wages.

Domestic Relations

House Bill 2603 (Family Protection Service Board Members) adds two members to the Family Protection Services Board. The first member will be a representative of a batterer intervention and prevention program licensed by the board; the second member will be an administrator of the WV Supreme Court of Appeals or a designee from the Division of Family Court Services, familiar with monitored parenting and exchange program services, or a representative

of a licensed monitored parenting and exchange program, selected from a list nominated by the board.

Economic Development

Senate Bill 489 (Annual Property Assessments) will permit community enhancement districts to decrease annual property assessments. It will amend the code to follow with a federal audit requiring certain funds be deposited in the State Election Fund.

House Bill 3013 (Legislative Workgroups) will allow the President of the Senate and the Speaker of the House to appoint a job creation workgroup. This group's focus would be finding ways the legislature can increase employment opportunities and attract jobs to the state.

House Bill 2590 (WV Land Stewardship Corporation) authorizes the creation of the West Virginia Land Stewardship Corporation which would implement 3 new programs: the Voluntary Land Stewardship Program, the State Certified Sites Program and a voluntary state land bank program. These fee-based programs provide services to remediation parties and landowners of sites with environmental issues.

Education

Senate Bill 80 (substitute teaching requirements) requires certain central office administrators and supervisors to substitute teach on at least three instructional days each school year. Superintendents and those who have never



held a valid teaching certificate or administrative certificate are exempt from the requirement.

Senate Bill 336 (interscholastic athletics head injury rules) will create a new code provision that requires the West Virginia Secondary School Activities Commission (WVSSAC) clearly state the rules that address concussions and head injuries in interscholastic athletes. This will limit some confusion surrounding the language pertaining to these injuries and is expected to create a more strict enforcement of these rules for the protection of the student.

Senate Bill 359 (general education reform) will generally reform public education. The reforms made will be to help decentralize the system and give more flexibility at the county level. The intention is to allow counties to run their school districts in a way that is most efficient for them to operate. The bill also will require early childhood programs to be offered five days a week along with giving the option of a balanced school calendar.

Senate Bill 394 (scholarships for dependents of fallen law enforcers) will allow for a scholarship fund to be made available for dependent children of fallen law enforcement officers. This was created in an effort to take some of the inevitable financial burden left for those behind. The intention of this bill is to compensate for some of the salary that would've been earned and contributed by the fallen officer.

Senate Bill 430 (clarification of terms) adds a definition for the term "employment term" as it pertains to the "Teacher's Defined Contribution Retirement System.

Senate Bill 438 (consolidation of colleges) will allow for the consolidation of Bridgemont and Kanawha Valley Community and Technical Colleges. The current individual governing boards will be joined to create a new board. The bill will also assure the continuation of community and technical college education programs to the areas served by the affected institutions.

Senate Bill 444 (MU and WVU Foundation Investments) will increase Marshall University and West Virginia University foundation investments. It will allow for Marshall University to increase the investment with its foundation from \$30 to \$60 million and will allow for West Virginia University to also increase the amount of its investment from \$40 to \$70 million.

House Bill 2490 (Veteran's Advocates) requires each state institution of higher education to appoint and train a veteran's advocate. The advocate shall be the primary point of contact for student or prospective student veterans or current members of the armed forces, the National Guard and the reserves.

House Bill 2491 (Uniform Course Policy for Veteran Students) establishes a uniform course completion policy for all public colleges to implement for certain veteran students. The policy will provide consistency among the institutions for determining how veteran students will complete courses and earn grades when they are called to active duty during the school term.

House Bill 2727 (School Buses) modifies the school aid foundation allowance for transportation costs by limiting the 10% additional percentage allowance for alternative fuel vehicles to school buses using compressed natural gas and propane.

House Bill 2729 (EpiPens in Schools) allows schools to maintain epinephrine auto-injectors, also known as EpiPens, for emergency situations involving an anaphylactic reaction. Physicians will prescribe schools orders and protocols for the use of the EpiPens. School Nurses and other personnel will be required to receive training before being certified to administer the EpiPens.

House Bill 2764 (Attendance Officers) will add assistant attendance directors to much of the section of the state code regarding the duties of attendance directors and assistant attendance directors. The current section of the state code leaves “and assistants” out of certain sections when referring to the duties and responsibilities of directors and assistants.

House Bill 2861 (At-Risk Children) will produce legislative findings defining at-risk children. The bill will then allow those students to have dual enrollment in both public school and the alternative program school program if certain conditions highlighted in the bill are met.

House Bill 2940 (Superintendents) require a meeting in each Regional Education Service Area (RESA) of all superintendents and county board members in the RESA every other year to identify administrative, coordinating and other county level services and functions that may be shared between or among the county boards, especially when resignations, retirements, staffing realignments or similar events may occur.

House Bill 3157 (School Reports) will make amendments to the current state education system. This bill will require the state board of education to review all reports written by principals and teachers to be submitted to LOCEA no later than December 31. The bill will also delay the

implementation of the new school calendar outlined in SB 359 until July 1, 2014.

House Bill 3159 (School Attendance) grants exception to Monroe and Nicholas County school systems regarding specific compulsory school attendance statutes. This bill will allow the counties to implement their Local Solution Dropout Prevention and Recovery Innovation Zone plans.

House Bill 3160 (Joint County Pilot Program) will establish a pilot initiative on governance of schools jointly established by adjoining counties. The bill leaves some duties to county the school is physically located in but also gives the adjoining county some vote in the process.

Elections

Senate Bill 145 (election complaint procedures) will add the language to WV Code regarding the Help America Voting Act, an Act created by the federal government to ease the general process of voting.

Senate Bill 412 (county conservation district supervisors) requires conservation district supervisors to be removed from office in the same manner in which other elected county officials are. This creates conformity among the removal process among elected officials but does not include judges due to their own specific procedures.

Senate Bill 477 (Electronic Voting) relates to the registration of voters for electronic voting. This bill will allow for someone to securely register at an electronic registration system by typing their information themselves and transferring it electronically.

Senate Bill 482 (Voter Registration lists) relates to the sale of the voter registration lists.

Senate Bill 527 (Elected Offices) relates to the process of filling vacancies in certain elected offices. The bill would require that the special elections be held in conjunction with a regularly scheduled election if it falls within that time line.

Senate Bill 535 (Voter Registration Lists) relates to maintaining the voters registration lists. This bill would update the code relating to the statewide voter registration database which is kept by the Secretary of State's office.

House Bill 2805 (Public Campaign Financing Program) will make the West Virginia Supreme Court of Appeals Public Campaign Financing Program permanent with a few changes, including increasing the amount available to a qualified candidate in primary elections and limits the collection by a participating candidate.

House Bill 3135 (Hiring Computer Experts) cleans up definitions in the code regarding electronic voting systems and adds the definition for "voter verified paper audit trail." The bill also gives the State Election Commission more time to appoint computer experts.

Environmental Protection

Senate Bill 596 (Watershed Compliance Projects) will ascertain watershed compliance projects for Chesapeake Bay and Greenbrier.

House Bill 2571 (Environmental Quality Board) revises the qualifications to serve on the Environmental Quality Board. This bill authorizes persons who have received a significant portion of income from state departments and agencies that are National Pollutant Discharge Elimination System (NPDES) permit holders or applicants, other than the Department of Environmental Protection (DEP), during a two-year period preceding their appointments, to serve on the board.

Firearms

Senate Bill 358 (policemen and firemen pensions) will make several changes to the current provisions relating to municipal policemen and firemen pensions. This bill is similar to HB 4489 from the 2012 regular session but was cleaned up, introduced and completed this session.

Senate Bill 369 (Concealed Weapon Reciprocity) provides full faith and credit to conceal and carry permits held by residents of other states, as long as the state which issued the permit or license fully recognizes and allows West Virginia residents to carry a handgun in that other state pursuant to a conceal and carry handgun license issued by the state of West Virginia. The other state's recognition of West Virginia licenses must be verified by the execution and issuance of an appropriate reciprocity agreement between the states, or a letter executed by the Governor of the other state which confirms that WV conceal and carry handgun licenses will be recognized in that state.

Senate Bill 421 (school mascot gun allowances) will amend the state code to permit the Parkersburg South



High School Patriot to carry its official musket onto school property when in acting in his or her own official capacity. West Virginia law already gives this same courtesy to the West Virginia Mountaineer.

House Bill 2431 (Concealed Weapon Permit) makes several amendments and clarifications regarding the procedure and standards for issuing a permit to carry concealed weapons in West Virginia in order to more align with federal law. The bill also allows current and former members of the armed forces and reserves to meet training requirements for a concealed handgun license by proof of military handgun training. It also allows present and former military personnel to obtain a license without a fee.

House Bill 2471 (registering of firearms) clarifies that a person who's in lawful possession of a firearm cannot be restricted or required to re-register his or her weapons in the instance of a declared state of emergency. The bill also clarifies the requirements for firearms and ammunition use and sale during a declared state of emergency.

House Bill 2836 (Legislature's Commission on Special Investigations) will allow certain investigators who are members of the Legislature's Commission on Special Investigations to carry firearms. The bill requires all members carrying guns have a conceal and carry permit in West Virginia and obtain training and certification equal to that provided by the WV state police.

House Bill 2866 (Firearms Near Churches and Homes) will increase the distance from which it is illegal to discharge a firearm from a church or school from 400 feet

to 500 feet. The bill then exempts those from discharging a firearm within 500 feet of their home. The bill will also increase the penalty for violation of this section of the code.

Funds

House Bill 2913 (Refunds from the Department of Revenue) will allow the Department of Revenue to offset any errors that have been made in previous transactions to state or local government entities in the next transaction. The bill limits these corrections to be made less than three years after the transaction was made.

Gaming Activities

Senate Bill 478 (Video Lottery Games) will redefine "video lottery games". By doing so, casinos will be allowed to purchase a greater variety of games.

Senate Bill 542 (Horse Race Tracks) relates to restricted races at pari-mutual purebred horse race tracks. The bill states that any pari-mutual horse racing track that took part in at least 4 consecutive years prior to 12/31/92 in the Thoroughbred Development Fund must have at least one restricted race per day.

Governmental Agencies

Senate Bill 544 (Departmental Reviews) updates the schedule of Departmental Reviews conducted by the

Legislative Auditor. Departmental Reviews are conducted on a seven year schedule. The current schedule ended in 2013. This bill continues the schedule to 2021. The updated schedule begins with the Department of Transportation in 2013.

House Bill 2747 (Public Meetings) will amend the way state agencies must report their public meetings. This bill will now require state agencies to file notices electronically on the Secretary of State website as opposed to filing it in the State Register. Agencies must also post these notices five days prior to the meeting unless it is considered an emergency.

House Bill 2825 (Secretary of the Department of Health and Human Resources) will allow the governor to choose the salary of the Secretary of the Department of Health and Human Resources in the budget. The bill caps the salary amount at \$175,000. Currently, the Secretary gets paid \$95,000 annually.

House Bill 2897 (Claims) will require the state to take claims from certain state agencies on the grounds of moral obligations. These claims will be dealt with through the Court of Claims.

Health

Senate Bill 21 (healthcare worker ID badges - VETOED) Requires health care providers to wear identification badges while giving direct care to a patient. This will decrease confusion among patients when dealing with health care providers and any inquiry about their formal title. The legislature found that clarity of names

and formal titles are vital in the complete health care experience and those who do not comply will be subject to disciplinary action by their supervisor.

Senate Bill 108 (drug overdose team) creates an Unintentional Pharmaceutical Drug Overdose Fatality Review Team in Chief Medical Examiner's office. It requires the Team to investigate all deaths due to unintentional prescription or pharmaceutical drug overdoses. Deaths of persons by suicide or those suffering from a mortal disease are excluded.

Senate Bill 194 (Medicaid program) This bill would repeal the section of code that provides contract procedures for the Secretary of the Department of Health and Human Resources in relation to the Medicaid program.

Senate Bill 214 (medical licenses requirements) will eliminate the requirement that an applicant for a license to practice medicine and surgery or podiatry, who has failed to pass any one of the three steps of the national exam, to appear before the Board of Medicine for a determination as to what further education, evaluation or training may be required in order to obtain a license.

Senate Bill 265 (DHHR rules) will outline administrative rules for the Department of Health and Human Resources. Specifically, the bill includes rules pertaining to Bureau for Public Health, Department of Health and Human Resources, Health Care Authority and Bureau of Senior Services.

Senate Bill 335 (ambulance services revisions) will amend the existing code to clarify that a certificate of

need is not required for certain ambulatory health care facilities.

Senate Bill 481 (Juveniles and Mental Health) would amend and clarify a number of provisions related to the process for voluntary commitment and transport of juveniles in need of mental health or addiction treatment. This bill states that minor must be admitted by an involuntary admission if an application for involuntary admission of a minor is not submitted by a parent/guardian or by an emancipated minor.

House Bill 2487 (ban on laetrile as cancer treatment) effectively bans the use of laetrile as an alternative cancer treatment. According to The American Cancer Association, laetrile is a chemically modified form of amygdalin, a naturally-occurring substance found mainly in the kernels of apricots, peaches, and almonds. It also contains a small amount of a substance that can be converted to cyanide in the body, and several cases of cyanide poisoning have been linked to the use of laetrile.

House Bill 2738 (Center for Nursing - VETOED) will update the language and define terms in the section of the state code regarding the Center for Nursing. The bill will also require the Center to spend fifty percent of their licenser fees on a scholarship program. Currently, the Center only has to spend 1/3 of its fees on the program.

Homeland Security

Senate Bill 630 (Chief Technology Officer) relates to the duties of the Chief Technology Officer in regards to the security of government information.

Human Services

House Bill 2541 (Medicaid Services Fund) provides appropriation funding, taken from excess lottery funds, for the Medicaid Services in fiscal year 2013 in the amount of \$67,432,506.

Insurance

Senate Bill 22 (healthcare maternity coverage) Requires health insurers to cover maternity services for all individuals who are participating in or receiving coverage under a policyholder's health insurance plan if those services are covered under the policy. This is expected to ease the financial burden on new mothers who are covered under a policy's health insurance plan.

Senate Bill 557 (Department of Health and Human Resources) will create an informal dispute resolution process for the Department of Health and Human Resource providers or licensees.

Senate Bill 534 (Insurance Information Disclosure) will correct the internal code reference relating to insurance information disclosure. This bill will make clear that providing certain information is not a violation of the insurer's responsibility to maintain the confidentiality of consumer's information both financial and health.

Senate Bill 458 (PEIA) will allow the Public Employees Insurance Agency (PEIA) director to operate health benefit plans on a calendar year basis provided it is financially advantageous to the state. This gives more

flexibility to the director and still allows financial plans to operate on a fiscal year basis.

House Bill 2512 (Medicaid Subrogation) establishes definitions and the means for a Medicaid recipient to assign subrogation rights against third parties. The bill excludes Medicare benefits from assignment. Release of certain and necessary claimant information is authorized so the claim may be pursued. Department of Health and Human Resource's subrogation right is prioritized. Notice requirements for third party claims, civil actions and settlements are established, as well as procedural formats which permit the department to enter appearance in an action against a third party. Penalties are established if a claimant or the third-party insurer fail to notify the department of a claim which could generate subrogation payments for the medical bills paid by Medicaid.

House Bill 2819 (Risk-Based Capital Companies) will require risk-based capital and captive insurance companies organized as risk retention groups to be placed under risk-retention rules. By doing this, the Insurance Commission will be able to monitor and regulate these industries.

House Bill 2960 (Mandates for Insurers) will increase mandates placed on insurers. These mandates include providing internal and external review of adverse health coverage determinations. The bill also defines terms within this section of the Code.

Investments

House Bill 2508 (Tax Increment Financing Districts) increases the minimum capital investment threshold for

sales tax increment financing (TIF) districts from more than \$25 million to more than \$75 million for county and municipal economic opportunity development districts.

Labor

Senate Bill 355 (employee payments) will require final payment of wages of discharged employees no later than the next regular payday. Payment can be made through regular means or by mail. An employee can also give a written notice of intention to quit at least one pay period before quitting to receive all wages he or she earned at the time of quitting.

Law Enforcement

Senate Bill 65 (DNR police officers - VETOED) treats natural resources police like all other law enforcement and exempts them from state income tax.

Senate Bill 538 (Domestic Violence Orders) would eliminate the requirement that law enforcement has to maintain files of domestic violence orders. This bill would remove the requirement only for state, county, and local law enforcement due to the new state-wide database.

House Bill 2351 (arrest on revoked/suspended license) authorizes officers to arrest a citizen driving on a revoked/suspended license and present that person to a magistrate. The bill also establishes that the arresting officer may issue a citation in lieu of presentment to a magistrate if a magistrate is not reasonably available.

House Bill 2964 (Police Chief) will allow the mayors of Class III or IV cities to appoint a chief of police. These cities must have a paid police department. If the chief is part of the police department already, he or she must be reinstated to their previous rank following their term as chief.

Licenses

Senate Bill 586 (Licensing Authority) will transfer licensing authority for cosmetology, barber, and massage schools to the West Virginia Council for Community and Technical College Education to satisfy the requirements for federal student financial aid eligibility.

House Bill 2762 (Adjusters License) will allow certain persons without an adjusters or producers license to perform certain adjusting functions on the automated claims adjudication system. The bill would also create a new definition of “automated claims adjudication system.”

House Bill 2770 (Motor Vehicle Dealers) will allow motor vehicle dealers who sell less than 18 cars during a year to renew their dealer license. The current state code doesn’t allow dealers to renew their license if they sell less than 18. This bill will apply to both new and used motor vehicles.

Liens

Senate Bill 441 (State Tax Liens) relates to the withdrawal of erroneous state tax liens that have been filed prematurely, inadvertently, or inaccurately.

Local Bills

Senate Bill 561 (Tucker County) will establish the Tucker County Cultural District Authority. This group will consist of seven members.

Senate Bill 658 (Madison City Council) will extend the time for Madison City Council to gather as a levying body. They will meet to supplement funds for the police, street department, recreation, and general government.

Senate Bill 571 (Oceana City Council) will extend the time that Oceana City Council Can meet as a levying body.

Military Affairs

House Bill 2361 (Disabled Veterans) includes those who have served honorably or who were discharged because of service connected disabilities in the National Guard and Reserves in the definition of veterans eligible for preference in employment training and employment.

Mines and Minerals

Senate Bill 462 (Coal Mining Act) will amend the state coal mining act to extend the time for the Department of Environmental Protection (DEP) to have a conference on a uncompleted coal permit application and then issue a decision on the application.

House Bill 2352 (Water Pollution Control Act) clarifies that the West Virginia Department of Environmental

Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act. The bill added three amendments to the bond provision in the state coal mining act. The amendments address three areas involving coal mining in the state, the continuing obligation to treat discharges from forfeited coal mining sites under the federal Clean Water Act (CWA), termination of DEP jurisdiction at forfeited sites, and a tax credit program for coal operators who reclaim forfeited sites.

House Bill 3043 (Mine Safety Technology Tax Credit) will amend the West Virginia Innovative Mine Safety Technology Tax Credit Act. This bill will add machine mounted methane monitors to the definition of the term "eligible safety property." Acts, Mine, Safety, Taxation.

Motor Vehicles

Senate Bill 448 (Demonstration Dealer Plates) will increase the limit set on the number of demonstration dealer plates given to large commercial vehicle dealers. It would increase it from four per dealer to fourteen per dealer.

Senate Bill 491 (Rental Car License) relates to rental car license cost recovery fee. It applies to daily passenger car rental companies whose contracts include a separate charge for a vehicle license cost recovery fee.

House Bill 2108 (Seat Belts) would make failure to wear a safety belt a primary offense. Any person in violation of this bill would be fined \$25.

House Bill 2513 (Drugged Driving) seeks to improve enforcement of laws prohibiting the operation of motor vehicles by persons under the influence of controlled substances or other drugs. The bill adds "controlled substances" and "drugs" to the state's implied consent law. Implied consent means that a person who drives a motor vehicle in this state is considered to have given his or her consent by the operation of the motor vehicle, to a preliminary breath analysis and a secondary chemical test of either his or her blood or breath, for the purposes of determining the alcohol concentration in his or her blood, or the presence in the person's body of a controlled substance, drug, or any combination.

House Bill 2733 (Hearing and Appeal Process for DUI) makes changes to the hearing and appeals process for revocation and suspension of drivers' licenses for driving under the influence (DUI) before the Office of Administrative Hearings (OAH). The bill allows exact copies of documents and emails as permissible service options, in addition to regular mail, for notice of hearings and decision orders sent out by the OAH.

Municipalities

Senate Bill 435 (home rule) will allow the Home Rule Program to continue. This bill will allow 20 cities to join the program and cities who enter the program must nullify gun ordinances with exception to Charleston, who was grandfathered in when a local prohibition was put into effect. Cities in the program can still regulate firearms in municipal buildings where government operations take place and require those who carry guns on

other public property like parks or city-owned pools to have a concealed weapons permit.

Senate Bill 564 (Minimum Construction Cost) will increase the minimum construction cost of the municipal public works project before the mandating competitive bidding. The bill would increase the threshold to match that of the competitive bidding projects of the state.

Natural Resources

Senate Bill 414 (Fishing and hunting licenses) relates to hunting and fishing license-issuing authorities and will authorize the director to designate those persons authorized to issue hunting and fishing licenses. Current law states that clerks of the county commissions are statutorily authorized to be license-issuing authorities to sell hunting and fishing licenses. The bill would give directors the same privilege.

Prescriptions and Medications

House Bill 2577 (Pharmacy Practice) updates and revises the law governing the practice of pharmacy. The Act has been in the works for several years as interested parties have worked with the Government Organization Committee to overhaul and update Pharmacy practices including licensing of pharmacists, and certification and registration of assistants. The Act moves sections around and revises definitions, and the current organization scheme of the article to make it similar to other professional boards in Chapter 30, and makes several technical changes.

House Bill 2731 (Unlicensed Personnel) permits unlicensed personnel, in addition to administering medications, to perform health maintenance tasks. Health maintenance tasks may only be performed where there are legibly written or printed directions of the attending physician or authorized practitioner, or as written on the prescription label. A written record must be made of that assistance with regard to each medication administered, including the time, route and amount taken.

Public Employees

House Bill 3028 (Temporary Employees) expands the number of hours a state employee can work in a temporary position each year from ninety days to one thousand hours.

Public Service Commission

Senate Bill 82 (utility service and billing rates) will require that a public service district board that is providing any utility service and billing rates and charges to its customers, be required to have a rate paying residential customer of the public service district on its membership board

Senate Bill 463 (Licensing Gas Transmission) will increase the cap on fees charged for licensing gas transmission on pipelines from \$315,000 to \$400,000 in order to pay for at least one more pipeline inspector for the PSC. The increased fee will give more money on a volume/mile basis to pipeline owners.

House Bill 2858 (Relief Bonds) corrects an incorrect internal reference in the WV Code relating to consumer relief bonds. It is purely technical in nature and simply corrects a reference to a subsection in WVC §24-2-4f.

Professions and Occupations

Senate Bill 580 (Practice of Dentistry) relates to the practice of dentistry. It would update the current requirement for dental interns, dental residents and dental teaching permits.

House Bill 2586 (Embalming) clarifies that for a person to be licensed as an embalmer he or she must complete one of the education requirements, complete a one year apprenticeship & pass the national & state exams.

Real Property

Senate Bill 71 (Right-of-Ways and easements) require that descriptions of right-of-ways and easements include width in addition to identification of the center line when this method of description is used.

House Bill 2608 (Appraisal Management Companies) requires Appraisal Management Companies to be registered with the West Virginia Real Estate Appraiser Licensing and Certification Board. The bill updates the duties, powers and rulemaking authority of the board, and provides for the regulation of Appraisal Management Companies.

House Bill 2730 (Real Estate Appraiser Licensing and Certification) updates the reciprocity requirements of the Real Estate Appraiser Licensing and Certification Board to comply with federal law by making technical corrections.

House Bill 2842 (Time-Share Plans) will clarify the section of the state code regarding time-share plans. The new section of code will clarify that all time-sharing plans are to be regulated by the Division of Land Sales & Condominiums within the Auditor's Office. The bill will also allow the Division to find relief in circuit courts.

Regulations

Senate Bill 464 (Tanning Facilities) will regulate tanning facilities and establish criminal penalties for violations.. This bill would require that owners of tanning facilities must have a West Virginia business registration certificate, and register with the local board of health on and after July 1, 2014. It also states that anyone under the age of 18 is prohibited of using tanning devices.

Senate Bill 469 (PERS Members) will make clear the service credit for certain PERS members. It clarifies that reinstatement interest is the type of interest on repayments of withdrawn contributions and that current legislative employees may buy retroactive service within twenty-four months of beginning contributions to PERS or no later than December 31, 2013.

House Bill 2992 (Imported Cigarettes) eliminates duplicative reporting requirements on distributors of tobacco products regarding imported cigarettes.

Retirement

Senate Bill 431 (public employer liability) will make any participating employer, its transferee, successor or assignee liable for the payment of all employer and employee retirement contributions, delinquency fees and charges or costs related to participation in the public retirement system. It also allows the Consolidated Public Retirement Board to file a lien in the amount owed the Board, which the Board may enforce once any amount owed is more than 60 days past due. The Board may also recover costs of enforcing the lien.

Senate Bill 553 (Highway Design-Build Program) relates to the Highway Design-Build Program. This bill will remove the number of projects which may be undertaken by the program.

House Bill 2469 (Public Employees Retirement System) would increase from \$15,000 to \$20,000 the annual compensation cap that a retiree in the Public Employees Retirement System may earn while in temporary full-time or temporary part-time employment with a participating public employer without having to suspend his or her retirement annuity.

House Bill 2784 (Deputy Sheriff Retirement Act) will amend several parts of the state code regarding the Deputy Sheriff Retirement Act. The bill will add definitions of the terms “retire” and “retirement,” and also amends the section of the code regarding over and underpayment of an employee.

House Bill 2800 (Teacher Retirement System) will make several changes to the current language in the state code regarding the Teachers Retirement System. Changes

include changing the definition of “gross salary” to require it be reported and requires members to be honorably discharged from active military service in order to be considered for additional service in the retirement system.

House Bill 2802 (Emergency Medical Services Retirement System) will amend the Emergency Medical Services Retirement System Act. Changes include requiring 10 or more years of contributory service before he or she is eligible for non-duty related disability benefits and adding definitions for the terms of “contributing service,” “retire,” and “retirement.”

Roads and Highways

Senate Bill 103 (WV Commuter Rail Access Act) will create the West Virginia Commuter Rail Access Act. The act would allow for the state to enter into agreements with other states to provide commuter rail operation in when those states where commuter rail operation is already present. This could potentially give more out of state access to residents and could increase the number of people utilizing alternate transportation other than cars.

Senate Bill 158 (Complete Streets Act) will encourage the Division of Highways to use the latest and best design standards that apply to bicycle, pedestrian, transit and highway facilities. This is expected to improve facilities and ease the commuting process for citizens.

Senate Bill 190 (State Road fund restrictions) will amend the Public-Private Transportation Facilities Act. It alters the restriction on use of moneys from the State Road Fund in a public-private partnership to construct

a transportation facility solicited by the Division of Highways and alters requirements of the comprehensive agreement to be entered into between the private developer and the Division.

Rule Making

Senate Bill 243 (consolidation of DEP rules) will bundle the rules for the Department of Environmental Protection. It would authorize the promulgation of various environmental rules.

Senate Bill 250 (Dept. of Commerce rules) will outline administrative rules for the Department of Commerce. The bill includes the following offices- the Development Office, Broadband Deployment Council, Office of Miners' Health Safety & Training, Division of Natural Resources and the Division of Labor.

Senate Bill 270 (Dept. of Revenue Rules) allows the Department of Revenue to promulgate legislative rules for the Insurance Commissioner, the Athletic, Racing and Lottery Commissions and the State Tax department.

Senate Bill 281 (Dept. of Transportation rules) will include administrative rules for the Department of Transportation. Some rules pertain to the allowance of transporting hazardous waste materials on highways.

House Bill 2626 (Division of Protective Services) authorizes the Military Affairs and Public Safety to publicize legislative rules and establishes the procedure to be followed for a requesting entity, as well as within the Division of Protective Services.

House Bill 2652 (Rules Pertaining to State Owned Vehicles) is a Department of Administration rules bundle. It authorizes the Department of Administration and the Consolidated Public Retirement Board to promulgate rules pertaining to: state owned vehicles; selecting Design-Builds under the Design-Build Procurement Act; general provisions; benefit determination and appeals; the teacher's retirement system; the public employee retirement system; the West Virginia State Police.

House Bill 2689 (Health Boards' Rule Bundles) is the administrative rules bundle for miscellaneous agencies and boards. It authorizes the promulgation of rules by the Board of Medicine, Board of Optometry, Board of Osteopathic Medicine, Board of Pharmacy, Real Estate Appraiser Licensing and Certification Board, Board of Examiners for Registered Professional Nurses, Secretary of State, Department of Agriculture, Board of Architects, Board of Dental Examiners, Hatfield-McCoy Regional Recreation Authority, State Treasurer's Office, Board of Veterinary Medicine, Board of Social Work, Board of Examiners for Speech Pathology and Audiology, and State Conservation Committee.

House Bill 3104 (Higher Education Policy Commission) authorizes legislative rules regarding the Higher Education Policy Commission and the Council for Community and Technical College Education. Rules include re-authorization and initial authorization of degree-granting institutions.



Safety

Senate Bill 386 (safety order revisions) will further clarify the term “harassment” when pertaining to personal safety orders. This will improve the boundaries of personal safety orders with the intention of limiting confusion on the definition of the word “harassment.”

House Bill 2505 (Gas Line Safety Laws) raises the maximum limits for civil penalties imposed by the Public Service Commission for violations of gas pipeline safety laws. The maximum individual penalty is \$200,000 per violation and the maximum aggregate penalty is \$2 million for a related series of violations.

House Bill 3020 (Dock and Marina Safety) will create the “Michael Cunningham Act.” The bill defines definitions of terms relating to boat docks and marinas. Additionally, signs warning of electrical shock and telling swimmers not to swim within 100 yards of the dock will be required to be posted. Also, the bill will define penalties to those marina owners who break this new law.

Secretary of State

House Bill 2542 (State Register) allows the Secretary of State to publish the State Register on the website, and eliminate the requirement for the printing of thousands of pages of documents, with certain limited exceptions. The bill also contains a provision that would allow a person who is unable to access electronic versions of documents to review the documents at the Secretary of State’s office, or to obtain a printed copy at a cost sufficient to defray the costs of publication.

House Bill 2553 (Professional License for Corporations) permits the Secretary of State to shut down a limited liability company, a corporation, a nonprofit corporation or a foreign corporation corporate entity if a required professional license has been revoked or the entity is in default with the Bureau of Employment Programs.

House Bill 2554 (Foreign Corporations Certificate of Authority) provides a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations. To be reinstated, a corporation must apply within 2 years of revocation. The applicant must demonstrate that the grounds for the revocation have been eliminated, and obtain a certificate from the Tax Commissioner that all taxes owed by the corporation have been paid.

House Bill 2567 (Domestic Limited Partnerships) allows the Secretary of State to administratively dissolve a domestic limited partnership, or revoke the certificate of authority of a foreign limited partnership for failure to pay fees, taxes or penalties, or failure to deliver its annual report within 60 days of when it is due.

House Bill 3139 (Secretary of State Investigators) will authorize certain investigators in the Secretary of State’s office to carry firearms. These investigators must meet minimum requirements set forth in Section Four of the state code. Firearms, Sec of State, Weapons.

Indexes	
Index by Subject	pg.30
Index by Bill Number	pg.31

Taxation

Senate Bill 183 (clean streets act) will provide that for tax year 2012, the meaning of terms in the West Virginia statutes relating to corporate net income taxes will have the same meaning as those terms have under federal statutes as amended between January 1, 2012 and January 3, 2013. This is the annual corporate net income tax update bill that incorporates changes in federal tax law enacted between January 1, 2012, and January 3, 2013, into the state corporate net income tax statutes for purposes of determining tax liability for tax year 2012.

Senate Bill 185 (green cars tax credits) relates to the tax credit for alternative-fuel motor vehicles and related refueling infrastructure. Current law provides a tax credit for persons and companies for alternative-fuel motor vehicles, including natural gas, fuel mixtures containing at least 85% alcohol, and electric. With the implementation of this bill, people purchasing only natural gas and liquefied petroleum gas fueled vehicles will receive a tax credit.

Senate Bill 195(acute care hospitals) removes the expiration date for the tax rate on eligible acute care hospitals from on and after June 30, 2013 to on and after June 30, 2014.

Senate Bill 440 (Attorney General specified tax information) will authorize the disclosure of specified tax information by the Attorney General to specific people relevant to enforcement of Tobacco Master Settlement Agreement, an agreement that was the result of a lawsuit filed against tobacco companies by 46 Attorney Generals in 1998 stating that tobacco companies needed to pay

states for health care costs Medicaid had to pay that were smoking related.

Senate Bill 445 (Lottery Prizes) will allow the State Tax Commissioner to divert lottery prizes to pay off the unpaid tax liabilities of lottery prize winners.

Senate Bill 446 (Motor Fuel Taxes) will conform motor fuel taxes with the International Fuel Tax Agreement.

Senate Bill 454 (Relating to taxation of alternative motor fuels) provides a framework for computation, payment and reporting of the Motor Fuel Excise Tax on alternative fuels. Natural gas and all other alternative motor fuels will be taxed (starting on the effective date) at a rate of 20.5 cents per gasoline gallon equivalent, with a variable component of around 5 percent of the wholesale cost. Gasoline gallon equivalent is a measure used to standardize the energy content of a fuel compared to gasoline. The Tax Commissioner may use sales data to adjust this tax from year to year based on the change in average wholesale price. The commissioner must give at least 30 days notice prior to changing the tax on January 1 of each year.

Senate Bill 460 (Active Duty Military Pay) will exempt the active duty military pay from the state income tax for residents under a certain category. It applies to those on active duty for 30 continuous days or more in the U.S. armed forces, the National Guard, or the Armed Forces Reserve.

Senate Bill 638 (Severance Tax Exemption) will terminate the severance tax exemption for production of natural gas or oil. The bill eliminates exemption from oil

and natural gas severance taxes as it applies to horizontal wells that applies to all natural gas or oil produced from any well which has not produced marketable quantities for five consecutive years.

House Bill 2514 (Film Industry Tax Credit) amends the Film Industry Investment Act by decreasing the amount of credit allowed from 27% to 21% of eligible expenditures and by decreasing the total amount of tax credits that may be taken in a given fiscal year from \$10 million to \$5 million.

House Bill 2516 (Tax Liability for 2013), the annual personal income tax update bill, incorporates changes in federal tax law enacted in 2012 and the first few days of 2013 into the state personal income tax statutes for purposes of determining tax liability for tax year 2012.

House Bill 2519 (Special Railroad & Intermodal Enhancement Fund) eliminates the \$4.3 million from corporate net income tax collections going to the Special Railroad and Intermodal Enhancement Fund administered by the Public Port Authority for the construction, maintenance and repair of railways and railway related structures and for payment of principal and interest on state bonds issued for railway purposes. The elimination begins in Fiscal Year 2014. The bill also reduces from \$24 million to \$23 million the annual amount of severance tax proceeds to be used by the West Virginia Infrastructure and Jobs Development Council for construction, expansion, repair and improvement of water supply and sewage treatment, and construction and improvement of sites for economic development.

House Bill 2754 (Sales Tax) will expand the definition of “retailer engaging in business in this state” within the state code. The definition will specify those retailers with certain business relationships within the state which will require them to collect the state’s 6% sales tax.

House Bill 2847 (Sheriff’s Duties) will clarify the section of the state code regarding a sheriff’s duty when it comes to collecting real and personal property taxes. This new bill will clarify a sheriff can only accept real property tax if the previous year’s real property taxes have been paid. The same applies to personal property tax.

House Bill 2848 (Tax Deeds) will amend the current process for requesting a refund after the forfeiture of rights to a tax deed. Amendments include changing the deadline for requesting a tax deed and requiring the purchaser provide proof of compliance.

Technology

Senate Bill 515 (Television Receivers) relates to use of television receivers and other devices in vehicles. It clarifies the section that forbids television receivers to be in the view of drivers.

House Bill 2968 (State Records) will add to the state’s current requirements when it comes to storing state records as an electronic medium. The bill details the method of how to maintain these records, including how many copies of the records will be stored where and a review process to ensure the electronic duplicates are intact.

House Bill 2979 (Broadband Internet) will update the definition of “broadband” and “broadband services” to match federal standards. This will change will increase the speed currently outlined. The bill will also require the Broadband Deployment Council to report to the legislature annually by January 1 each year. The council’s duties and requirements for funding assistance will also be amended.

Tourism

House Bill 2600 (Resort Area Districts) authorized the creation of resort area districts (RAD). A RAD is a special, limited-purpose district including a resort in which a fee could be charged on purchases of goods and services, which would be used to fund public services, such as snow removal and road maintenance. A RAD would also be authorized to levy special assessments for capital improvements, such as new roads, sidewalks or other public improvements.

Treasurer

House Bill 2837 (State Treasurers Office) will amend several sections of the state code that relate to the State Treasurer’s Office. Changes include authorizing the State Treasurer to manage the state deferred compensation plan and removing unnecessary repetition within the Code.

Uniform Laws

Senate Bill 426 (Uniform Commercial Code) relates to the amendments to the Uniform Commercial Code that relate to filings made to secure transactions and the effectiveness of those filings, such as when a filing may be refused. The bill removes administrative review proceedings conducted by the Secretary of State as to fraudulent filings in light of other amendments in the bill.

Water Resources

House Bill 2579 (water quality standard for Selenium) will require the Department of Environmental Protection (DEP) to propose a legislative rule which establishes a state-specific water quality standard for selenium and submit proposed state-specific standard to the Environmental Protection Agency within 24 months of the effective date. Also, the Act directs the DEP to consult with the Water Research Institute at West Virginia University, regulated community and other interested parties when developing selenium standards. These monitoring results will be reported to the DEP for use in developing a selenium state-specific standard.



Index by Subject

Agriculture.....pg.4
Alcohol.....pg.4
Animals.....pg.5
Appropriationspg.5
Attorneys.....pg.5
Audits/Auditingpg.6
Banks and Bankingpg.6
Boards and Commissionspg.6
Bondspg.6
Child Welfarepg.7
Claimspg.7
Code Repealedpg.7
Communicationspg.7
Contracts.....pg.7
Corrections.....pg.8
Countiespg.8
Courtspg.9
Crimes.....pg.11
Criminal Background Checks.....pg.11
Disabilities.....pg.12
Domestic Relationspg.12
Economic Development.....pg.12
Educationpg.12
Electionspg.14
Environmental Protectionpg.15
Firearms.....pg.15
Fundspg.16
Gaming Activities.....pg.16
Governmental Agenciespg.16
Health.....pg.17
Homeland Security.....pg.18

Human Services.....pg.18
Insurancepg.18
Investmentspg.19
Laborpg.19
Law Enforcement.....pg.19
Licenses.....pg.20
Liens.....pg.20
Local Billspg.20
Military Affairspg.20
Mines and Minerals.....pg.20
Motor Vehiclespg.21
Municipalities.....pg.21
Natural Resources.....pg.22
Prescriptions and Medicationspg.22
Professions and Occupationspg.22
Public Employeespg.22
Public Service Commissionpg.22
Real Property.....pg.23
Regulationspg.23
Retirement.....pg.24
Roads and Highwayspg.24
Rule Makingpg.25
Safety.....pg.26
Secretary of Statepg.26
Taxationpg.27
Technology.....pg.28
Tourismpg.29
Treasurer.....pg.29
Uniform Lawspg.29
Water Resourcespg.29



Index of Completed Legislation

SB 21 pg.17
 SB 22 pg.18
 SB 60 pg.9
 SB 65 pg.19
 SB 71 pg.23
 SB 74..... pg.9
 SB 80..... pg.12
 SB 82..... pg.22
 SB 101..... pg.9
 SB 103 pg.24
 SB 108 pg.17
 SB 145 pg.14
 SB 146 pg.9
 SB 158 pg.24
 SB 172 pg.4
 SB 183 pg.27
 SB 185 pg.27
 SB 190 pg.24
 SB 194 pg.17
 SB 195 pg.27
 SB 197 pg.5
 SB 200 pg.11
 SB 202 pg.5
 SB 208 pg.5
 SB 214 pg.17
 SB 243 pg.25
 SB 250 pg.25
 SB 265 pg.17
 SB 270 pg.25
 SB 281 pg.25
 SB 331 pg.6
 SB 335 pg.17
 SB 336 pg.12
 SB 355 pg.19
 SB 358 pg.15
 SB 359 pg.13
 SB 369 pg.15
 SB 371 pg.8
 SB 383 pg.9
 SB 386 pg.26
 SB 387 pg.9
 SB 394 pg.13

SB 401 pg.9
 SB 403 pg.10
 SB 407 pg.10
 SB 412 pg.14
 SB 414 pg.22
 SB 421 pg.15
 SB 423 pg.8
 SB 426 pg.29
 SB 430 pg.13
 SB 431 pg.24
 SB 435 pg.21
 SB 437 pg.5
 SB 438 pg.13
 SB 440 pg.27
 SB 441 pg.20
 SB 444 pg.13
 SB 445 pg.27
 SB 446 pg.27
 SB 448 pg.21
 SB 454 pg.27
 SB 458 pg.18
 SB 460 pg.27
 SB 461 pg.7
 SB 462 pg.20
 SB 463 pg.22
 SB 464 pg.23
 SB 469 pg.23
 SB 470 pg.4
 SB 477 pg.14
 SB 478 pg.16
 SB 481 pg.18
 SB 482 pg.15
 SB 489 pg.12
 SB 491 pg.21
 SB 496 pg.7
 SB 498 pg.10
 SB 504 pg.4
 SB 515 pg.28
 SB 523 pg.5
 SB 524 pg.5
 SB 525 pg.5
 SB 526 pg.5

SB 527 pg.15
 SB 534 pg.18
 SB 535 pg.15
 SB 538 pg.19
 SB 542 pg.16
 SB 544 pg.16
 SB 553 pg.24
 SB 557 pg.18
 SB 561 pg.20
 SB 564 pg.22
 SB 571 pg.20
 SB 580 pg.23
 SB 586 pg.20
 SB 596 pg.15
 SB 601 pg.11
 SB 604 pg.7
 SB 630 pg.18
 SB 638 pg.27
 SB 652 pg.11
 SB 658 pg.11
 SB 663 pg.7
 SB 664 pg.5
 HB 2014 pg.1
 HB 2046 pg.7
 HB 2108 pg.21
 HB 2158 pg.6
 HB 2314 pg.7
 HB 2351 pg.19
 HB 2352 pg.20
 HB 2357 pg.11
 HB 2361 pg.20
 HB 2395 pg.11
 HB 2399 pg.6
 HB 2431 pg.16
 HB 2453 pg.10
 HB 2463 pg.7
 HB 2469 pg.24
 HB 2470 pg.12
 HB 2471 pg.16
 HB 2487 pg.18
 HB 2490 pg.13
 HB 2491 pg.13
 HB 2497 pg.11
 HB 2498 pg.10

HB 2505 pg.26
 HB 2508 pg.19
 HB 2512 pg.19
 HB 2513 pg.21
 HB 2514 pg.28
 HB 2516 pg.28
 HB 2519 pg.28
 HB 2521 pg.11
 HB 2531 pg.6
 HB 2534 pg.11
 HB 2538 pg.5
 HB 2541 pg.18
 HB 2542 pg.26
 HB 2548 pg.11
 HB 2553 pg.26
 HB 2554 pg.26
 HB 2567 pg.26
 HB 2571 pg.15
 HB 2577 pg.22
 HB 2579 pg.29
 HB 2585 pg.8
 HB 2586 pg.23
 HB 2590 pg.12
 HB 2600 pg.29
 HB 2603 pg.12
 HB 2608 pg.23
 HB 2626 pg.25
 HB 2652 pg.25
 HB 2689 pg.25
 HB 2716 pg.7
 HB 2717 pg.9
 HB 2727 pg.13
 HB 2729 pg.13
 HB 2730 pg.23
 HB 2731 pg.22
 HB 2733 pg.21
 HB 2738 pg.18
 HB 2747 pg.17
 HB 2754 pg.28
 HB 2762 pg.20
 HB 2764 pg.14
 HB 2770 pg.20
 HB 2780 pg.10
 HB 2784 pg.24

HB 2800 pg.24
 HB 2802 pg.24
 HB 2805 pg.15
 HB 2806 pg.8
 HB 2814 pg.11
 HB 2815 pg.10
 HB 2819 pg.19
 HB 2825 pg.17
 HB 2836 pg.16
 HB 2837 pg.29
 HB 2842 pg.23
 HB 2847 pg.28
 HB 2848 pg.28
 HB 2851 pg.6
 HB 2858 pg.23
 HB 2861 pg.14
 HB 2866 pg.16
 HB 2888 pg.6
 HB 2897 pg.17
 HB 2913 pg.16
 HB 2923 pg.6
 HB 2933 pg.8
 HB 2940 pg.14
 HB 2956 pg.4
 HB 2960 pg.19
 HB 2964 pg.20
 HB 2968 pg.28
 HB 2979 pg.29
 HB 2992 pg.23
 HB 3003 pg.6
 HB 3013 pg.12
 HB 3020 pg.26
 HB 3028 pg.22
 HB 3043 pg.21
 HB 3069 pg.5
 HB 3086 pg.8
 HB 3104 pg.25
 HB 3135 pg.15
 HB 3139 pg.26
 HB 3145 pg.4
 HB 3157 pg.14
 HB 3159 pg.14
 HB 3160 pg.14
 HB 3161 pg.7