

West Virginia Legislature

Bill Drafting Manual

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House Clerk's Office

Legislative Services

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PART I
PRELIMINARY INSTRUCTIONS TO THE DRAFTER

PARTS OF A BILL

HOUSE BILL 900

(By Delegate Doe)

(Heading) (Introduced January 9, 1996; referred to the
Committee on the Judiciary.)

(Title) A BILL to amend the Code of West Virginia, 1931, as amended,
by adding thereto a new chapter, designated §24B-1-1,
§24B-1-2, §24B-1-3, §24B-1-4 and §24B-1-5; §24B-2-1,
§24B-2-2, §24B-2-3 and §24B-2-4; and §24B-3-1,
§24B-3-2 and §24B-3-3, all relating to. . .

(Enacting Clause) *Be it enacted by the Legislature of West Virginia:*

(Enacting Section) That the Code of West Virginia, 1931, as amended,
be amended by adding thereto a new chapter, designated §24B-1-1,
§24B-1-2, §24B-1-3, §24B-1-4 and §24B-1-5; §24B-2-1, §24B-2-2,
§24B-2-3 and §24B-2-4; and §24B-3-1, §24B-3-2 and §24B-3-3, all to
read as follows:

(Chapter) **CHAPTER 24B. GAS PIPELINE SAFETY.**

(Article) **ARTICLE 1. PURPOSE AND DEFINITIONS.**

(Section) **§24B-1-1. Purpose.**

(Body of Bill) It is hereby declared to be the purpose. . .

(Explanatory Note) NOTE: The purpose of this bill is to authorize
the

Strike-throughs indicate language that would be
. . .

GENERAL BILL FORM

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10 A BILL to amend and reenact §9A-5A-12a of the Code of West
11 Virginia, 1931, as amended; and to amend said code by adding
12 thereto a new section, designated §17-3-11, all relating to .
13 . . .

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

15 That §9A-5A-12a of the Code of West Virginia, 1931, as
16 amended, be amended and reenacted; and that said code be amended by
17 adding thereto a new section, designated §17-3-11, all to read as
18 follows:

19 **CHAPTER 9A. PUBLIC ASSISTANCE AND RELIEF.**
20 **ARTICLE 5A. PUBLIC ASSISTANCE AND MEDICAL SERVICES TO THE**
21 **MEDICALLY INDIGENT.**
22 **§9A-5A-12a. Amount and payment of grant; notification to**
23 **Commissioner of Motor Vehicles of grants made to**
24 **blind persons.**

1 (a) When the Department of Health and Human Resources approves
2 an application for public assistance it shall fix the amount of the
3 monthly grant....

4 (b) After the first day of July, one thousand nine hundred
5 seventy, it shall be the duty of the Commissioner of

6 **CHAPTER 17. MOTOR VEHICLES**

7 **OPERATORS' AND CHAUFFEUR'S LICENSES.**

8 **ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.**

9 **§17-3-11. Mandatory revocation of license of certain blind**
10 **persons.**

11 The department shall forthwith revoke the license of any
12 operator or chauffeur upon receipt of certification by the. . . .

13 (a) The operator or chauffeur. . . .

NOTE: This bill provides. . . .

WORD PROCESSING FORMAT OF BILLS

The top margin is 1". The bottom margin is .5"

The left and right margins are 1".

The bill is double spaced, except for the Explanatory Note which is single spaced.

Full justification is used, except where specifically provided otherwise.

Courier New, 12 point is the font that is used. It is also the font that should be used for line numbering and page numbering.

Page numbers begin on the first page and are centered at the bottom of each page.

Line numbering should begin at the top of the first page of the bill. Line numbers should be 0.900" from the left margin, set to restart on each page and to number blank lines.

The first line of the Title begins at the left margin and on line 10. The following lines of the Title are indented 5 spaces, using a hanging indent (WordPerfect keys - Control and F7) so that they line-up with the last "L" in BILL.

The Enacting Clause begins at the left margin and is italicized.

The Enacting Section begins with a 5 space tab from the left margin.

Chapter numbers and names, if included in a bill, are centered. There are two spaces between the period after the chapter number and the chapter name. All letters are capitalized and bold faced.

Article numbers and names begin at the left margin. There are two spaces between the period after the article number and the article name. If the article heading takes more than one line the additional lines are indented so that they are flush with the third letter of the article heading. All letters are capitalized and bold faced.

Example:

**ARTICLE 21. THIS IS AN EXAMPLE OF AN ARTICLE HEADING THAT TAKES
MORE THAN ONE LINE.**

Section numbers and headings begin at the left margin. There is no space between the section symbol, §, and the chapter number.

Example:

§21-1-1. Relating to cats and dogs.

There are two spaces between the period after the section number and the section heading. If the section heading takes more than one line, the additional lines are indented so that they are flush with the third letter of the section heading. The first word of a section heading is capitalized but the rest of the text in the section heading is lower cased, except where the rules of capitalization require otherwise.

Example:

**§21-1-1. This is an example of a section heading that takes more
than one line.**

In the body of the bill each paragraph begins with a 5 space tab from the left margin.

Line numbering is turned off after the main text of the bill. The Explanatory Note begins with a 5 space tab from the left margin, is single spaced and its lines are not numbered. Each paragraph in the Explanatory Note begins with a 5 space tab from the left margin.

GENERAL DRAFTING RULES

Before the drafter proceeds to the suggested drafting guidelines, the following rules are suggested for study. Insofar as possible, perhaps, a general knowledge of the substance should be committed to memory:

I. BILL TITLES.

In view of Section 30, Article VI of the West Virginia Constitution and various decisions of the West Virginia Supreme Court of Appeals concerning the constitutional provision, the title of a legislative bill is of critical importance. Particular care should be taken in the drafting of a title. Consider the following:

1. If a bill is to amend and reenact a statutory provision and the titles of former acts relating to the same statutory provision are sufficient, then only the new matter or change proposed by the bill need be reflected in the title. In that situation, a court, in determining whether the bill is insufficient, may look not only to the title of the bill but also to the titles of former acts which enacted or reenacted the statutory provision and if, when all of the titles are read together, the object is sufficiently stated, the court will uphold the title. This rule is not applicable when a bill repeals and enacts anew where only the title of the bill may be considered. ***Because it takes less time to prepare a title to cover the bill without regard to former titles than it does to locate and analyze the adequacy of former titles, each title should be prepared so that it can stand alone.***

2. A title should not be an index to or an abstract of the content of the bill. Consequently, generality of wording is not objectionable if the statement of the subject of the legislation is not so general as to be meaningless or deceptive.

3. Notwithstanding the general principles recognized in paragraph 2, the nature, scope and consequences of a bill should be included in the title.

4. Consistent with the general principles outlined in paragraph 2, it should be remembered that a title may limit the scope of the bill, but it cannot broaden or extend the effect of the bill as expressed in the body of the bill.

5. There should be some reference in the title to provisions which have far-reaching implications. For example, it is essential that the title contain references to criminal offenses and penalties, and it should contain references to the suspension or revocation of a license or other right, privilege, etc., the exercise of the right of eminent domain, the right of immediate entry, the removal of one from office, the imposition of civil penalties, etc.

6. A title should be written with regard to the above principles and not by simply copying into the title the wording of the section caption or captions contained in the body of the bill, because a section caption is not a part of the statute and is often misleading or quite incomplete when analyzed in light of the principles governing the adequacy of a title.

7. It is essential that a title be in proper grammatical form. The lead words are "relating to" Care should also be given to whether the various phrases are to be separated by semicolons because only when the right punctuation is used can the bill title be read with clarity of meaning.

II. ENACTING CLAUSE.

The enacting clause is provided in Section 1, Article VI of the West Virginia Constitution and is:

Be it enacted by the Legislature of West Virginia:

III. ENACTING SECTION.

The enacting section of bills follows the provisions of the title and necessarily varies from bill to bill. (Part III, p. 61).

IV. CHAPTER HEADINGS.

Chapter headings are not included in bills except where: (1) More than one chapter is amended; (2) adding a new chapter; or (3) the chapter heading is changed..

V. ARTICLE HEADINGS.

Article headings are set forth in all bills.

VI. SECTION NUMBERING AND HEADINGS.

Section numbers and headings are set forth in all bills. In bills amending the code, numbers of sections will follow the numbering form set forth in the code. Example: §1-2-3 designates Chapter 1, Article 2, Section 3. If a new section is to be added, the new number normally will

follow in logical sequence at the proper place of insertion in the code. Should the new section need to be added between existing sections as between §1-2-3 and §1-2-4, the new section would be numbered §1-2-3a.

In Local or Special Acts, the section number does not refer to a chapter or article as in bills amending the code (see Part IV p. 89); therefore, section numbers appear as §1, §2, etc. In amendments to existing sections of Local or Special Acts, section numbers shall be the same as those of the existing Local or Special Acts and logical sequence of numbering shall be followed.

Where a section heading starts with the word "Same" and the language which the word intends to convey has not been set forth in the bill in a previous section, the substituted language should be set forth in its entirety and the word "Same" eliminated. In subsequent sections, however, the above rule need not be followed since the meaning of the word "Same" has been established.

VII. BODY OF BILL.

For questions arising here, it is suggested that the drafter consult the Index to this manual.

VIII. CONSTITUTIONALITY OF BILLS.

If a bill drafter questions the constitutionality of a bill request or bill draft, he or she shall notify the person(s) who requested the draft. If the legislator(s) disagrees with the drafter, or wants the bill introduced regardless of constitutional questions, the drafter shall complete the draft. Of course the drafter shall make every effort to eliminate constitutional problems.

IX. LOCAL OR SPECIAL ACTS.

A Local or Special Act is an act of the Legislature confined to a specific area of the state. It is not a part of the code but is confined to the continuous records of the Acts of the West Virginia Legislature. Section 39, Article VI of the West Virginia Constitution contains specific enumeration of items to be covered by general laws as opposed to Local or Special Acts.

X. RESOLUTIONS.

Consult Index.

XI. SEVERABILITY CLAUSE.

The drafter does not have to add a severability clause to new sections, articles or chapters. A general severability clause which applies to all sections, articles and chapters in the code is found in WV §2-2-10(cc). If the bill contains sections that must remain for the rest of the bill to remain, a nonseverability clause may be added to the bill.

XII. EXPLANATORY NOTE.

A brief single-spaced note of explanation shall be set forth at the end of each bill except the budget bill and supplementary appropriation bills in the following form:

NOTE: The purpose of this bill is to authorize the Secretary of the Department of Administration

Normal capitalization of words is used in explanatory notes.

Ordinarily, this note will be typed at the bottom of the last page of a bill, and extra space will be left between the end of the bill and the note.

The extra space between the end of the bill and the note may be eliminated if necessary to prevent carrying the note to an additional page.

The content of the note shall include an explanation of the purpose of the bill. It shall also include a brief statement of the substantive changes the bill will make.

If a section, subsection or subdivision is merely renumbered or relettered, this fact shall be noted.

If a bill contains long and complicated renumbering or relettering, a cross-reference table should be included to identify the old sections with the new sections.

To eliminate confusion that may be caused by the absence of underscoring and strike-throughs in a new section, new article or new chapter, a special comment in the note shall be made.

Examples of these special comments are as follows:

If the bill provides for a new article, the following statement is sufficient: "This is a new article; therefore, underscoring and strike-throughs have been omitted."

A similar statement shall be used for a new chapter.

If the bill provides only new sections, the following statement shall be used: "All sections in this bill are new; therefore, underscoring and strike-throughs have been omitted."

If the bill provides for a new section or sections, in addition to amendment of existing sections, the new sections shall be listed by number. For example, "§§1-1-2, 3 and 4 are new; therefore, underscoring and strike-throughs have been omitted."

These special comments are additions to the regular explanatory note.

An explanatory note shall be added to joint resolutions.

SAMPLE PHRASES FOR EXPLANATORY NOTES

- ◆ "Chapter (article) (section) is new; therefore, underscoring and strike-throughs have been omitted."
- ◆ "Chapter (article) has been completely rewritten; therefore, underscoring and strike-throughs have been omitted." Paragraph to be added where applicable. This paragraph is usually not to be used for single sections since these will show strike-throughs and underscoring even in complete rewrites.
- ◆ "Chapter has been amended as to its heading; therefore, the name of the chapter is included in this bill."
- ◆ "Cost of implementation of this legislation is \$_____." Paragraph to be added where actual cost of the proposed bill or resolution is spelled out in body of bill as in the case of salary of department head, thus eliminating need for fiscal note.
- ◆ "Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added." This paragraph is added to all bills in which strike-throughs and underscoring are used. In joint resolutions the word "law" should be replaced by the word "constitution."

DRAFTING, PRELIMINARY STEPS

The drafter should follow these steps generally in the order listed:

- (1) Determine the object of the bill and how the legislator wants it prepared. If the drafting request form is not clear, contact the legislator promptly for clarification;
- (2) Check the pertinent statute, depending upon whether the amendment is an existing section, article or chapter;
- (3) Check all statutes on the subject to see if a similar or related statute is in effect;
- (4) Check the supplement to the code for recent amendments;
- (5) Check code annotations;
- (6) Check legislative acts that may have been passed since the supplement was issued;
- (7) Check Senate and House Journals and the Central Bill Drafting Index to see if proposed legislation has been introduced in previous sessions. If so, it can be revised in much less time than it takes to write a new bill. If a drafter uses a draft prepared outside of Central Bill Drafting or a bill from a prior session, he or she should always check for changes in the law and make dates appearing in the draft current;
- (8) Check the constitutions (WV and US);
- (9) If proposed legislation indicates the need for a new section, article or chapter, determine the appropriate place in the code for it.

PART II
LANGUAGE: ITS COMPONENTS

PREFERRED USAGE

CAPITALIZATION

Except as otherwise noted in this part, use normal capitalization in bills.

Capitalize

(a) **The first word in a sentence and the first word in tabulated items in the listing style.**

(b)(1) **Official titles of state officers, departments, divisions, boards, agencies, commissions, committees and funds.**

Examples:

Attorney General
State Auditor or Auditor
Bureau for Public Health
Commissioner of Agriculture
Department of Revenue
Department of Health and Human Resources
Director of the Division of Natural Resources
Joint Committee on Government and Finance
Legislative Auditor
President of the Senate
Public Employees' Retirement Fund
Regional Jail and Correctional Facility Authority
Secretary of the Department of Administration
Secretary of State
Speaker of the House of Delegates
State Auditor or Auditor
State General Fund
State Police
State Treasurer or Treasurer
the Capitol Building Improvement Fund
West Virginia Legislature
West Virginia House of Delegates
West Virginia Senate
Workers' Compensation Commission

(2) **Generally, substitutes for official titles and agency names should not be capitalized.**

Examples:

the board (when referring to a specific board)
the bureau (when referring to a specific bureau)
the department (when referring to a specific department)
the director (when referring to the director of a specific division)
the division (when referring to a specific division)
the fund (when referring to a specific fund)
the secretary (when referring to the secretary of a specific department)

However, the following should be capitalized:

the Governor (when referring to the Governor of West Virginia)
the House of Delegates (when referring to the West Virginia House of Delegates)
the Legislature (when referring to the West Virginia Legislature)
the President (when referring to the President of the Senate)
the Senate (when referring to the West Virginia Senate)
the Speaker (when referring to the Speaker of the House of Delegates)

(c) Geographic names.

Examples:

Kanawha River
Putnam County

(d) Months and days of the week.

(e) Names of streets, roads, parks, and buildings.

Examples:

the Capitol (When referring to the State Capitol)
North Bend State Park
the State Capitol
the White House
U.S. Route 50

(f) Names of nationalities and languages.

Examples:

Spanish-speaking people
English language

(g) Political parties and religious denominations.

Examples:

the Democratic party
the Methodist church (but, First Methodist Church)
the Republican party

(h) Official titles of organizations, institutions and branches of the military.

Examples:

Air Force (When referring to the United States Air Force)
American Lung Association of West Virginia
Associated Press
National Guard
United States Air Force
West Virginia University

(i) Federal and international entities.

Always use the correct name of an entity, and do not use acronyms as abbreviations.

Examples:

Federal Bureau of Investigation
United Nations
United States Department of the Interior
United States House of Representatives
United States Senate
World Bank

(j) Titles of specific acts, federal laws, and other official documents.

Examples:

Acts of the Legislature
Equal Rights Amendment
Internal Revenue Code
Rules of Civil Procedure
Social Security Act
the Constitution of the State of West Virginia
the Constitution of the United States

(k) References to the "West Virginia Code" and the Code of West Virginia.

However, don't capitalize other references to the code such as: "article six, chapter four of this code" and "other provisions of the code."

(l) Holidays, religious days, and historic events.

Examples:

Fourth of July
Passover
Thanksgiving Day

(m) The first word after each "WHEREAS" in a resolution.

(n) The second word of hyphenated titles, such as "Community-Board".

(o) All letters of all words in a West Virginia Code chapter heading used in a bill.

Example:

CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(p) All letters of all words in a West Virginia Code article heading used in a bill.

Example:

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

(q) In definitions where a quoted term starts a sentence, only the first word of the quoted term, unless the term is a proper name or would otherwise be capitalized.

Examples:

"Unusual purchase or addition" means
"West Virginia University" means

DO NOT CAPITALIZE THE FOLLOWING:

(a) Words such as "city," "county," "state," etc., when alone or with the word "of" preceding a specific name.

Examples:

city of Charleston
second class city
the county (but, Kanawha County)

of the state
of this state

(b) Directional parts of states and counties (except in surveyors' reports and other such documents).

Examples:

central Kanawha County
northeastern states
northern West Virginia

(c) General designations of buildings.

Examples:

library in Kanawha County (but, the Kanawha County Library)
the Charleston post offices
the county courthouse

(d) The words "government" or "federal" (except when "federal" is a part of the name of the agency or statute). However, use "United States" instead of "federal" when referring to a specific entity that does not have "federal" in the name. Always use the correct name of an agency.

Examples:

federal agencies (but, Federal Bureau of Investigation)
United States Department of Health and Human Services
United States government
United States Social Security Administration

(e) Official titles of county or municipal officers, agencies, commissions, committees or funds.

Examples:

assessor
clerk of the circuit court
county commissioners
prosecuting attorney

(f) References to laws on a particular subject.

Examples:

federal election laws
federal tax laws (but, Internal Revenue Code)
motor vehicle laws

(g) Names of seasons of the year.

Examples:

spring
summer session

(h) References to code sections.

Examples:

article three of this chapter
section two, article three of this chapter
section two, article three, chapter four of this code

SPELLING

The official reference for spelling, use of hyphens, etc., is Webster's Tenth International Dictionary. For the drafter's convenience, however, listed below are some of the most frequently misspelled words:

acknowledgment	pari-mutuel
antemortem	percent
attorney in fact	per centum
barbershop	pipeline
beauty shop	postaudit
buses	postcard
bylaws	postmortem (adjective, noun, verb)
bypass	post-mortem (adverb)
	post office
canceled	post office address
clear-cut	post-secondary
clearinghouse	preplan
cochairmen	preschool
courthouse	privately owned land
	pro rata
even-numbered years	prorate
ex officio	
extracurricular	quasi-public
firefighters	reemploy
foregoing	reenlist
guideline	reexamine
guidepost	rights-of-way
in-service training	rulemaking
insofar	
	semiannually
joint stock	statehouse
joint-stock company	statewide
judgment	supersede
law-enforcement officer (strict law enforcement)	three tenths of one percent
	three-tenths percent
moneys	timetable
myriad	to wit
	trademark
noncancelable	trade name
noncompliance	truck line
nonduty	
nonprofit	updated
nonpublic	usage
nonsuit	
nonuniform	vice chairman
	vice president
one and one-half days	
one-half cents	waterworks
one half of a mile	willful
one-half mile	
out-of-state travel	

WORDS FREQUENTLY CONFUSED

- affect - always a verb; applies to a stimulus strong enough to bring about a reaction or some modification.
Synonyms: Influence, impress, sway.
Example: Rain affects crops.
- effect - as a verb means to cause to come into being.
Synonyms: Cause, induce, do, accomplish, execute, achieve.
Example: Routine maintenance of state roads is effected during the summer.
- effect - as a noun means something that is produced by an agent or cause.
Synonyms: Result, consequence, outcome.
Example: Rules have the effect of law.
- biannual - twice a year
biennial - once every two years
- capital - city; money or assets; first rate
capitol - statehouse
- council - a group
counsel - advice, advisor, attorney; to advise
- ensure - to make certain
insure - to protect against loss
- farther - actual distance
further - additional; more advanced
- interstate - between states
intrastate - within one state
- marital - pertaining to marriage
martial - military
- practicable - workable
practical - useful
- principal - head of a school; also the main one of several things
principle - rule of conduct; main fact of law
- sanatorium - an establishment for treating a particular disease
sanitarian - one who is especially versed in sanitary measures
sanitarium - health resort
- stationary - in a fixed position
stationery - paper
- therefor - in place of; for that; for it
therefore - conclusion; consequently; hence

DATES AND NUMBERS

In bills, dates generally are spelled out. Several exceptions are as follows:

(1) Internal Revenue Code of 1986;

(2) Title II U.S.C. §401 (being section 81 of the act of Congress entitled "An Act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended);

(3) In forms set forth in statutes, numerals are used in connection with blank lines, such as "Given under my hand this ____ day of ____, 20____."

The usual form of a date is: ". . . the first day of January, one thousand nine hundred seventy-seven," It is **not** "January first, one thousand nine hundred and seventy-seven,"

In bills numbers generally are spelled out. See (2) above for an exception. An additional exception would be numbers in tables, such as an unemployment compensation benefit table.

Joint resolutions follow the form of bills for dates and numbers in the body of the Constitution.

Concurrent resolutions and simple resolutions are not subject to the same degree of formality relative to dates and numbers as are bills and joint resolutions. In concurrent resolutions and simple resolutions it is permissible to write both dates (day and year) and numbers (10 and above) in numerals without spelling them out unless the resolution, such as a memorial resolution, indicates a need for more form and dignity.

Some examples of proper dates and numbers for concurrent resolutions and simple resolutions are as follows:

- (1) The regular session of the Legislature, 1970;
- (2) The second extraordinary session of the Legislature, 1968;
- (3) Five members of the Senate;
- (4) 10 members of the House of Delegates;
- (5) The committee shall report in 30 days;
- (6) 58th Legislature;
- (7) Senate Concurrent Resolution No. 1. (exception);
- (8) \$350 per diem, not to exceed \$2500; and
- (9) \$10 million.

PUNCTUATION

Usually a bill requires little punctuation. Short simple sentences avoid the need for excessive punctuation and prevent possible misinterpretation.

Commas

Use commas sparingly.

Omit the comma before the conjunction within a series of words, phrases or clauses as "men, women and children." The exception is in a series of fairly long clauses when a comma before "or" or "and" may be used to keep the thoughts separate.

Common phrases set off by commas include:

- (1) Including, but not limited to,
- (2) , in whole or in part,
- (3) guilty of a felony and, upon conviction thereof,

Semicolons

When a sentence is divided into two or more long and complex independent clauses, either of which requires several commas, use a semicolon to separate the two independent clauses. However, it is preferable and usually provides a clearer understanding of the law if two sentences are used instead.

Colons

Do not use a colon in the body of a bill except for the purpose of introducing a series or preceding a proviso. The first word of a series is capitalized. The series should be separated by semicolons.

RULES OF DRAFTING - STYLE AND GRAMMAR

1. Consistency

- a. Don't use different words to denote the same thing.
- b. Don't use the same words to denote different things.
- c. Use the same words and phrases in a new section or new article or in an amendment to a section or article that are already used in other parts of the section, article or chapter.

Example: If "spouse" is used, do not change the reference in your bill to "widow or widower." If several notices are to be sent by "registered mail," do not change the reference in your bill to "certified mail."

- d. Use the same grammatical form in a series.

Example: Gerunds - selling, advertising, marketing, etc.
Infinitives - to sell, to advertise, to market, etc.

- e. Use parallel construction. This ensures that all items in a series relate to the initial phrase.

Example: The commissioner shall:

- (1) Report to
- (2) Advise the
- (3) Supervise the

INCORRECT: (4) The commissioner shall regulate

2. Brevity

Brevity is good but don't overdo and arrive at confusion.

3. Sentences

Sentences should be short and express only a single thought. Clarity is better than appearance.

4. Order

State circumstances first; then, the law; and at the end, the exceptions. Short exceptions may be stated first. Avoid unwieldy circumstances--make a list where necessary.

5. Tense

Avoid future tense (will be paid) and future perfect tense (will have been paid). Use present tense (is paid).

6. Imperative and Permissive Construction

a. To impose an obligation to act, use “shall.” To confer a right, privilege or power, use “may.”

b. Do not combine powers and duties.

CORRECT: The Commissioner shall issue the permit.
It is the Commissioner’s duty to issue the permit.

CORRECT: The Commissioner may hold a hearing.
The commissioner may hold a hearing but is not obligated to do so.

INCORRECT: The Commissioner has the following powers and duties:
This does not specify which acts are mandatory and which are discretionary.

c. Do not use the word "shall" to confer a right because that implies a duty to enjoy the right.

CORRECT: His or her annual salary is twenty-one thousand dollars.

INCORRECT: He or she shall receive an annual salary of twenty-one thousand dollars.

d. To prohibit an action, use “may not.” But, avoid, “No person may” and use “A person may not.”

7. Definitions

Say "means"; not "shall mean.”

8. Voice

Use active rather than passive voice, especially when imposing duties, to avoid confusion as to who has the duty to act.

CORRECT: The Secretary shall file the annual report.

INCORRECT: The annual report shall be filed.

9. Person

Use third person

10. Singular--Plural

Use singular and not plural.

11. Gender

Use masculine/feminine gender. Example: he or she; him or her

12. Directness

Use positive rather than negative.

13. **Punctuation**

Be consistent and pair commas. Use "(") only when absolutely necessary.

14. **Capitalization**

Under capitalize rather than over capitalize. Follow rules beginning on page 14.

15. **Pairs**

a. Avoid using pairs with the same effect.

Example: "Null and void," "sole and exclusive," "each and all," "full and complete," "order and direct," "over and above" and "rules and regulations."

b. Avoid using pairs with the lesser included.

Example: "Any and all," "means and includes," "authorized and directed."

16. **Abbreviations**

Avoid abbreviations except a.m. and p.m.

17. **Avoid surplusage**

Example: "Actual sighting of . . ." "Actual" is surplusage.

18. **Clarity**

State who is required to take an action.

CORRECT: The commissioner shall submit a report to

INCORRECT: A report shall be submitted to

PREFERRED WORDS AND PHRASES

The following words and phrases indicate a preferred usage:

Avoid

absolutely null and void
afforded or accorded
aforesaid, aforementioned

and it shall be its duty in
carrying out the

and/or

any and all

at such time as

attempt

at the time of his death

at the place

be and the same is hereby
bonds, notes, checks, drafts
and other evidences of
indebtedness

bring an action

calculate

carry out

cease

complete

constitute

consequence

deem

do and perform

does not operate to

during such time as

during the course of

each and all

each and every

employ (meaning to use)

endeavor (verb)

enter into a contract with

evidence documentary or
otherwise

Preferred

void

given

"the" "that" or "those" or a specific
reference

shall

"A or B, or both"

"any" or "all"

when

try (verb)

when he dies

where

is

evidences of indebtedness

sue

compute

execute; complete

stop

finish

appoint

result

consider or determine

do

does not

while

during

"each" or "all"

"each" or "every"

use

try

contract with

evidence

Avoid

examine witnesses and
hear testimony
expend

fail, refuse and neglect
feasible
final and conclusive
formulate
for the duration of
for the reason that
forthwith
from and after
full and complete

give consideration to
give recognition to

have knowledge of
have need of
hereafter

if any person shall violate

if it shall appear
if it shall be necessary
if there be
in order to
inquire
institute
in the case
in the case of
in the event that
in the preceding section
is able to
is applicable
is defined and shall be
construed to mean
is dependent on
is directed
is entitled to
is hereby authorized and
empowered

Preferred

take testimony

spend

fail
possible
conclusive
make
during
because
immediately
after
full

consider
recognize

know
need
after this article takes effect

any person who violates this article shall
be fined

if it appears
if it is necessary
if there is
to
ask
"begin" or "start"
if
"when" or "where"
if
in section one
can
applies
means
depends on
shall
may
may

Avoid

Preferred

is hereby vested with
power and authority
is null and void, and of
no effect
is ordered and directed
is required to
is the duty of
is unable
it is his duty to
it is lawful to
it shall be unlawful

shall
void
shall
shall
shall
cannot
shall
may
it is unlawful

make application
make payment
make provision for
matter transmitted through the mail
maximum
member of a partnership
minimum
modify
must

apply
pay
provide for
mail
most
partner
least
change
shall

necessitate
no later than the thirtieth day of June, one
thousand nine hundred seventy
none whatever
not later than
null and void

require
before the first day of July, one thousand
nine hundred seventy
"no" or "none"
before
void

obtain
of a technical nature
on and after the first day of July,
one thousand nine hundred
seventy
on or after
or, in the alternative

get
technical
after the thirtieth day of June,
one thousand nine hundred
seventy
after
or

parts and portions
per annum
per centum
per day
person of suitable age and discretion
possess

parts
a year
percent
a day
adult (or state age)
have

Avoid

preserve
prior to
provision of law
purchase

render (meaning "to give")
retain
rules and regulations

said
same
shall be deemed to be
shall be in full force and effect
shall have
sole and exclusive
speed up
subsequent to
such

terminate
the place of his abode
thereof
thereon
to wit
transmit

unless and until
until such time as
utilize (meaning to use)

whatsoever
whenever
whosoever
will

Preferred

keep
before
law
buy

give
keep
rules

"the" "that" or "those"
"it" "he or she" or "him or her"
is
shall be in force
may
sole
hasten, expedite
after
the, that, those

end
his abode
of the
on the
namely
send

"unless" or "until"
until
use

"when" or "whatever"
"whenever" "when" or "if"
whoever
probably "shall"

Possessives Frequently Confused

If the plural ends in -s, add an apostrophe.

If the plural does not end in -s, add -'s.

Examples

anyone's property

children's welfare

clerk's office

clerks' offices

workers' compensation

DRAFTING PROBLEMS

1. Boldface should mean boldface.
 2. Repeal only. Do not repeal and subsequently amend and reenact the same section or reintroduce it as a new section.
 3. Amend and reenact existing code, whether redesignating sections or changing subject matter completely.
 4. Textual references should conform to new enactments, e.g., Division of Motor Vehicles, Department of Health and Human Resources, etc.
 5. In titles, if two or more sections are addressed, the language is “all relating to.” If only one section is addressed, omit the word “all.”
 6. In enacting sections, if two or more sections are addressed, the language is "all to read as follows:" If only one section is addressed, omit the word "all."
 7. In instances where there are two or more chapters or articles, the proper chapter or article heading should be inserted preceding the initial article heading or section caption of that chapter or article.
 8. Be certain of order of references – section, article, chapter -- within the text.
 9. Levels of division:

section
subsection
subdivision
paragraph
subparagraph
clause
 10. If a section is divided and the division commences immediately following the section heading, the divided parts are referred to as "subsections." If there is an introductory paragraph following the section heading, the divided parts are referred to as "subdivisions."
 11. If the bill ID on bills to be introduced has too much space following the second and third backslash, delete extra space and move the period and closing bracket immediately adjacent to the backslash.
 12. Section headings should be indented to the 3rd letter of text of the section heading, NOT the 5th space.
 13. In referring to a subdivision, the reference is indicated by a number in parenthesis.
- CORRECT: "referred to in subdivision (1), section two, article eight"
- INCORRECT: "referred to in subdivision (one), section two"

GENERAL RULES OF STATUTORY CONSTRUCTION

1. The court's function is simply to ascertain what the law is and to give effect to it. The court gives a presumption of validity to every statute.

2. Legislative intent will be pursued if possible and will be followed even if it is not the literal meaning of the words.

3. Where language is clear and plain, the court will not look to the Legislature's intent.

4. Rules of construction may be invoked only where the language is ambiguous.

5. Words are given their ordinary meaning.

6. *Pari materia* - All law dealing with the same subject matter will be read together insofar as possible.

7. The Act passed last prevails.

8. Special provisions prevail over general provisions.

9. There are two rules for conflicts between provisions of the same Act:

(1) The last provisions in the Act prevail.

(2) The provision which conforms to the policy and intent of the Act prevails.

10. A later Act repeals an earlier Act only to the extent of conflicts (except in case of specific repeal).

11. Any provisions of an Act which are not repealed or amended and reenacted continue in effect.

12. The court presumes the Legislature did not intend to enact frivolous legislation, so it gives new language effect.

13. If Act A refers to existing statute B by specific date or Act of the Legislature, the repeal or amendment of statute B does not affect its application in Act A.

If Act A refers to existing statute B generally without reference to a specific date or Act:

a. The repeal of statute B terminates its application in Act A; and

b. The amendment of statute B will be given effect in its application in Act A.

14. Time - Example: City given authority to have a franchise tax "as now permitted by law." "Now" means as permitted by law as written at the time this Act was enacted giving city authority to have a franchise tax.

15. Act with repealer clause - If an Act is declared unconstitutional, the repealer is declared void unless the Legislature meant otherwise.

Example: An Act contains repeal of some language and replacement with new language. New language is stricken by court; old language is retained and not repealed.

16. Curative or saving clause or act - There is no effect if the saving Act is repealed after its provisions have been accomplished. Similar to the severability clause.

17. When a statute embodying common law is repealed, the law reverts to the common law.

18. Severability - (See Part I, XI. Severability Clause, page 10 of this manual) If any part of a statute is declared unconstitutional, the rest remains in effect unless:

- a. The statute provides otherwise;
- b. The court decides the Legislature did not intend; or
- c. If standing independently, it is too incomplete or complicated to be carried out.

The general severability clause already in the code would keep almost all remaining provisions in effect.

19. Liberal or strict construction

a. Laws strictly construed:

- (1) Criminal laws;
- (2) Laws in derogation of the common law;
- (3) Laws infringing or constricting property rights, such as zoning laws;
- (4) Special privilege laws; and
- (5) Mandatory acts - acts made void if not done in compliance with the law.

b. Laws liberally construed:

- (1) Redress of existing grievances;
- (2) Protection of rights;
- (3) Correcting obvious evils;
- (4) Giving rights of action; and
- (5) Election laws.

20. Reasonable construction principle.

- a. Reasonable construction will be followed by the court rather than absurd construction.
- b. If it has a choice of declaring an action legal or illegal, the court will choose to make the act legal.

21. Expressio unius est exclusion alterius.

The inclusion of one is the exclusion of all others.

Only use the word "including" when the general category will not include the special items listed.

22. Ejusdem generis.

General words are construed to include only those things of like character to those listed. A court may give statutes meaning beyond listing to give it practical application.

23. Singular always includes plural unless it is obvious the Legislature meant otherwise.

24. Gender – "His or her" should be used.

25. "Person" also means a corporate body, society, associations and partnerships.

26. "Real property" includes lands, tenements and hereditaments.

27. "May," "shall," "must" and "should."

a. May is permissive. It confers a discretionary right, power or privilege.

"The Commissioner may inspect records."

The commissioner may if it is necessary or proper, but the commissioner is not obligated to do so.

b. Shall is mandatory. It imposes a duty or obligation to act.

"The Commissioner shall issue a license."

It is the commissioner's duty to do so.

c. Avoid the use of "must" whenever possible, unless used as a condition precedent with inanimate subjects.

"The information on the form must include the date and time of the incident."

d. Avoid the use of "should" or "ought."

28. "Month" means calendar month. "Year" means calendar year.

29. Technical terms - Technical terms are given their technical meanings.

30. Same meaning rule - The same word in a statute will be given the same meaning as its earlier use.

31. Punctuation - Spirit and reason of the law prevails over punctuation.

32. Definitions - A court may change old definitions.

33. And - or.

A court may change "and" to "or" but generally the terms are not interchangeable.

34. Purpose clauses - Preamble and purpose sections neither enlarge nor contract powers in the main body.

35. Interpretation of words.

If a court interprets a word or phrase and the Legislature uses it, then the court assumes the Legislature used it in the way it was interpreted and will interpret it the same way.

36. Retroactive -- Prospective.

A bill is prospective and not retroactive unless it is clearly indicated otherwise by the bill.

37. "A subsequent statute, which revises the entire subject matter of a former statute and which is evidently intended as a substitute for such former statute, operates to repeal the former statute even though such subsequent statute does not contain express words to that effect." Syllabus pt.3, Woodring v. Whyte, 161 W.Va. 62, 242 S.E.2d 238 (1978)

STRIKE-THROUGH PUNCTUATION RULES

1. It is generally unnecessary to strike through deleted punctuation if there is no word accompanying the punctuation in the strike-through. Likewise, it is unnecessary to underscore new punctuation standing alone. The courts are not controlled by the punctuation, although they may give it some consideration.

2. Do not indicate strike-throughs in chapter, article or section headings.

3. Correct punctuation shall be shown before strike-throughs.

Example:

(Original): The sky is blue but remember grass is green.

(Amended):

CORRECT: The sky is blue. ~~but remember~~ Grass is green.

INCORRECT: The sky is blue ~~but remember~~. Grass is green.

4. If punctuation appears at the beginning of the strike-through, disregard punctuation.

Example:

(Original): . . . presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection: *Provided, however,* That nothing contained in

(Amended):

CORRECT: . . . presents appropriate credentials. ~~nor shall any~~ No person may obstruct, hamper or interfere with any such inspection. ~~*Provided, however,*~~ ~~That~~ Nothing contained in

INCORRECT:

. . . presents appropriate credentials. ~~;~~ ~~nor shall any~~ No person may obstruct, hamper or interfere with any such inspection. ~~;~~ ~~*Provided, however,*~~ ~~That~~ Nothing contained in

5. Punctuation should only be stricken-through if it appears within other stricken-through language. Do not show the removal of punctuation only by strike-through; omit only the stricken punctuation.

Example: Removal of comma only

(Original): Do not mix apples, oranges, and bananas.

(Amended):

CORRECT: Do not mix apples, oranges and bananas.

INCORRECT: Do not mix apples, oranges ; and bananas.

DELETION - USE OF STRIKE-THROUGHS

Below are listed some general "rules" for the use of strike-throughs to indicate material removed from the present law. Deleted material is indicated by the use of the font attribute "strikeout" (–). The general rule to remember in the use of strike-throughs is to make everything as clear as possible to the reader. This may require the striking through of words which also occur in the new language being inserted. **IT IS BETTER TO STRIKE THROUGH A WHOLE PHRASE, SENTENCE, PARAGRAPH OR SECTION THAN TO HAVE A CONFUSING COMBINATION OF STRIKE-THROUGHS, UNDERSCORES AND UNCHANGED WORDS.**

The strike-through guidelines are as follows:

(1) In amending existing law, changes desired are indicated by striking with a continuous line the unwanted matter and underscoring with a continuous underscoring of any inserted matter, whether an addition to the law or a substitution for matter stricken from the law. The purpose of the striking and underscoring of material is to enable the reader at a glance to distinguish between the law as it now exists and the proposed law. The purpose of both strike-throughs and underscoring is to allow the legislators and other interested persons to identify from the bill itself just what it accomplishes without the time-consuming task of comparing the bill with existing law. Amendatory material drafted without strike-throughs and underscoring is, in effect, blind legislation;

(2) When amending sections of the statutes, the parts that are to be omitted or changed must first be shown and then stricken through, and all inserted or new parts must be underscored.

Example: Registrations recorded under ~~this section~~ these sections . . . (The new material always follows the stricken material. Never reverse this order.);

(3) Amendments to the Constitution, Special Acts and Rules of the Legislature require striking and underscoring the changes, the same as when amending the statutes;

(4) Regardless of the version of the text being considered (e.g., introduced bill, committee substitute, amendment, conference report, etc.) strike-throughs and underscoring always reflect proposed changes to the West Virginia Code -- **not changes between different bills and**

amendment versions. Always check the Supplement to the West Virginia Code for the most recent code text.

(5) If the material to be stricken consists of more than one sentence, the new or scored material replacing the old or stricken material should be inserted at the end of all stricken material;

(6) Periods should logically be carried to the end of the sentence where you are inserting new material and not left at the end of the stricken material. This treatment is the same as in simple amendments where new material is inserted after a specified word and before the period;

(7) Usually, words not affected by the proposed amendment are not deleted. Sometimes, however, this results in difficult reading. In such cases, strike through the entire phrase and insert and underscore the new phrase.

Example:

CORRECT: ~~the Steamroller College of Musical Knowledge~~ the Supreme College of All Knowledge;

INCORRECT: the ~~Steamroller~~ Supreme College of ~~Musical~~ All Knowledge;

(8) When changing the verb tense or word endings, strike through or underscore the entire word and not just the part to be changed, deleted or added.

Examples:

CORRECT: Any person owning ~~twenty-five horses~~ one horse

INCORRECT: Any person owning ~~twenty-five~~ one horse

CORRECT: Any person owning ~~one horse~~ six horses

INCORRECT: Any person owning ~~one~~ six horses

CORRECT: ~~chairman~~ chair

INCORRECT: ~~chairman~~

CORRECT: ~~horse~~ horses

INCORRECT: ~~horses~~

CORRECT: ~~(1)~~ (2)

INCORRECT: ~~(1~~ 2)

STRIKE-THROUGHS AND PUNCTUATION

COMMA AND STRIKE-THROUGH

(Original): When any vacancy exists because of a failure to make a nomination,

(Amended):

CORRECT: When any vacancy exists, ~~because of a failure to make a nomination,~~

COMMA AND STRIKE-THROUGH WITH NEW LANGUAGE ADDED

(Original): When any vacancy exists because of a failure to make a nomination,

(Amended):

CORRECT: When any vacancy exists ~~because of a failure to make a nomination~~ due to the death of a candidate,

STRIKE-THROUGHS AND EXPLANATORY NOTE

CONTENT OF NOTE MUST INCLUDE EXPLANATION OF WORDS DELETED OR ADDED

If strike-throughs are used in a bill and new words added:

“Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.” If an article or chapter has been completely rewritten:

“This (article) (chapter) has been completely rewritten; therefore, strike-throughs and underscoring have been omitted.”

SUBSECTIONS AND SUBDIVISIONS

Subsections are independent parts of a section.

If a section begins immediately following the section heading with the designation (a) or (1), it is a subsection. Any consecutive similar designation thereafter also indicates a subsection. Subsection is the term for (a) below. Subsections usually start with small letters.

Example:

§31-20-4. Governing body; organization and meetings; quorum; administrative expenses.

(a) The governing body of the authority shall consist of the voting members of the board as provided for in section three of this article and shall exercise all the powers given to the authority in this article. On the second Monday of July of each odd-numbered year, the board shall meet to elect a chairman and a secretary from among its own members. The Secretary of the Department of Administration or his or her designated representative shall serve as treasurer of the board. The board shall otherwise meet quarterly, unless a special meeting is called by its chairman.

(b) A majority of the members of the board constitute a quorum, and a quorum must be present for the board to conduct business. Unless the bylaws require a larger number, action may be taken by majority vote of the members present. . . .

Subdivisions are dependent parts of a section or a subsection.

If a section begins with a preliminary or introductory statement followed by the designation (a) or (1), it is a subdivision. Any consecutive similar designation thereafter also indicates subdivisions. Subdivision is the term for (1) and (2) below:

Example:

§31-17-1. Definitions and general provisions.

As used in this article:

(1) "Secondary mortgage loan" means a loan made to an individual or partnership which is secured, in whole or in part,

(2) "Person" means an individual, partnership

Following is an example of code text indicating the absence of subsections and the combination of subdivisions (1), (2) and (3) and paragraphs (A), (B) and (C):

Example:

§11-14C-2. Definitions.

As used in this article and unless the context requires otherwise:

(1) "Agricultural purposes" means the activities of:

(A) Cultivating the soil, including the planting and harvesting of crops, for the commercial production of food, fiber and ornamental woodland products;

(B) Using land for breeding and management of farm livestock, including dairy, apiary, equine or poultry husbandry; and

(C) Using land for the practice of horticulture including the growing of Christmas trees, orchards and nursery stock: *Provided*, That agricultural purposes do not include commercial forestry, growing of timber for commercial purposes or any other activity that normally would not be included in paragraph (A), (B) or (C) of this definition.

(2) "Aircraft" includes any airplane or helicopter.

(3) "Alcohol" means motor fuel grade ethanol or a mixture of motor fuel-grade ethanol and methanol, excluding denaturant and water that is a minimum of ninety-eight percent ethanol or methanol by volume.

CRIMINAL PENALTIES

In bills amending an existing section that already contains criminal penalty provisions, the existing form of penalty shall be amended to conform to the appropriate penalty provision set forth below. However, care must be taken not to change the existing provisions for fine and imprisonment unless the bill is intended to make those changes.

The appropriate criminal penalty form set out below should be followed in bills adding new sections with criminal penalties or adding criminal penalties to existing sections.

Although the amounts of or limits on fines and the jail or prison sentences will vary, these penalty provision forms shall be followed as nearly as practicable:

(1) . . . is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars or confined in jail not more than one year, or both fined and confined.

(2) . . . is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars or confined in jail not more than one year, or both fined and confined.

(3) . . . is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than ten nor more than twenty years.

(4) . . . is guilty of a felony and, upon conviction thereof, shall be fined not more than one thousand dollars or imprisoned in a state correctional facility not less than one year, or both fined and imprisoned.

(5) . . . is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one year nor more than ten years or imprisoned in a state correctional facility not more than one year and fined not more than five hundred dollars.

PROVISOS

Provisos in bills should not be used indiscriminately when other language is sufficient. Use "except" or "but" or start a new sentence where a proviso is not essential.

Provisos are preceded by a colon. Provisos are italicized and in the following form and sequence:

- : *Provided, That*
- : *Provided, however, That*
- : *Provided further, That*
- : *And provided further, That*

The sequence of provisos applies within a paragraph of a bill. Some judgment is required regarding the use of the sequence form. The use of more than one proviso within a section does not always demand the use of the sequence form. The sequence form is proper where the provisos are related. If the provisos are unrelated and modify different statements, the first form shall be used for each proviso.

RULES

Pursuant to the West Virginia Administrative Procedures Act, [§29A-1-1 et. seq.] West Virginia has rules, not regulations. The Secretary of State publishes the Code of State Rules [CSR], which codifies the rules following final authorization by the Legislature. There are several factors to consider when granting an agency rulemaking authority. These include:

1. Does the bill require a legislative rule? Refer to Chapter 29A [State Administrative Procedures Act] for definitions of legislative, procedural and interpretative rules to see which type of rule is appropriate. After approval of the Legislature and Governor, legislative rules have the force and effect of law, while interpretative and procedural rules are promulgated without direct legislative authorization. Avoid making internal acts or procedures of agencies or boards legislative rules because of the implications associated with failure to comply with mandatory legal duties.

2. What type of authority does the agency or board currently have? Some state agencies are exempt from legislative rulemaking while others may already have sufficient authority to propose a rule without additional authorization.

3. Does the rule need emergency rule authorization status? If the Legislature determines it necessary, it can direct an agency to propose an emergency rule.

CORRECT LANGUAGE FOR AUTHORIZING MANDATORY LEGISLATIVE RULES:

“ . . . shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code.”

CORRECT LANGUAGE FOR AUTHORIZING PERMISSIVE LEGISLATIVE RULES:

“ . . . may propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code.”

CORRECT LANGUAGE FOR AUTHORIZING EMERGENCY LEGISLATIVE RULES:

“ . . . shall [may] promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code.”

AMENDMENTS TO EXISTING LEGISLATIVE RULES:

There are two ways to amend existing legislative rules:

(1) A bill can be drafted amending the specific rule in question;

(2) If the rule is before the Legislature because the agency is attempting to change or create a rule, the rule may be amended as part of its legislative authorization bill.

In either case, the bill and any amendments must refer to the rule series, page, line and words of the rule being amended. It is suggested that drafters contact one of the rule-making committee attorneys to assure that rule amendments are in proper form.

USE OF AGENCY AND SUBDIVISION NAMES

The drafter should refer to an agency or a subdivision by the name designation set forth in the code. Do not refer to an agency or a subdivision by its “popular” name. Use §5F-2-1 as a reference for correct agency or subdivision names.

APPROPRIATION BILLS-GENERAL LAW

Moneys cannot be appropriated in general law statutes and the Legislature cannot be bound to appropriate specific moneys for a program in a current fiscal year for future years.

Do not include any general law in an appropriation bill.

STAGGERED TERMS OF OFFICE

Staggered terms of office may be provided by a provision similar to the following:

"Each member shall serve for a term of five years. Of the members of the commission first appointed, one shall be appointed for a term ending the thirtieth day of June, one thousand nine hundred sixty-seven, and one each for terms ending one, two, three and four years thereafter."

Provisions in the following code sections may be a better guide for a particular drafting problem:

§5-10-6
§30-4-4
§30-7A-5
§30-32-7

INFORMATION SOURCES FOR BILL DRAFTERS

1. Acts of the Legislature.

Check the Acts of the Legislature for local and special laws and for additional examples of appropriation bills. There is an Index for Special Acts through 1998.

2. Sutherland on Statutory Construction.

3. Legislative Library.

It has copies of the Acts of the Legislature, old code compilations, House of Delegates and Senate Journals and state newspaper articles concerning the Legislature.

4. WESTLAW.

It is a source for other states' statutes and court decisions.

5. Council of State Governments, States Information Center, (606) 244-8253; National Conference of State Legislatures, (303) 364-7700.

They are sources of other states' laws and studies on issues of interest to state legislatures.

6. Directory of State Legislative Staff.

This is a source for names and telephone numbers of staff members of other legislatures.

7. Reed Dickerson:

The Fundamentals of Legal Drafting.
The Interpretation and Application of Statutes.
Professionalizing Legislative Drafting.

8. Robert J. Martineau:

Drafting Legislation and Rules in Plain English.

9. Lawrence E. Filson:

The Legislative Drafter's Desk Reference.

CITATION TO FEDERAL AUTHORITIES; ADOPTION BY REFERENCE

(a) **Federal statutes.** A citation to federal statutory law should be made to the official federal code, i.e., the United States Code, indicating title and section.

Example: 42 U.S.C. §1983

Do not cite unofficial federal codes (United States Code Annotated or United States Code Service). A citation only to an act of Congress by its official name, a popular name or the original section number is not preferred because of the difficulty readers will have in locating the cited material with this information.

Example:

Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193

This citation assumes not only that the reader knows how to locate the material cited but that he or she has access to a library or database where it can be retrieved.

◆ A citation to the official federal code may be accompanied by additional information if it is helpful to the reader.

Example: . . . 42 U.S.C. §666(a), as amended by section three hundred sixty-nine of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996

(b) **Federal regulations.** A citation to all federal rules and regulations should be made to the Code of Federal Regulations by title, section and year.

Example: 40 C.F.R. §264.1052 (1992)

Additional information may be provided.

Example: . . . the air emission standards for pumps in light liquid service established by regulations of the federal environmental protection agency and set forth in 40 C.F.R. §264.1052 (1992).

(c) **Adoption by reference.** Use caution in adopting federal law by reference. The Supreme Court of Appeals in the case of *State v. Grinstead*, 157 W.Va. 1001, 206 S.E.2d 912 (1974) held that “although statutes adopting laws or regulations of other states, the federal government, or of its agencies, effective at the time of adoption are valid, attempted adoption of future laws, rules or regulations of other states or the federal government or of its agencies is unconstitutional as an unlawful delegation of the legislative power.”

SPECIAL REVENUE ACCOUNTS

In general, all fees and taxes are deposited into the General Revenue Fund. Some fees and taxes are dedicated to specific purposes by statute and are placed in special accounts in the State Treasury. In times of fiscal constraints, the Legislature has redesignated these special funds to meet the fiscal priorities that it has established. In 1992, the Legislature amended West Virginia Code §12-2-2. The amendments to this section provided language to override the specific provisions of law in other code sections which dedicate special revenue and require its deposit into a special account. Thus, under current law, if the Legislature finds that an excess of funds is present in a particular special revenue account, then the Legislature may transfer those funds by passage of a supplementary appropriation. Special revenue accounts, of course, may still be created. However, there are issues that should be addressed by the drafter when so doing.

The manner in which the funds deposited into the special account may be expended should be specified by the statute that creates the account. Furthermore, in order to maintain oversight over special revenue accounts that may be created from time to time, the Legislature has generally required that special revenue accounts be appropriated in the budget bill. The following language is suggested in creating special revenue accounts:

All moneys collected shall be deposited in a special account in the State Treasury to be known as the “name of account”. Expenditures from the fund shall be for the purposes set forth in this (section, article or chapter, as appropriate) and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of article two, chapter eleven-b of this code: *Provided*, That for the fiscal year ending the thirtieth day of June, (following fiscal year) expenditures are authorized from collections rather than pursuant to appropriation by the Legislature.

It is also suggested that Finance counsel be notified of creation of special revenue accounts so that the account can be added to the budget bill the following fiscal year. Furthermore, it is often

necessary for the Finance committee staff to work with the agency or board for whom the account is created to ensure that proper procedures are followed so that funds can be available for expenditure in a timely manner.

PART III
BILL TITLES AND ENACTING SECTIONS
AMENDING EXISTING STATUTES
AND
ENACTING NEW STATUTES IN CODE
AND
REPEALING EXISTING STATUTES IN CODE

All sections in the title and enacting section are listed in numerals and with the complete number, i.e., chapter-article-section, §1-2-3.

All sections in new articles or chapters must be listed individually.

All sections must be preceded by a section symbol, i.e., “§.”

Sections in the title and enacting clause are to be listed in the following order:

All sections that are repealed are listed first and in order as they appear in the Code; and

All other sections included in the bill are listed in the order that they appear in the Code, except when there are sections that are amended and reenacted as well as added in the same article the clause containing the sections that begin with the section number that would appear first in the Code is listed first in the title and enacting section.

Example:

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §33-41-4a, §33-41-8a and §33-41-14; and to amend and reenact §33-41-8 and §33-41-10 of said code, all relating to ...

Since §33-41-4a comes before §33-41-8 in the Code the clause containing the sections that are added to the article are listed first even though §33-41-8 appears before §33-41-8a and §33-41-14 in the Code.

In the next example, since §33-41-8 is the first section in the clause identifying sections that are amended and reenacted in article 41, and it appears in the Code before §33-41-9a, the first section in the clause of sections that are to be added to article 41, the clause containing the sections that are amended and reenacted is listed first in the title as well as the enacting section.

Example:

A BILL to amend and reenact §33-41-8 and §33-41-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §33-41-9a and §33-41-10, all relating to ...

BILL TITLE and **ENACTING SECTION** amending and reenacting a single section of the code, changing a word, sentence, part of a section or adding to same section.

10 A BILL to amend and reenact §9-4-21a of the Code of West Virginia,
11 1931, as amended, relating to

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

13 That §9-4-21a of the Code of West Virginia, 1931, as amended,
14 be amended and reenacted to read as follows:

BILL TITLE and **ENACTING SECTION** amending and reenacting sections in two or more articles of the same chapter of the code.

10 A BILL to amend and reenact §20-20-2 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §20-21-4 of said
12 code, all relating to

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

14 That §20-20-2 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted; and that §20-21-4 of said code be amended
16 and reenacted, all to read as follows:

BILL TITLE and **ENACTING SECTION** amending and reenacting sections in three or more articles of the same chapter of the code.

10 A BILL to amend and reenact §48-3-9, §48-3-13 and §48-3-19 of the
11 Code of West Virginia, 1931, as amended; to amend and reenact
12 §48-4-1, §48-4-4, §48-4-6 and §48-4-7 of said code; to amend
13 and reenact §48-5-1 and §48-5-3 of said code; and to amend and
14 reenact §48-7-1, §48-7-4, §48-7-5 and §48-7-8 of said code,
15 all relating to

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

17 That §48-3-9, §48-3-13 and §48-3-19 of the Code of West
18 Virginia, 1931, as amended, be amended and reenacted; that §48-4-1,
19 §48-4-4, §48-4-6 and §48-4-7 of said code be amended and reenacted;
20 that §48-5-1 and §48-5-3 of said code be amended and reenacted; and
21 that §48-7-1, §48-7-4, §48-7-5 and §48-7-8 of said code be amended
22 and reenacted, all to read as follows:

BILL TITLE and **ENACTING SECTION** amending and reenacting sections in the code and adding a new section in same article and chapter, but the new section is in the middle of the amended sections.

10 A BILL to amend and reenact §3-2-1, §3-2-2, §3-2-3, §3-2-4 and
11 §3-2-5 of the Code of West Virginia, 1931, as amended; and to
12 amend said code by adding thereto a new section, designated
13 §3-2-4a, all relating to. . . .

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

15 That §3-2-1, §3-2-2, §3-2-3, §3-2-4 and §3-2-5 of the Code of
16 West Virginia, 1931, as amended, be amended and reenacted; and that
17 said code be amended by adding thereto a new section, designated
18 §3-2-4a, all to read as follows:

BILL TITLE and ENACTING SECTION amending and reenacting sections in the code and adding new sections in same article and chapter.

10 A BILL to amend and reenact §4-2-1, §4-2-2 and §4-2-3 of the Code
11 of West Virginia, 1931, as amended; and to amend said code by
12 adding thereto three new sections, designated §4-2-4, §4-2-5
13 and §4-2-6, all relating to

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

15 That §4-2-1, §4-2-2 and §4-2-3 of the Code of West Virginia,
16 1931, as amended, be amended and reenacted; and that said code be
17 amended by adding thereto three new sections, designated §4-2-4,
18 §4-2-5 and §4-2-6, all to read as follows:

BILL TITLE and **ENACTING SECTION** amending and reenacting section in the code and adding new section in different articles, but same chapter.

10 A BILL to amend and reenact §18-7-2 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto a
12 new section, designated §18-9A-12a, all relating to

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

14 That §18-7-2 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted; and that said code be amended by adding
16 thereto a new section, designated §18-9A-12a, all to read as
17 follows:

BILL TITLE and **ENACTING SECTION** amending and reenacting sections in the code in different articles and adding new section in different article all in same chapter.

10 A BILL to amend and reenact §1A-1A-1a of the Code of West Virginia,
11 1931, as amended; to amend and reenact §1A-4-4 of said code;
12 and to amend said code by adding thereto a new section,
13 designated §1A-6-3, all relating to

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

15 That §1A-1A-1a of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted; that §1A-4-4 of said code be amended and
17 reenacted; and that said code be amended by adding thereto a new
18 section, designated §1A-6-3, all to read as follows:

BILL TITLE and **ENACTING SECTION** amending and reenacting a section and adding a new section to the same article, adding a new article and amending and reenacting a section in a later article, all in the same chapter.

10 A BILL to amend and reenact §1-10-4 of the Code of West Virginia,
11 1931, as amended; to amend said code by adding thereto a new
12 section, designated §1-10-5c; to amend said code by adding
13 thereto a new article, designated §1-10C-1, §1-10C-2 and
14 §1-10C-3; and to amend and reenact §1-11-15 of said code, all
15 relating to

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

17 That §1-10-4 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted; that said code be amended by adding
19 thereto a new section, designated §1-10-5c; that said code be
20 amended by adding thereto a new article, designated §1-10C-1,
21 §1-10C-2 and §1-10C-3; and that §1-11-15 of said code be amended
22 and reenacted, all to read as follows:

BILL TITLE and **ENACTING SECTION** amending article in the code by adding new section.

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §9A-10A-5, relating
12 to

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

14 That the Code of West Virginia, 1931, as amended, be amended
15 by adding thereto a new section, designated §9A-10A-5, to read as
16 follows:

BILL TITLE and **ENACTING SECTION** amending article by adding new section in the code and amending and reenacting section in different chapters. Bills with more than one chapter should have chapter headings.

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §1-1-2; and to amend
12 and reenact §3-1-1 of said code, all relating to

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

14 That the Code of West Virginia, 1931, as amended, be amended
15 by adding thereto a new section, designated §1-1-2; and that §3-1-1
16 of said code be amended and reenacted, all to read as follows:

BILL TITLE and **ENACTING SECTION** adding new sections in different articles of same chapter.

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §1-1-2; and to amend
12 said code by adding thereto a new section, designated §1-3-4,
13 all relating to

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

15 That the Code of West Virginia, 1931, as amended, be amended
16 by adding thereto a new section, designated §1-1-2; and that said
17 code be amended by adding thereto a new section, designated §1-3-4,
18 all to read as follows:

BILL TITLE and **ENACTING SECTION** amending chapter in the code by adding new article.

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §1-5-1, §1-5-2,
12 §1-5-3, §1-5-4 and §1-5-5, all relating to

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

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

BILL TITLE and **ENACTING SECTION** amending code by adding new chapter.

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new chapter, designated §19A-1-1, §19A-1-2,
12 . . . , all relating to

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

14 That the Code of West Virginia, 1931, as amended, be amended
15 by adding thereto a new chapter, designated §19A-1-1, §19A-1-2,
16 . . . , all to read as follows:

[All sections in each article must be written individually with a § symbol preceding each section.]

BILL TITLE and **ENACTING SECTION** amending sections of code previously amended when the previous amendments are not yet effective.

10 A BILL to amend and reenact §6B-1-6 of the Code of West Virginia,
11 1931, as amended, as contained in chapter 1, Acts of the
12 Legislature, first extraordinary session, two thousand five;
13 to amend and reenact §6B-2-4 and §6B-2-10 of said code, as
14 contained in said acts; and to amend and reenact §6B-3-3a and
15 §6B-3-3c of said code, as contained in said acts, all relating
16 ...

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

18 That §6B-1-6 of the Code of West Virginia, 1931, as amended,
19 as contained in chapter 1, Acts of the Legislature, first
20 extraordinary session, two thousand five, be amended and reenacted;
21 that §6B-2-4 and §6B-2-10 of said code, as contained in said acts,
22 be amended and reenacted; and that §6B-3-3a and §6B-3-3c of said
23 code, as contained in said acts, be amended and reenacted, all to
24 read as follows:

BILL TITLE and **ENACTING SECTION** repealing a section in the code and amending and reenacting another section in same article.

10 A BILL to repeal §26-5-2 of the Code of West Virginia, 1931, as
11 amended; and to amend and reenact §26-5-3 of said code,
12 relating to

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

14 That §26-5-2 of the Code of West Virginia, 1931, as amended,
15 be repealed; and that §26-5-3 of said code be amended and reenacted
16 to read as follows:

BILL TITLE and **ENACTING SECTION** repealing a section in the code and adding a new section in different chapters.

10 A BILL to repeal §1-1-1 of the Code of West Virginia, 1931, as
11 amended; and to amend said code by adding thereto a new
12 section, designated §3-2-11a, relating to

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

14 That §1-1-1 of the Code of West Virginia, 1931, as amended, be
15 repealed; and that said code be amended by adding thereto a new
16 section, designated §3-2-11a, to read as follows:

BILL TITLE and **ENACTING SECTION** repealing sections of code and adding new article in different chapters.

10 A BILL to repeal §5A-2-34, §5A-2-35, §5A-2-36, §5A-2-37 and
11 §5A-2-38 of the Code of West Virginia, 1931, as amended; and
12 to amend said code by adding thereto a new article, designated
13 §29-16-1, §29-16-2, . . . , all relating to

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

15 That §5A-2-34, §5A-2-35, §5A-2-36, §5A-2-37 and §5A-2-38 of
16 the Code of West Virginia, 1931, as amended, be repealed; and that
17 said code be amended by adding thereto a new article, designated
18 §29-16-1, §29-16-2, . . . , all to read as follows:

[All sections in the new article must be written individually with a § symbol preceding each section.]

BILL TITLE and **ENACTING SECTION** repealing section(s) of article(s), repealing article(s), amending and reenacting section(s) of article(s), and adding new section(s) to article(s), all of same chapter of code.

10 A BILL to repeal §18-5-14 and §18-5-17 of the Code of West
11 Virginia, 1931, as amended; to repeal §18-6-1, §18-6-2, . . .
12 of said code; to amend and reenact §18-3-9 of said code; to
13 amend said code by adding thereto a new section, designated
14 §18-3-11; to amend and reenact §18-4-10 of said code; and to
15 amend and reenact §18-5-1a, §18-5-4, §18-5-13 and §18-5-31 of
16 said code, all relating to

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

18 That §18-5-14 and §18-5-17 of the Code of West Virginia, 1931,
19 as amended, be repealed; that §18-6-1, §18-6-2, . . . of said
20 code be repealed; that §18-3-9 of said code be amended and
21 reenacted; that said code be amended by adding thereto a new
22 section, designated §18-3-11; that §18-4-10 of said code be amended
23 and reenacted; and that §18-5-1a, §18-5-4, §18-5-13 and §18-5-31 of
24 said code be amended and reenacted, all to read as follows:

[All sections in the repealed article must be written individually with a § symbol preceding each section.]

BILL TITLE and **ENACTING SECTION** reenacting article with the same number and the same number of and designation of sections, with new language.

10 A BILL to amend and reenact §1-1-1, §1-1-2, §1-1-3, §1-1-4 and
11 §1-1-5 of the Code of West Virginia, 1931, as amended, all
12 relating to

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

14 That §1-1-1, §1-1-2, §1-1-3, §1-1-4 and §1-1-5 of the Code of
15 West Virginia, 1931, as amended, be amended and reenacted, all to
16 read as follows:

[All sections in the reconstituted article must be listed individually and be preceded by a § symbol. In the Explanatory Note following the bill, state that the entire article was rewritten.]

BILL TITLE and **ENACTING SECTION** reenacting article with the same number but having a different number or designation of sections, with new language.

10 A BILL to repeal §1-1-1a and §1-1-3a of the Code of West Virginia,
11 1931, as amended; to amend and reenact §1-1-1, §1-1-2, §1-1-3,
12 §1-1-4 and §1-1-5 of said code; and to amend said code by
13 adding thereto two new sections, designated §1-1-6 and §1-1-7,
14 all relating to

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

16 That §1-1-1a and §1-1-3a of the Code of West Virginia, 1931,
17 as amended, be repealed; that §1-1-1, §1-1-2, §1-1-3, §1-1-4 and
18 §1-1-5 of said code be amended and reenacted; and that said code be
19 amended by adding thereto two new sections, designated §1-1-6 and
20 §1-1-7, all to read as follows:

[All sections in the existing article must be identified as either amended and reenacted or repealed. All sections in the reconstituted article must be identified as either amended and reenacted or new. All sections in the reconstituted article must be listed individually and be preceded by a § symbol. In the Explanatory Note following the bill, state that the entire article was rewritten.]

BILL TITLE and **ENACTING SECTION** repealing article in the code.

(Completed bill except for note)

10 A BILL to repeal §19-12A-1, §19-12A-2, §19-12A-3 and §19-12A-4 of
11 the Code of West Virginia, 1931, as amended, relating to the
12 West Virginia State Apple Commission.

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

14 **§1. Repeal of article creating West Virginia State Apple**
15 **Commission.**

16 §19-12A-1, §19-12A-2, §19-12A-3 and §19-12A-4 of the Code of
17 West Virginia, one thousand nine hundred thirty-one, as amended,
18 are hereby repealed.

BILL TITLE and **ENACTING SECTION** repealing section in the code.

(Completed bill except for note)

10 A BILL to repeal §61-10-20 of the Code of West Virginia, 1931, as
11 amended, relating to conducting marathon dances and like
12 contests.

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

14 **ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.**

15 **§1. Repeal of section relating to conducting marathon dances and**
16 **like endurance tests.**

17 §61-10-20 of the Code of West Virginia, 1931 as amended, is
18 hereby repealed.

BILL TITLE and ENACTING SECTION, concerning one chapter of the code, repealing an article, repealing other articles and enacting new articles in lieu thereof, and amending and reenacting several articles and sections of other articles.

10 A BILL to repeal §27-10-1, §27-10-2, §27-10-3, §27-10-4 and
11 §27-10-5 of the Code of West Virginia, 1931, as amended; to
12 amend and reenact §27-1-1, §27-1-2, §27-1-3, §27-1-4, §27-1-5,
13 §27-1-6, §27-1-7, §27-1-8, §27-1-9, §27-1-10, §27-1-11,
14 §27-1-12, §27-1-13, §27-1-14, §27-1-15, §27-1-16 and §27-1-17
15 of said code; to amend and reenact §27-1A-1, §27-1A-2,
16 §27-1A-4, §27-1A-5, §27-1A-6, §27-1A-7, §27-1A-8, §27-1A-9 and
17 §27-1A-10 of said code; to amend and reenact §27-2-1, §27-2-2,
18 §27-2-3, §27-2-4 and §27-2-5 of said code; to amend and
19 reenact §27-3-2 of said code; to amend and reenact §27-4-1,
20 §27-4-2, §27-4-3 and §27-4-4 of said code; to amend and
21 reenact §27-5-1, §27-5-2, §27-5-3, §27-5-4, §27-5-5, §27-5-6,
22 §27-5-7, §27-5-8, §27-5-9 and §27-5-10 of said code; to amend
23 and reenact §27-6-1, §27-6-2, §27-6-3, §27-6-4, §27-6-5,
24 §27-6-6, §27-6-7 and §27-6-8 of said code; to amend and
25 reenact §27-7-1, §27-7-3, §27-7-4 and §27-7-5 of said code; to
26 amend and reenact §27-8-1, §27-8-2, §27-8-2a, §27-8-2b and
27 §27-8-3 of said code; to amend and reenact §27-9-1 of said
28 code; to amend and reenact §27-11-1, §27-11-2, §27-11-3 and
29 §27-11-5 of said code; to amend and reenact §27-12-1, §27-12-2

30 and §27-12-3 of said code; and to amend and reenact §27-13-2
31 of said code, all relating to

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

2 That §27-10-1, §27-10-2, §27-10-3, §27-10-4 and §27-10-5 of
3 the Code of West Virginia, 1931, as amended, be repealed; that
4 §27-1-1, §27-1-2, §27-1-3, §27-1-4, §27-1-5, §27-1-6, §27-1-7,
5 §27-1-8, §27-1-9, §27-1-10, §27-1-11, §27-1-12, §27-1-13, §27-1-14,
6 §27-1-15, §27-1-16 and §27-1-17 of said code be amended and
7 reenacted; that §27-1A-1, §27-1A-2, §27-1A-4, §27-1A-5, §27-1A-6,
8 §27-1A-7, §27-1A-8, §27-1A-9 and §27-1A-10 of said code be amended
9 and reenacted; that §27-2-1, §27-2-2, §27-2-3, §27-2-4 and §27-2-5
10 of said code be amended and reenacted; that §27-3-2 of said code be
11 amended and reenacted; that §27-4-1, §27-4-2, §27-4-3 and §27-4-4
12 of said code be amended and reenacted; that §27-5-1, §27-5-2,
13 §27-5-3, §27-5-4, §27-5-5, §27-5-6, §27-5-7, §27-5-8, §27-5-9 and
14 §27-5-10 of said code be amended and reenacted; that §27-6-1,
15 §27-6-2, §27-6-3, §27-6-4, §27-6-5, §27-6-6, §27-6-7 and §27-6-8 of
16 said code be amended and reenacted; that §27-7-1, §27-7-3, §27-7-4
17 and §27-7-5 of said code be amended and reenacted; that §27-8-1,
18 §27-8-2, §27-8-2a, §27-8-2b and §27-8-3 of said code be amended and
19 reenacted; that §27-9-1 of said code be amended and reenacted; that
20 §27-11-1, §27-11-2, §27-11-3 and §27-11-5 of said code be amended
21 and reenacted; that §27-12-1, §27-12-2 and §27-12-3 of said code be
22 amended and reenacted; and that §27-13-2 of said code be amended
23 and reenacted, all to read as follows:

BILL TITLE and ENACTING SECTION, concerning different chapters, repealing sections in different articles of different chapters; and amending and reenacting different sections in one article and amending and reenacting separate article in same chapter.

10 A BILL to repeal §7-5-19 of the Code of West Virginia, 1931, as
11 amended; to repeal §11-1-4, §11-1-5, §11-1-6, . . . of said
12 code; to repeal §11-2-2, §11-2-5, §11-2-6, . . . of said
13 code; to amend and reenact §7-1-1 and §7-1-5 of said code; and
14 to amend and reenact §7-7-1, §7-7-2, §7-7-3, . . . of said
15 code, all relating to

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

17 That §7-5-19 of the Code of West Virginia, 1931, as amended,
18 be repealed; that §11-1-4, §11-1-5, §11-1-6, . . . of said code
19 be repealed; that §11-2-2, §11-2-5, §11-2-6, . . . of said code
20 be repealed; that §7-1-1 and §7-1-5 of said code be amended and
21 reenacted; and that §7-7-1, §7-7-2, §7-7-3, . . . of said code be
22 amended and reenacted, all to read as follows:

[All repealed and reenacted sections must be listed individually and be preceded by a § symbol.]

BILL TITLE and ENACTING SECTION, concerning different chapters, repealing sections in different articles of different chapters and amending and reenacting different sections in different articles of different chapters. Bills with more than one chapter should have chapter headings.

10 A BILL to repeal §8-13-3 of the Code of West Virginia, 1931, as
11 amended; to repeal §11-7-1 of said code; to amend and reenact
12 §11-2-5 of said code; to amend and reenact §11-5-2 of said
13 code; to amend and reenact §11A-1-12 of said code; to amend
14 and reenact §17-10-23 of said code; and to amend and reenact
15 §18-9-6 of said code, all relating to

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

17 That §8-13-3 of the Code of West Virginia, 1931, as amended,
18 be repealed; that §11-7-1 of said code be repealed; that §11-2-5 of
19 said code be amended and reenacted; that §11-5-2 of said code be
20 amended and reenacted; that §11A-1-12 of said code be amended and
21 reenacted; that §17-10-23 of said code be amended and reenacted;
22 and that §18-9-6 of said code be amended and reenacted, all to read
23 as follows:

BILL TITLE and **ENACTING SECTION**, concerning different chapters, repealing sections and articles in different chapters, amending and reenacting sections in a different chapter and adding a new article to a different chapter. Bills with more than one chapter should have chapter headings.

10 A BILL to repeal §5-12-1, §5-12-2, §5-12-3, . . . of the Code of
11 West Virginia, 1931, as amended; to repeal §10-1-12, §10-1-13,
12 §10-1-14, . . . of said code; to repeal §29-1-1, §29-1-2, .
13 . . of said code; to repeal §29-17-1, §29-17-2, . . . of said
14 code; to amend and reenact §18-10-11 and §18-10-12 of said
15 code; and to amend said code by adding thereto a new article,
16 designated §29-1A-1, §29-1A-2, §29-1A-3, §29-1A-4, . . . ,
17 all relating to

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

19 That §5-12-1, §5-12-2, §5-12-3, . . . of the Code of West
20 Virginia, 1931, as amended, be repealed; that §10-1-12, §10-1-13,
21 §10-1-14, . . . of said code be repealed; that §29-1-1, §29-1-2,
22 . . . of said code be repealed; that §29-17-1, §29-17-2, . . . of
23 said code be repealed; that §18-10-11 and §18-10-12 of said be code
24 be amended and reenacted; and that said code be amended by adding
25 thereto a new article, designated §29-1A-1, §29-1A-2, §29-1A-3,
26 §29-1A-4, . . . , all to read as follows:

[All sections repealed and added must be listed individually and be preceded by a § symbol.]

PART IV
EXAMPLES/FORMS FOR
LOCAL AND SPECIAL ACTS

(Complete Form for Local Bill)

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10 A BILL to establish the Fayette County Public Library Board to
11 maintain a library to serve the residents of Fayette County;
12 to provide such board with power to operate such public
13 library; and to provide a stable method of financing the
14 operation of a public library.

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

16 **FAYETTE COUNTY PUBLIC LIBRARY BOARD.**

17 **§1. Public Library Board created; joint support by board of**
18 **education and county commission.**

19 There is hereby created the Public Library Board, which shall
20 establish and operate a Fayette County Public Library, which
21 library shall be supported by the Board of Education of Fayette
22 County and by the County Commission of Fayette County, as a joint
23 endeavor of the two governing authorities in the manner provided in
24 this act.

1 **§2. Board appointments, powers and duties generally; officers;**
2 **bylaws and rules.**

3 The board consists of five members who serve without
4 compensation. Before the first day of July, one thousand nine
5 hundred seventy-one, the Board of Education of Fayette County shall
6 appoint two members, appointing one member for the term of one year
7 and one member for the term of three years. The County Commission
8 of Fayette County shall appoint two members, appointing one person
9 for the term of two years and one person for the term of four
10 years; and the four members so appointed shall appoint a fifth
11 member for a term of five years. The initial terms of office shall
12 commence on the first day of July, one thousand nine hundred
13 seventy-one. Each successor member shall be appointed by the
14 governing authority which had appointed the predecessor member and
15 each successor member shall be appointed for a term of five years,
16 except that any person appointed to fill a vacancy occurring before
17 the expiration of the term serves only for the unexpired portion of
18 the term. Any member of the board is eligible for reappointment
19 and the governing authority which appointed any member may remove
20 that member for cause. There shall be an annual meeting of the
21 board on the second Monday in July in each year and a monthly
22 meeting on the day in each month which the board may designate in
23 its bylaws. A special meeting may be called by the president, the
24 secretary or any two members of the board and shall be held only
25 after all of the directors are given notice of the meeting in
26 writing. At all meetings three members are a quorum and at each
27 annual meeting of the board it shall elect, from its membership, a
28 president, a vice president, a secretary and a treasurer:

1 *Provided*, That the librarian may be elected secretary and/or
2 treasurer. The board shall adopt bylaws and rules as are necessary
3 for its own guidance and for the administration, supervision and
4 protection of the library and all of the property belonging to the
5 library. The board has all the powers necessary, convenient and
6 advisable for the proper operation, equipment and management of the
7 library; and except as otherwise especially provided in this act,
8 has the powers and is subject to the duties which are conferred and
9 imposed, respectively, upon library directors by sections six
10 through eleven, inclusive, article one, chapter ten of the Code of
11 West Virginia.

NOTE: The purpose of this bill is to create a Public Library Board to operate a Fayette County Public Library.

BILL TITLE and **ENACTING SECTION** providing a new local or special act. No reference to Code or Acts in this case

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10 A BILL to authorize the expenditure of surplus funds by the Wayne
11 County Commission.

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

13 **WAYNE COUNTY HEALTH CENTER AND CLINIC.**

14 **§1. County commission authorized to create special fund for a**
15 **health center and clinic.**

16 The County Commission of Wayne County is hereby authorized and
17 empowered to use any unexpended sums and surpluses, presently or
18 hereafter existing, in the General Fund or in any special

BILL TITLE and **ENACTING SECTION** amend sections of local or special act, not included in the Code, when chapter consists of more than one section and the sections to be amended have not previously been amended. Only sections to be amended should be inserted in the bill.

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10 A BILL to amend and reenact sections 2 and 4, chapter 39, Acts of
11 the Legislature, regular session, 1964, all relating to

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

13 That sections 2 and 4, chapter 38, Acts of the Legislature,
14 regular session, 1964, be amended and reenacted, all to read as
15 follows:

BILL TITLE and **ENACTING SECTION** amending section of local or special act, not included in the Code, when same has been amended subsequent to the enactment.

(Do not insert reference to every year it has been amended -- only insert reference to year of enactment and last time amended)

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10 A BILL to amend and reenact section 1, chapter 1, Acts of the
11 Legislature, regular session, 1960, as last amended and
12 reenacted by chapter 2, Acts of the Legislature, regular
13 session, 1963, relating to

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

15 That section 1, chapter 1, Acts of the Legislature, regular
16 session, 1960, as last amended and reenacted by chapter 2, Acts of
17 the Legislature, regular session, 1963, be amended and reenacted to
18 read as follows:

BILL TITLE and **ENACTING SECTION** amending sections of local or special act, not included in the Code, when the sections were first enacted at the same legislative sessions and were last amended by acts of different sessions.

10 A BILL to amend and reenact section 2, chapter 38, Acts of the
11 Legislature, regular session, 1964, as last amended and
12 reenacted by chapter 220, Acts of the Legislature, regular
13 session, 1967; and to amend and reenact section 4 of said
14 chapter 38, as last amended and reenacted by chapter 64, Acts
15 of the Legislature, regular session, 1968, all relating to
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17 *Be it enacted by the Legislature of West Virginia:*

18 That section 2, chapter 38, Acts of the Legislature, regular
19 session, 1964, as last amended and reenacted by chapter 220, Acts
20 of the Legislature, regular session, 1967, be amended and
21 reenacted; and that section 4 of said chapter 38, as last amended
22 and reenacted by chapter 64, Acts of the Legislature, regular
23 session, 1968, be amended and reenacted, all to read as follows:

BILL TITLE and **ENACTING SECTION** amending sections of local or special act, not included in the Code, when the sections were first enacted at different legislative sessions and were last amended by acts of different sessions.

10 A BILL to amend and reenact section 2, chapter 38, Acts of the
11 Legislature, regular session, 1964, as last amended and
12 reenacted by chapter 220, Acts of the Legislature, regular
13 session, 1967; and to amend and reenact section 2a, chapter
14 15, Acts of the Legislature, regular session, 1965, as last
15 amended and reenacted by chapter 1, Acts of the Legislature,
16 regular session, 1970, all relating to

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

18 That section 2, chapter 38, Acts of the Legislature, regular
19 session, 1964, as last amended and reenacted by chapter 220, Acts
20 of the Legislature, regular session, 1967, be amended and
21 reenacted; and that section 2a, chapter 15, Acts of the
22 Legislature, regular session, 1965, as last amended and reenacted
23 by chapter 1, Acts of the Legislature, regular session, 1970, be
24 amended and reenacted, all to read as follows:

BILL TITLE and **ENACTING SECTION** amending entire local or special act, not included in the Code, when same has been amended subsequent to the enactment.

(Do not insert reference to every year it has been amended --
only insert reference to year of enactment
and last time amended)

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10 A BILL to amend and reenact chapter 200, Acts of the Legislature,
11 regular session, 1955, as last amended and reenacted by
12 chapter 179, Acts of the Legislature, regular session, 1965,
13 relating to. . . .

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

15 That chapter 200, Acts of the Legislature, regular session,
16 1955, as last amended and reenacted by chapter 179, Acts of the
17 Legislature, regular session, 1965, be amended and reenacted to
18 read as follows:

BILL TITLE and **ENACTING SECTION** repealing a local or special act (Chapter in Acts) and transferring funds.

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10 A BILL to repeal chapter 128, Acts of the Legislature, regular
11 session, 1945, relating to the establishment of a Capitol
12 Salvage Committee; and to provide for the transfer of any
13 unexpended balance remaining in the special revenue account
14 established by said chapter to the General Revenue Fund.

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

16 **CAPITOL SALVAGE COMMITTEE.**

17 **§1. Repeal of act creating Special Salvage Committee; transfer of**
18 **funds.**

19 Chapter 128, Acts of the Legislature, regular session, 1945,
20 is hereby repealed, and any unexpended balance remaining in the
21 special revenue account established under the provisions of said
22 chapter are hereby transferred to the General Revenue Fund.

BILL authorizing the sale of bonds.

H. B. 2037

(By Mr. Speaker, Mr. Chambers, and Delegate Ashley)

[By Request of the Executive]

[Passed March 10, 1995; in effect from passage.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §31-15B-1, §31-15B-2,
12 §31-15B-3, §31-15B-4, §31-15B-5, §31-15B-6, §31-15B-7,
13 §31-15B-8, §31-15B-9, §31-15B-10, §31-15B-11, §31-15B-12 and
14 §31-15B-13, all relating to authorizing the sale of bonds for
15 water, sewer and infrastructure purposes; empowering the
16 Governor to issue infrastructure general obligation bonds;
17 creating the Infrastructure Obligation Debt Service Fund;
18 funding the Infrastructure General Obligation Debt Service
19 Fund; providing terms for general obligation bonds; setting
20 forth a cap on the interest rate of bonds; directing the use
21 of funds deposited in Infrastructure General Obligation Debt
22 Service Fund; setting forth the covenants of the state;
23 providing for the sale of general obligation bonds and their
24 minimum price; prohibiting funds inuring to the benefit of or
25 being distributable to directors or officers; providing that

1 infrastructure general obligation bonds are lawful
2 investments; authorizing the Water Development Authority to
3 issue refunding bonds; providing for the termination or
4 dissolution of the Water Development Authority; allowing the
5 Governor to select legal advisors; setting forth duties of
6 bond counsel; authorizing the Treasurer to select financial
7 advisor; and allowing the payment of expenses from Debt
8 Service Fund.

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

10 That the Code of West Virginia, 1931, as amended, be amended
11 by adding thereto a new article, designated §31-15B-1, §31-15B-2,
12 §31-15B-3, §31-15B-4, §31-15B-5, §31-15B-6, §31-15B-7, §31-15B-8,
13 §31-15B-9, §31-15B-10, §31-15B-11, §31-15B-12 and §31-15B-13, all
14 to read as follows:

15 **ARTICLE 15B. INFRASTRUCTURE BONDS.**

16 **§31-15B-1. Definitions.**

17 For purposes of this article and article fifteen-a of this
18 chapter:

19 (a) "Council" means the West Virginia Infrastructure and
20 Jobs Development Council created in section three, article
21 fifteen-a of this chapter;

22 (b) "Infrastructure amendment" means the amendment to the
23 Constitution of this state entitled "infrastructure amendment" as
24 approved by referendum in the month of November, one thousand nine
25 hundred ninety-four;

26 (c) "Infrastructure general obligation bond" means any bond
27 or bonds issued by the state pursuant to section two of this
28 article;

1 (d) "Water Development Authority" means the West Virginia
2 Water Development Authority established under article one, chapter
3 twenty-two-c of this code or any successor to all or any
4 substantial part of its powers and duties.

5 **§31-15B-2. Infrastructure general obligation bonds; amount; when**
6 **may issue.**

7 Bonds of the State of West Virginia, under authority of the
8 Infrastructure Improvement Amendment of 1994, of the par value not
9 to exceed in the aggregate three hundred million dollars, are
10 hereby authorized to be issued and sold solely for the
11 construction, extension, expansion, rehabilitation, repair and
12 improvement of water supply and sewage treatment systems and for
13 the acquisition, preparation, construction and improvement of sites
14 for economic development as provided for by the Constitution and
15 the provisions of this article.

16 These bonds may be issued by the Governor upon resolution by
17 the infrastructure council and certification to the Governor. The
18 bonds shall bear such date and mature at such time, bear interest
19 at such rate not to exceed eight percent per annum, be in such
20 amounts, be in such denominations, be in such registered form,
21 carry such registration privileges, be due and payable at such time
22 and place and in such amounts and be subject to such terms of
23 redemption as such resolution may provide: *Provided*, That in no
24 event may the amount of bonds outstanding exceed an amount for
25 which sixteen million dollars would not be sufficient to provide
26 annual service on the total amount of debt outstanding.

27 Both the principal and interest of the bonds shall be payable
28 in the lawful money of the United States of America and the bonds

1 and the interest thereon shall be exempt from taxation by the State
2 of West Virginia, or by any county, district or municipality
3 thereof, which fact shall appear on the face of the bonds as part
4 of the contract with the holder of the bond.

5 The bonds shall be executed on behalf of the State of West
6 Virginia, by the manual or facsimile signature of the Treasurer
7 thereof, under the great seal of the state or a facsimile thereof,
8 and countersigned by the manual or facsimile signature of the State
9 Auditor.

10 **§31-15B-3. Creation of West Virginia Infrastructure General**
11 **Obligation Debt Service Fund; disbursements to pay**
12 **debt service on infrastructure general obligation**
13 **bonds.**

14 There is hereby created a special account in the State
15 Treasury, which shall be designated and known as the "West Virginia
16 Infrastructure General Obligation Debt Service Fund", into which
17 shall be deposited amounts pursuant to the provisions of section
18 sixteen, article fifteen-a of this chapter, as well as any amounts
19 appropriated by the Legislature.

20 **§31-15B-4. Infrastructure General Obligation Debt Service Fund;**
21 **sources used to pay bonds and interest; investment of**
22 **remainder.**

23 All money from any and all appropriations made by the state,
24 all moneys transferred pursuant to the provisions of section
25 sixteen, article fifteen-a of this chapter and all moneys from any
26 other source whatsoever which is made liable by law for the payment
27 of the principal of such bonds or the interest thereon shall be

1 deposited into the Infrastructure General Obligation Debt Service
2 Fund. Moneys shall be kept by the Treasurer in a separate account,
3 under the designation aforesaid, and all moneys belonging to the
4 Infrastructure General Obligation Debt Service Fund shall be
5 deposited in the State Treasury to the credit thereof.

6 This fund shall be applied by the Treasurer to the payment of
7 the principal and interest on such bonds as shall become due as
8 herein provided. Any funds remaining after certification of the
9 amount necessary for the payment of principal and interest as
10 provided by section sixteen, article fifteen-a of this chapter and
11 expenses authorized pursuant to section thirteen of this article
12 shall be deposited to the credit of the infrastructure fund.

13 **§31-15B-5. Covenants of state.**

14 The State of West Virginia covenants and agrees with the
15 holders of the bonds issued pursuant hereto as follows: (1) That
16 such bonds shall constitute a direct and general obligation of the
17 State of West Virginia; (2) that the full faith and credit of the
18 state is hereby pledged to secure the payment of the principal and
19 interest of such bonds; (3) that an annual state tax shall be
20 collected in an amount sufficient to pay as it may accrue the
21 interest on such bonds and the principal thereof; and (4) that such
22 tax shall be levied in any year only to the extent that the moneys
23 transferred to the Infrastructure General Obligation Debt Service
24 Fund as provided in section sixteen, article fifteen-a of this
25 chapter which are irrevocably set aside and appropriated for and
26 applied to the payment of the interest on and principal of any bond
27 becoming due and payable in such year are insufficient therefor.

28 **§31-15B-6. Sale by Governor; minimum price.**

1 The Governor shall sell the bonds herein authorized at such
2 time or times as the council, by resolution, may determine
3 necessary to provide funds for purposes set forth in this article
4 and article fifteen-a of this chapter. Sales shall be at not less
5 than par and accrued interest.

6 The bonds must be offered for competitive bids from recognized
7 financial investment institutions before the bonds may be sold:
8 *Provided*, That the bid process is not subject to the provisions of
9 article three-a, chapter five-a of this code. Any and all of the
10 bids may be rejected. If the bonds are not sold pursuant to the
11 competitive bid process, the bonds may, within sixty days after the
12 date the bids are received, be sold at private sale: *Provided*,
13 *however*, That no private sale shall be made at a price less than
14 the highest bid received.

15 **§31-15B-7. Prohibition on funds inuring to the benefit of or being**
16 **distributable to directors or officers; transactions**
17 **between the council and West Virginia Water**
18 **Development Authority and directors or officers**
19 **having certain interests in such transactions.**

20 No part of the infrastructure fund shall inure to the benefit
21 of or be distributable to the commissioners of the Public Service
22 Commission, the council or the West Virginia Water Development
23 Authority's directors or officers. The council may approve and the
24 Water Development Authority make loans and exercise other powers as
25 previously specified in furtherance of their corporate purpose:
26 *Provided*, That no loans shall be made, nor shall any property be
27 purchased or leased from, or sold, leased or otherwise disposed of,
28 to any commissioner, director or officer of the council, the Public

1 Service Commission or the West Virginia Water Development
2 Authority.

3 **§31-15B-8. Infrastructure bonds lawful investments.**

4 All infrastructure bonds issued pursuant to this article shall
5 be lawful investments for banking institutions, societies for
6 savings, building and loan associations, savings and loan
7 associations, deposit guarantee associations, trust companies and
8 insurance companies, including domestic for life and domestic
9 not-for-life insurance companies.

10 **§31-15B-9. Refunding bonds.**

11 Any infrastructure general obligation bonds which are
12 outstanding may at any time be refunded by the issuance of
13 refunding bonds in an amount considered necessary to refund the
14 principal of the bonds to be refunded, together with any unpaid
15 interest on the bonds to accomplish the purpose of this article and
16 article fifteen-a of this chapter and to pay any premiums and
17 commissions necessary to be paid in connection therewith. Any
18 refunding may be effected whether the infrastructure general
19 obligation bonds to be refunded shall have then matured or shall
20 thereafter mature. Any refunding bonds issued pursuant to this
21 article shall be payable from the Infrastructure General Obligation
22 Bond Debt Service Fund and shall be subject to the provisions
23 contained in section eleven, article fifteen-a of this chapter and
24 shall be secured in accordance with the provisions of this article.

25 **§31-15B-10. Termination or dissolution.**

26 Upon the termination or dissolution of the West Virginia Water
27 Development Authority, all rights and properties of the West
28 Virginia Water Development Authority with respect to the

1 infrastructure fund shall pass to and be vested in the state,
2 subject to the rights of bondholders, lienholders and other
3 creditors.

4 **§31-15B-11. Treasurer to determine financial advisor.**

5 The Treasurer shall select a competent person or firm to
6 serve as financial advisor for the issuance and sale of general
7 obligation bonds issued pursuant to this article.

8 **§31-15B-12. Governor to determine bond counsel.**

9 The Governor shall select a competent person or firm to serve
10 as bond counsel who shall be responsible for the issuance of a
11 final approving opinion regarding the legality of the sale of
12 general obligation bonds issued pursuant to this article.
13 Notwithstanding the provisions of article three, chapter five of
14 this code, bond counsel may represent the council in court, render
15 advice to the council and provide other legal services as may be
16 requested by the council regarding any bond issuance pursuant to
17 this article and all other matter relating to the bond issue.

18 **§31-15B-13. Approval and payment of all necessary expenses.**

19 All necessary expenses, including legal expenses, incurred in
20 the issuance of any general obligation bonds pursuant to this
21 article shall be paid out of the Infrastructure General Obligation
22 Debt Service Fund. The amount of any expenses incurred shall be
23 certified to the Water Development Authority.

PART V
APPROPRIATION AND SUPPLEMENTARY APPROPRIATION BILLS

For examples of appropriation bills or supplementary appropriation bills, contact the respective finance committees:

House of Delegates Committee on Finance – 340-3230

Senate Committee on Finance – 357-7980

PART VI
CONCURRENT RESOLUTIONS

CONCURRENT RESOLUTIONS

Provide for:

- Adjourning and reconvening of the Legislature;
- Extending the regular 60-day session;
- Requesting that the Joint Committee on Government and Finance conduct an interim study;
- Amending the Joint Rules of the Senate and House;
- Withdrawing from consideration by the voters the question of ratification or rejection of an amendment to the State Constitution; and
- All other actions which require concurrence by both houses but which do not require a bill or a joint resolution, such as naming a bridge or highway, expressing the sense of the Legislature on an issue, establishing a joint committee of the Legislature and authorizing the joint bills and expenses of the Legislature.

NOTE: In House resolutions, the “WHEREAS” begins with a capital letter, and the remaining letters are small caps. In Senate resolutions, the “Whereas” begins with a capital letter, but the remaining letters are lower case and not small caps.

(House Interim Study Resolution)

1 **HOUSE CONCURRENT RESOLUTION NO. **

2 (By [insert sponsor's name])

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6 Requesting the Joint Committee on Government and Finance study
7 vocational, technical and adult education in and for the State
8 of West Virginia.

9 WHEREAS, Education for work has been and is an integral part of
10 a total education program; and

11 WHEREAS, A significant percentage of adults of this state lack
12 adequate education in basic and work skills areas; therefore, be it

13 *Resolved by the Legislature of West Virginia:*

14 That the Joint Committee on Government and Finance is hereby
15 requested to study vocational, technical and adult education in and
16 for the state; and, be it

17 *Further Resolved,* That the Joint Committee on Government and
18 Finance

NOTE: In House resolutions, the “WHEREAS” begins with a capital letter, and the remaining letters are small caps.

(House Interim Study Resolution continued)

The following “*Further Resolved*” boiler plate paragraphs are to be placed at the end of all Joint Committee on Government and Finance interim study resolutions. The same paragraphs should be used in resolutions for studies to be conducted by committees other than the Joint Committee on Government and Finance, with the name of the appropriate committee substituted for Government and Finance. Fill in the correct year for reporting to the full Legislature, as appropriate.

1 *Further Resolved*, That the Joint Committee on Government and
2 Finance report to the regular session of the Legislature, 20__, on
3 its findings, conclusions and recommendations, together with drafts
4 of any legislation necessary to effectuate its recommendations;
5 and, be it

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

(Senate Interim Study Resolution)

1 **SENATE CONCURRENT RESOLUTION NO. **

2 (By [insert sponsor's name])

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6 Requesting the Joint Committee on Government and Finance study
7 vocational, technical and adult education in and for the State
8 of West Virginia.

9 Whereas, Education for work has been and is an integral part
10 of a total education program; and

11 Whereas, A significant percentage of adults of this state lack
12 adequate education in basic and work skills areas; therefore, be it

13 *Resolved by the Legislature of West Virginia:*

14 That the Joint Committee on Government and Finance is hereby
15 requested to study vocational, technical and adult education in and
16 for the state; and, be it

17 *Further Resolved,* That the Joint Committee on Government and
18 Finance

NOTE: In Senate resolutions, the “Whereas” begins with a capital letter, but the remaining letters are lower case and not small caps.

(Senate Interim Study Resolution continued)

The following "*Further Resolved*" boiler plate paragraphs are to be placed at the end of all Joint Committee on Government and Finance interim study resolutions. The same paragraphs should be used in resolutions for studies to be conducted by committees other than the Joint Committee on Government and Finance, with the name of the appropriate committee substituted for Government and Finance. Fill in the correct year for reporting to the full Legislature, as appropriate.

1 *Further Resolved*, That the Joint Committee on Government and
2 Finance report to the regular session of the Legislature, 20__, on
3 its findings, conclusions and recommendations, together with drafts
4 of any legislation necessary to effectuate its recommendations;
5 and, be it

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

(Amending an existing section of the Joint Rules of the Senate and the House)

1 **SENATE/HOUSE CONCURRENT RESOLUTION NO. **

2 (By [insert sponsor's name])

3

4

5

6 Amending Joint Rules of the Senate and House of Delegates.

7 *Resolved by the Legislature of West Virginia:*

8 That Joint Rule No. 11 of the Joint Rules of the Senate and
9 House of Delegates be amended to read as follows:

10 11. Joint standing committees of the Senate and House shall
11 be appointed as follows:

12 (1) Joint Committee on Enrolled Bills -- To consist of five
13 members from each house.

14 (2) Committee on Joint Rules -- To consist of the presiding
15 officers and two members of each house, to be appointed by the
16 presiding officers.

17 (3) Such other joint committees as may be provided by
18 concurrent resolution. A bill or resolution referred to a joint
19 committee may be recalled from such committee by the house in which
20 it originated.

PART VII
JOINT RESOLUTIONS

NOTE: Contrary to the examples, start Joint Resolutions on line 10, not Line 6.

JOINT RESOLUTIONS

A joint resolution is the mechanism used to amend our State Constitution.¹ A joint resolution may be used to:

- Repeal a part of the Constitution;
- Amend one or more sections of the Constitution and repeal others, in the same or different articles;
- Amend the Constitution by rewriting one or more section(s) or article(s);
- Amend the Constitution by adding one or more new section(s) or article(s);
- Amend the Constitution to authorize a general obligation bond issue; and
- Ratify a proposed amendment to the United States Constitution.

NOTE: Contrary to the examples, start Joint Resolutions on line 10, not Line 6.

W. Va. Code §3-11-1 provides:

Any amendment to the Constitution of the state may be proposed in either house of the Legislature by a joint resolution.

When an amendment as proposed is agreed to as provided by section two, article fourteen of the Constitution, the question of ratification or rejection of such amendment shall be submitted to the voters of the state.

The Legislature may, by concurrent resolution adopted by a two-thirds vote of the members elected to each house, withdraw from consideration the question of ratification or rejection by the voters of such amendment in any session prior to the election at which it is to be submitted to the voters.

W. Va. Const. Art. XIV, §2 provides:

Any amendment to the Constitution of the state may be proposed in either house of the Legislature at any regular or extraordinary session thereof; and if the same, being read on three several days in each house, be agreed to on its third reading, by two thirds of the members elected thereto, the proposed amendment, with the yeas and nays thereon, shall be entered on the journals, and it shall be the duty of the Legislature to provide by law for submitting the same to the voters of the state for ratification or rejection, at a special election, or at the next general election thereafter, and cause the same to be published, at least three months before such election in some newspaper in every county in which a newspaper is printed. If a majority of the qualified voters, voting on the question at the polls held pursuant to such law, ratify the proposed amendment, it shall be in force from the time of such ratification, as part of the Constitution of the state. If two or more amendments be submitted at the same time, the vote on the ratification or rejection shall be taken on each separately, but an amendment may relate to a single subject or to related subject matters and may amend or modify as many articles and as many sections of the Constitution as may be necessary and appropriate in order to accomplish the objectives of the amendment. Whenever one or more amendments are submitted at a special election, no other question, issue or matter shall be voted upon at such special election, and the cost of such special election throughout the state shall be paid out of the State Treasury.

1 thereof, except to those already established and in operation, or
2 now chartered."

(Amending and repealing different sections of the State Constitution)

1 **SENATE/HOUSE JOINT RESOLUTION NO.**

2 (By [insert name of sponsor])

3 [Introduced ; referred to the

4 Committee on .]

5

6 Proposing an amendment to the Constitution of the State of West
7 Virginia, repealing section ten, article IV thereof; and
8 amending sections one and two of said article, all relating to
9 elections and officers; numbering and designating such
10 proposed amendment; and providing a summarized statement of
11 the purpose of such proposed amendment.

12 *Resolved by the Legislature of West Virginia, two thirds of*
13 *the members elected to each house agreeing thereto:*

14 That the question of ratification or rejection of an amendment
15 to the Constitution of the State of West Virginia be submitted to
16 the voters of the state at the next general election to be held in
17 the year one thousand nine hundred eighty-six, which proposed
18 amendment is that section ten, article IV be repealed; and that
19 sections one and two of said article be amended, all to read as
20 follows:

21 **ARTICLE IV. ELECTION AND OFFICERS.**

22 **§1. Eligibility to vote.**

23 The citizens of

24 **§2. Ballot voting.**

25 In all elections by the people, the mode of voting . . .

(Amending and rewriting existing section(s) of the State Constitution)

1 **SENATE/HOUSE JOINT RESOLUTION NO.**

2 (By [insert name of sponsor])

3 [Introduced ; referred to the

4 Committee on .]

5

6 Proposing an amendment to the Constitution of the State of West
7 Virginia, amending section six, article X thereof, relating to
8 the granting of the credit of the state and state aid to
9 political subdivisions of the State; numbering and designating
10 such proposed amendment; and providing a summarized statement
11 of the purpose of such proposed amendment.

12 *Resolved by the Legislature of West Virginia, two thirds of*
13 *the members elected to each house agreeing thereto:*

14 That the question of ratification or rejection of an amendment
15 to the Constitution of the State of West Virginia be submitted to
16 the voters of the state at the next general election to be held in
17 the year one thousand nine hundred sixty-eight, which proposed
18 amendment is that section six, article X thereof, be amended to
19 read as follows:

20 **ARTICLE X. TAXATION AND FINANCE.**

21 **§6. Credit of state not to be granted in certain cases.**

22 The credit of the state shall not be granted to, or

NOTE: The purpose of this resolution is

(Amending and rewriting an existing article of the State Constitution)

1 **SENATE/HOUSE JOINT RESOLUTION NO.**

2 (By [insert sponsor's name])

3 [Introduced ; referred to the

4 Committee on .]

5

6 Proposing an amendment to the Constitution of the State of West
7 Virginia, amending article VIII thereof, relating to the
8 judiciary; numbering and designating such proposed amendment;
9 and providing a summarized statement of the purpose of such
10 proposed amendment.

11 *Resolved by the Legislature of West Virginia, two thirds of*
12 *the members elected to each house agreeing thereto:*

13 That the question of ratification or rejection of an amendment
14 to the Constitution of the State of West Virginia be submitted to
15 the voters of the state at the next general election to be held in
16 the year one thousand nine hundred sixty-eight, which proposed
17 amendment is that article VIII thereof be amended to read as
18 follows:

19 **ARTICLE VIII. THE JUDICIARY.**

20 **§1. Judicial power.**

21 The judicial power of the

22 **§2. Supreme Court of Appeals.**

23 The Supreme Court of Appeals shall

NOTE: The purpose of this resolution is to

(Amending an existing article of the State Constitution
by adding thereto a new section)

1 **SENATE/HOUSE JOINT RESOLUTION NO.**

2 (By [insert sponsor's name])

3 [Introduced ; referred to the
4 Committee on .]

5
6 Proposing an amendment to the Constitution of the State of West
7 Virginia, amending article X thereof by adding thereto a new
8 section, designated section fifteen, relating to the authority
9 of the Legislature to refer to and prospectively adopt
10 provisions of the laws of the United States in imposing a tax
11 on incomes or in respect to or measured by income and limiting
12 the authority of the Legislature to tax measures; numbering
13 and designating such proposed amendment; and providing a
14 summarized statement of the purpose of such proposed
15 amendment.

16 *Resolved by the Legislature of West Virginia, two thirds of*
17 *the members elected to each house agreeing thereto:*

18 That the question of ratification or rejection of an amendment
19 to the Constitution of the State of West Virginia be submitted to
20 the voters of the state at the next general election to be held in
21 the year one thousand nine hundred sixty-eight, which proposed
22 amendment is that article X thereof be amended by adding thereto a
23 new section, designated section fifteen, to read as follows:

24 **ARTICLE X. TAXATION AND FINANCE.**

1 §15. Imposition and measurement of tax on incomes by reference to
2 laws of the United States; limitation on authority to tax
3 incomes.
4 The power of taxation of the Legislature

NOTE: The purpose of this resolution is to

This section is new; therefore, underscoring and strike-throughs have been omitted.

(Amending the State Constitution by authorizing a bond issue)

1 **SENATE/HOUSE JOINT RESOLUTION NO.**

2 (By [insert sponsor's name])

3 [Introduced ; referred to the

4 Committee on .]

5

6 Proposing an amendment to the Constitution of the State of West
7 Virginia authorizing the issuing and selling of state road
8 bonds in an amount not exceeding three hundred fifty dollars;
9 numbering and designating such proposed amendment; and
10 providing a summarized statement of the purpose of such
11 proposed amendment.

12 *Resolved by the Legislature of West Virginia, two thirds of*
13 *the members elected to each house agreeing thereto:*

14 That the question of ratification or rejection of an amendment
15 to the Constitution of the State of West Virginia be submitted to
16 the voters of the state at the next general election to be held in
17 the year one thousand nine hundred sixty-eight, which proposed
18 amendment is as follows:

19 The Legislature shall have power to authorize the issuing and
20 selling of state bonds not exceeding in the aggregate

NOTE: The purpose of this resolution is to

(Ratifying a proposed amendment to the United States Constitution)

1 **SENATE/HOUSE JOINT RESOLUTION NO.**

2 (By [insert sponsor's name])

3 [Introduced ; referred to the

4 Committee on .]

5

6 Ratifying the proposed amendment to the Constitution of the United
7 States relative to equal rights for men and women.

8 WHEREAS, The Ninety-second Congress of the United States of
9 America at its second session by a constitutional two-thirds vote
10 in both houses adopted a joint resolution proposing an amendment to
11 the Constitution of the United States, which joint resolution is in
12 the following words:

13 **JOINT RESOLUTION**

14 Proposing an amendment to the Constitution of the United States
15 relative to equal rights for men and women.

16 *Resolved by the Senate and House of Representatives of the*
17 *United States of America in Congress assembled (two thirds of each*
18 *House concurring therein), That* the following article is proposed
19 as an amendment to the Constitution of the United States, which
20 shall be valid to all intents and purposes as part of the
21 Constitution when ratified by the legislatures of three fourths of
22 the several States within seven years from the date of its
23 submission by the Congress:

24 "ARTICLE.....

1 "SECTION 1. Equality of rights under the law shall not be
2 denied or abridged by the United States or by any state on account
3 of sex.

4 "SEC. 2. The Congress shall have the power to enforce, by
5 appropriate legislation, the provisions of this article.

6 "SEC. 3. This amendment shall take effect two years after the
7 date of ratification."

8 Therefore, be it

9 *Resolved by the Legislature of West Virginia:*

10 That the Legislature of the State of West Virginia hereby
11 ratifies this proposed amendment to the Constitution of the United
12 States; and, be it

13 *Resolved further,* That the Secretary of State of the State of
14 West Virginia notify the Administrator of General Services,
15 Washington, D. C., the President of the Senate of the United States
16 and the Speaker of the House of Representatives of the United
17 States of this action by forwarding to each of them a certified
18 copy of this joint resolution adopted by the West Virginia
19 Legislature.

NOTE: The purpose of this resolution is

(Boiler plate paragraph to be used in joint resolutions for numbering, designating and summarizing a proposed amendment to the State Constitution)

The following "*Resolved further*" boiler plate paragraph is to be included in all joint resolutions. Amendments proposed by joint resolution will always be numbered "1" until a joint resolution has been adopted and numerically designated as "Amendment No. 1" for placement on the ballot. Amendments will then be numbered "2" until a second joint resolution has been adopted, and so on. Numbering reverts to "1" after the election on a set of numbered amendments has been held.

1 *Resolved further*, That in accordance with the provisions of
2 article eleven, chapter three of the Code of West Virginia, 1931,
3 as amended, such proposed amendment is hereby numbered "Amendment
4 No. 1" and designated as the "Federal Grants and County and
5 Municipal Aid Amendment" and the purpose of the proposed amendment
6 is summarized as follows: "To amend the State Constitution to
7 permit the Legislature to appropriate state funds for use in
8 matching or maximizing grants-in-aid from the federal government or
9 others to any county, municipality or other political subdivision
10 of the state and to impose or dedicate a state tax or taxes for the
11 aid of counties, municipalities or other political subdivisions of
12 the state."

(Language to be used in joint resolutions to designate a special or general election
for voting on amendments to the State Constitution)

The following language is to be used in joint resolutions to designate the election at which a proposed amendment to the State Constitution will be put to the voters. It should be inserted as the only provision that comes between the resolving clause ("*Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:*") and the text of proposed amendment.

1 That the question of ratification or rejection of an amendment
2 to the Constitution of the State of West Virginia be submitted to
3 the voters of the state at the next general election to be held in
4 the year one thousand nine hundred seventy-four, or at any special
5 election held prior thereto for the purpose of presenting to the
6 voters of the state the question of ratification or rejection of
7 one or more constitutional amendments, which proposed amendment is
8 as follows:

PART VIII
SIMPLE RESOLUTIONS

SIMPLE RESOLUTIONS

Provide for:

- Expressing the will or order of the Senate or the House on matters which do not require concurrence by the other house;

- Authorizing the House Committee on Rules to arrange a special calendar;

- Amending the Rules of the House or the Rules of the Senate;

- Commemorating or eulogizing; and

- Granting permission to introduce a bill or joint resolution after the introduction cut-off date (the 41st day of the 60-day session in the Senate and the 45th day of the 60-day session in the House).

(Eulogizing)

1 **HOUSE RESOLUTION NO. _____**

2 (By [insert sponsor's name])

3

4

5

6 Commemorating the passing of Walter Roy Blankenship, gentleman,
7 humorist and statesman.

8 WHEREAS, Walter Roy Blankenship was born June 11, 1892, at Gap
9 Mills, Monroe County, and died in the year 1966 at the age of
10 seventy-three at Lewisburg, Greenbrier County; and

11 WHEREAS, During his long and colorful life, Walter Roy
12 Blankenship gave unselfishly of himself to his community, his
13 county and his state and, in so doing, left this world a better
14 place than it was when he entered it; and

15 WHEREAS, The passing of Walter Roy Blankenship should not go
16 unnoticed; therefore, be it

17 *Resolved by the House of Delegates:*

18 That regret is hereby expressed by the members at the passing
19 of Walter Roy Blankenship, gentleman, humorist and statesman; a man
20 who loved horses and baseball but, above all, West Virginia and his
21 fellow man; and, be it

22 *Further Resolved,* That the Clerk is hereby directed to forward
23 a copy

(Amending the rules of the House or the Senate)

1 **HOUSE RESOLUTION NO.** _____

2 (By [insert sponsor's name])

3

4

5

6 Amending House Rule Nos. 83 and 84, relating to committee meetings
7 and hearings.

8 *Resolved by the House of Delegates:*

9 That House Rule Nos. 83 and 84 be amended to read as follows:

10 **Committee Meetings**

11 83. Meetings of all committees shall be upon a call of the
12 chairman, but no committee

13 **Committee Hearings**

14 84. The introducer of a bill, and all other persons who shall
15 so request the chairman

(Adding to the rules of the House or the Senate)

1 **SENATE/HOUSE RESOLUTION NO.** _____

2 (By [insert sponsor's name])

3

4

5

6 Amending the rules of the House of Delegates, relating to remarks
7 in the Journal.

8 *Resolved by the House of Delegates:*

9 That the Standing Rules of the House of Delegates be amended
10 by adding thereto a new rule as follows:

11 **Inserting Remarks in Journal**

12 132a. An address or the remarks of any member made on the
13 floor of the House on any subject or any question before the House
14 may be inserted in the Journal with the consent of the House only
15 on the request of the member who made the address or remarks.

(Authorizing introduction of a bill after cut-off date)

1 **SENATE RESOLUTION NO. _____**

2 (By [insert sponsor's name])

3

4

5

6 Granting permission to introduce a bill relating to minimum pay
7 scales and employment terms for school auxiliary and service
8 personnel; defining terms in this connection; other rights,
9 privileges and benefits of such personnel; authorizing county
10 boards of education to establish higher salary schedules; and
11 authority of the State Board of Education in relation thereto.

12 *Resolved by the Senate of West Virginia, two thirds of the*
13 *members present and voting agreeing thereto:*

14 That in accordance with Senate Rule No. 14 [House Rule No.
15 91a], permission is hereby given to introduce a bill with the
16 following title:

17 A Bill to amend and reenact §18A-4-8 of the Code of West
18 Virginia, 1931, as amended, relating to minimum pay scales and
19 employment terms for school auxiliary and service personnel;
20 defining terms in this connection; other rights, privileges and
21 benefits of such personnel; authorizing county boards of education
22 to establish higher salary schedules; and authority of the State
23 Board of Education in relation thereto.

PART IX
AMENDMENTS

HOUSE GUIDELINES FOR AMENDMENTS

Identify Delegate(s) or committee sponsoring the amendment.

Amendments must be identified with page, section and line references, in that order.

Make sure the amendment references fit the latest printed version of the bill lodged at the Clerk's desk or in the Clerk's office.

Amendments **MUST BE** filed in the system prior to submitting to the Clerk's office or to the floor. Please make sure amendment is filed in correct session. (Example: 97RS)

Make sure name of amendment filed in the system also appears on the top of the hard copy submitted to the Clerk (Name on hard copy and name in system **MUST BE IDENTICAL!!!!**)

DO NOT amend section headings, article headings or chapter headings by way of specific amendment. They are **NOT** part of statute and can be rewritten to reflect changes.

Submit four copies of each amendment to the Clerk's office.

If an entire section, article or chapter is added or stricken, amendments to title and enacting section must reflect the same.

For title and enacting section amendments, the entire new title or enacting section is submitted, with the amendments incorporated into it, rather than amendments being made to it.

In most cases, amendments are not necessary to make corrections such as grammar and misspelled words. Notify Clerk's office of corrections.

Punctuation which is at the end of inserted or stricken text is written out and appears following the closing quote. If in doubt, contact the Clerk's office.

CORRECT: Delegate Duty moves to amend the bill on page two, section two, line four, by striking out the words "and cats" and the comma.

INCORRECT: Delegate Duty moves to amend the bill on page two, section two, line four, by striking out the words "and cats,".

SAMPLE TITLE AMENDMENTS:

Delegate Rowe moves to amend the title of the bill to read as follows:

H. B. 4000--"A Bill to amend and reenact §48-2A-3b of the Code of West Virginia, 1931, as amended, relating to divorce, annulment or separation."

The Committee on the Judiciary moves to amend the title of the bill to read as follows:

H. B. 4000--"A Bill to amend and reenact §48-2A-3b of the Code of West Virginia, 1931, as amended, relating to divorce, annulment or separation."

SAMPLE ENACTING SECTION AMENDMENTS:

Delegate Rowe moves to amend the enacting section to read as follows:

"That §48-2A-3b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows" followed by a colon.

The Committee on the Judiciary moves to amend the enacting section to read as follows:

"That §48-2A-3b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows" followed by a colon.

AMENDMENTS STRIKING TEXT

Delegates Hall and Love move to amend the bill on page ten, following line ten, by striking out all of section three.

Delegates Hall and Love move to amend the bill on page twenty, section one, line six, following the word "ten" and the comma, by striking out the words "one thousand".

Delegates Hall and Love move to amend the bill on page thirty, following line fifteen, by striking out the remainder of the paragraph (or subsection, bill, etc.).

AMENDMENTS INSERTING TEXT

Delegate Hall moves to amend the bill on page five, following line ten, by inserting the following:

"§10-1-5. Head tax on cats.

There shall be levied a one dollar head tax on cats."

Delegate Love moves to amend the bill on page two, section one, line three, following the word "or", by inserting the words "the dog".

AMENDMENTS STRIKING OUT AND INSERTING TEXT

Delegate Beane moves to amend the bill on page two, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

"ARTICLE 2. WILDLIFE RESOURCES.

§20-2-23e. Implementation of allocation methodology.

Other provisions of this article notwithstanding, the implementation of an allocation methodology, based upon criteria

identified in the three-year study of carrying capacity for the New, Gauley, Cheat, Shenandoah and Tygart rivers, the overall economic impact on the state and the safety of the general public as identified in section twenty-three-a of this article, shall be made not later than the thirty-first day of December, one thousand nine hundred ninety-seven, by rules promulgated pursuant to chapter twenty-nine-a of this code."

Delegate Duty moves to amend the bill on page five, section one, line three, following the word "cats", by striking out the word "or" and inserting in lieu thereof the word "and".

Delegate Duty moves to amend the bill, beginning on page seven, by striking out all of section twenty-three-e and inserting in lieu thereof the following:

"§20-2-23e. Implementation of allocation methodology.

Other provisions of this article notwithstanding, the implementation of an allocation methodology, based upon criteria identified in the three-year study of carrying capacity for the New, Gauley, Cheat, Shenandoah and Tygart rivers, the overall economic impact on the state and the safety of the general public as identified in section twenty-three-a of this article, shall be made not later than the thirty-first day of December, one thousand nine hundred ninety-seven, by rules promulgated pursuant to chapter twenty-nine-a of this code."

GUIDELINES FOR SENATE AMENDMENTS

Refer to the following pages for specific examples of committee and floor amendments. A combination of these examples may be necessary for your particular needs. If you cannot find the appropriate example to follow, call 7892.

The Journal and Bill Editing Staff are the individuals who ultimately proof and edit your work before it is sent to the printer as journal or bill text. We welcome your questions. It makes our job easier when your work is submitted as accurately as possible.

Amendment Boilerplates:

SC BP 140	Committee Amendment Form
SC BP 143	Committee Amendment - Enacting Section
SC BP 145	Committee Title Amendment Form
SC BP 150	Floor Amendment Form
SC BP 153	Floor Amendment - Enacting Section
SC BP 155	Floor Title Amendment Form

NOTE: Staff should prepare amendments so that page and line numbers refer to the original jacketed bill text. In fact, the Clerk's staff frequently make editorial changes and clerical corrections to these original bills that do not appear on other copies.

COMMITTEE AMENDMENTS

Naming Conventions--Committee Amendments:

SB88 S JUD AM #1
SB88 S JUD AMT
HB2005 S GOV AM #1
HB2005 S GOV AM #2

SB88 = Bill type & number

S = Senate

JUD = Judiciary (Committee Abbreviation)

AM = Amendment

AMT = Amendment to Title

#1 = Indicates set of amendments adopted by the committee; on occasion a bill may be rereferred to committee and a second set of amendments may be adopted.

Number of Copies--Committee Amendments:

You will need four copies of each set of amendments. **Attach one set of amendments to each of the four committee report forms.**

Filing Location--Committee Amendments:

NOTE: There is a macro on your toolbar for filing committee documents to Central Files.

FLOOR AMENDMENTS

Naming Conventions--Floor Amendments:

SB200 SFA TOMBLIN 1-14 #1
SB200 SFA TOMBLIN 1-14 #2
HB2231 SFA CHAFIN 2-5 #1
HB2231 SFAT CHAFIN 2-5

SB200	=	Bill type & number
SFA	=	Senate Floor Amendment
SFAT	=	Senate Floor Amendment to Title
TOMBLIN	=	Last name of person sponsoring amendment
1-14	=	Date typed
#1	=	Indicates set of amendments to the same bill. A Senator may have more than one set he is considering for introduction.

Number of Copies--Floor Amendments:

The Chief Desk Clerk will need four copies of each set of amendments. In addition, your Senator may or may not choose to have 34 copies made for distribution to all of the members when the amendment is reported on the Senate floor.

Filing Location--Floor Amendments:

Be sure to ask the Senator who is offering a floor amendment if he or she objects to the amendment being filed in Central Files before it is reported on the Senate floor. Make the Senator aware that anyone in the House or Senate with access can review Central Files. If the Senator does not want the amendment filed in Central Files, save the document to a disk and submit it with your hard copy.

IN ANY CASE, DO NOT LEAVE FOR THE DAY WITHOUT FILING FLOOR AMENDMENTS TO CENTRAL FILES OR SUBMITTING A DISK.

NOTE: There is a macro on your toolbar for filing documents to Central Files.

TITLE AMENDMENT

The Committee on the Judiciary moved to amend the bill on pages one through three, by striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill No. 75--A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-24a; to amend and reenact §17B-3-9 of said code; and to amend and reenact §17C-5A-1, §17C-5A-2 and §17C-5A-2a of said code, all relating to State Police; establishing drunk driving enforcement unit; establishing purpose; Division of Motor Vehicles; drunk driving enforcement unit established; purpose; surrender and return of license; willful refusal to return; increasing the additional fee for reinstatement; implied consent to administrative procedure; revocation for driving under the influence of alcohol, controlled substances or refusal to submit to secondary chemical test; issuing a temporary license; impounding of a vehicle; hearing; and revocation.

ENACTING SECTION AMENDMENT

Senator Craigo moved to amend the bill on pages one and two, by striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

That sections §59-5D-1 and §59-5D-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §49-6-2, §49-6-3, §49-6-5 and §49-6-11 be amended and reenacted; that said article be amended by adding thereto a new section, designated §49-6-11; that §49-6D-3 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §49-7-30; that §61-8B-11a of said code be amended and reenacted; and that §61-8D-9 of said code be amended and reenacted, all to read as follows:.

AMENDMENTS

The Committee on the Judiciary moved to amend the bill on page two, section two, line fifteen, by striking out the word "their" and inserting in lieu thereof the word "this";

On page two, section three, by striking out the section caption and substituting therefor a new section caption, to read as follows:

§17C-22-3. Common carrier laws do not apply to ridesharing; requiring liability insurance.;

On page four, section three, lines sixty-nine and seventy, by striking out the words "or regulations";

On page four, section three, line eighty, after the word "agency" by changing the period to a colon and inserting the following proviso: *Provided*, That the subject rangers shall pay the tuition and costs of training.;

And,

On page five, section three, line ten, after the word "article." by adding the following: In the case of a member who died during active duty, such flag shall be provided by the Secretary of State at no charge.

The Committee on the Judiciary moved to amend the bill on pages thirty and thirty-one, by striking out all of section nineteen;

And,

By renumbering the remaining section.

Senator Ross moved to amend the bill on page eight, section four, after line four, by adding a new subsection, designated subsection (d), to read as follows:

(d) The operator of a one-call system as defined herein shall establish, within two years of the effective date of this article, a service facility above ground to receive calls, dispense information and comply with the provisions of this article.

Senators Jackson and Wagner moved to amend the bill on page two, section fifteen-b, line three, after the word "weapon" by inserting a period and striking out the remainder of the paragraph;

And,

On page five, after the article heading, by inserting a new section, designated section five, to read as follows:

§42-1-5. Inheritance by, from and through illegitimates.

(a) Illegitimates shall be treated as the children of their mother and their determined father for the purposes of inheriting from and through such mother and determined father and for transmitting inheritance to such mother and determined father or their heirs: *Provided*, That a determined father and his heirs shall not inherit from or through the child unless such determined father has openly treated the child as his and has not refused or failed to support the child.

(b) As used in this section, the term "determined father" means any person who:

(1) Has been found guilty under the provisions of article seven, chapter forty-eight of this code; or

(2) Can be shown to be the child's father and who has acknowledged his parental status by admitting paternity.

AMENDMENT STRIKING OUT EVERYTHING AFTER ENACTING CLAUSE

The Committee on Finance moved to amend the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

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

ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CONSTRUCTION OF STATUTES; DEFINITIONS.

§2-2-1a. Special memorial days.

The Governor shall, by proclamation, declare the fifteenth day of January of each year as a special memorial day, but not a legal holiday, to be known as Martin Luther King Day. Martin Luther King Day may be observed by any public employee, who shall not be refused time off from employment for that day: *Provided*, That such day of absence shall be charged to the employee's annual or accrued vacation leave.

AMENDMENT STRIKING OUT EVERYTHING AFTER ENACTING SECTION

The Committee on the Judiciary moved to amend the bill on page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 1. DESCENT.

§42-1-5. Inheritance by, from and through illegitimates.

(a) Illegitimates shall be treated as the children of their mother and their determined father for the purposes of inheriting from and through such mother and determined father and for transmitting inheritance to such mother and determined father or their heirs: *Provided*, That a determined father and his heirs shall not inherit from or through the child unless such determined father has openly treated the child as his and has not refused or failed to support the child.

(b) As used in this section, the term "determined father" means any person who:

(1) Has been found guilty under the provisions of article seven, chapter forty-eight of this code; or

(2) Can be shown to be the child's father and who has acknowledged his parental status by contributing to the child's support, by living with the mother at the time of conception or admitting paternity by any means.

**AMENDMENT STRIKING OUT EVERYTHING &
INSERTING PROVISIONS OF SENATE BILL**

The Committee on Finance moved to amend the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the provisions of Engrossed Senate Bill No. 484.

AMENDMENT STRIKING OUT REMAINDER OF BILL & INSERTING

The Committee on the Judiciary moved to amend the bill on page four, section thirty-five, after line forty-three, by striking out the remainder of the bill and inserting in lieu thereof the following:

(b) As a condition of remaining in good standing with the lending institution and the state and as a condition of having the loan renewed for up to four years, the loan recipient shall receive supervision and counseling provided by the small business development center. Eligible small businesses shall also grant the lending institution the right to provide information on the status of the loan to the small business development center so as to assist the small business.

(b) (c) The Small Business Development Center and the Treasurer shall take any and all steps necessary to implement, advertise and monitor compliance with the linked deposit program. and monitor compliance of eligible lending institutions. The Small Business Development Center shall monitor the compliance of eligible small businesses.

(c) (d) By the first thirty-first day of January of each year, the Small Business Development Center shall report on the linked deposit program for the preceding calendar year to the West Virginia Development Office, which shall then report to the Joint Committee on Government and Finance. The reports shall set forth the name of the small business, terms, delinquency and default rates, job growth, gross income evaluation and amounts of the loans upon which the linked deposits were based.

PART X
CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEES

I. Joint Rule 3

Conference committees consist of 5 members from each house, unless otherwise agreed upon.

Conference committees shall consider and report on only the subject matter of the amendments which were in disagreement, with necessary consequential changes.

Conference committees agreed to within the first 51 days of a regular session have 7 days to report, except that the conference may be extended for up to 3 additional days by concurrent resolution adopted by a majority of those present and voting in each house.

Conference committees agreed to after the 51st day, or any time during an extraordinary session, have 3 days to report, except that the conference may be extended for up to 1 additional day by concurrent resolution adopted by a majority of those present and voting in each house.

Before being taken up for consideration, copies of conference committee reports must be made available to members of each house and the public, and availability must be announced by the clerk during a floor session.

Reports made available on any day up to and including Day 59 must lie over 1 day and may not be considered until the next legislative day.

Any report made available on Day 60, or any day during an extraordinary session, must lie over for a period of 2 hours, which begins when the availability of the report is announced on the floor of the house in which it is to be considered. The 2-hour waiting period may be waived by a 2/3 vote of the members of that house present.

All reports must be available and announced as available by 6:00 p.m. on Day 60, unless this part of the rule is suspended by concurrent resolution adopted by 2/3 of the members present in each house.

II. Drafting Conventions

Drafting conventions are not required by rule or law. They have been developed over time to promote uniformity and to facilitate the printing of the journal. Legislative attorneys are requested to adhere to these conventions as much as possible.

Reports should be double-spaced with lines, and the pages should be numbered.

Lines should be numbered for reports which incorporate any code text, to facilitate discussion of the report.

Strike-throughs and underscores should be used whenever practicable to indicate revisions to the *current code* (not to other versions of the bill).

The words "Respectfully submitted" should be typed at the bottom of the report above the signature lines, which indicate the name of each conference committee member in large and small capital letters. There is no rule as to whether House or Senate members should be listed first, but generally Senate members are listed first (on the left) on a Senate bill and House members are listed first (on the left) on a House bill.

There should be 6 copies to which original signatures are affixed. The copies should be identical except for the first phrase of the report, as 3 original copies should be prepared with the name of the Senate Chair and 3 original copies should be prepared with the name of the House of Delegates Chair. All 6 copies must be signed by at least a majority of the members of each house.

CONFERENCE COMMITTEE REPORTS
TO BE PREPARED BY HOUSE OF DELEGATES STAFF

HB2800 CC #1 3/6

90 DAYS

Delegate Beach, from the Committee of Conference on matters of disagreement between the two houses, as to

H. B. 2800, Enactment of the southern dairy compact,
Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the Senate to H. B. No. 2800 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

That the House of Delegates agree to the Senate amendments.

Respectfully submitted,

ROBERT C. BEACH,

MIKE ROSS,

LARRY A. WILLIAMS,

HOMER BALL,

E. W. ANDERSON,

SARAH M. MINEAR,

*Conferees on the part
of the House of Delegates.*

*Conferees on the part
of the Senate.*

90 DAYS

Delegate Campbell, from the Committee of Conference on matters of disagreement between the two houses, as to

H. B. 4687, Technical changes and corrections to corporation net income tax laws,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses on the amendment of the Senate to H. B. 4687 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate recede from its amendment to the bill and to its title.

Respectfully submitted,

THOMAS CAMPBELL,

ROMAN W. PREZIOSO, JR.,

WILLIAM R. LAIRD,

ROBERT H. PLYMALE,

CHARLES CLEMENTS,

SARAH M. MINEAR,

*Conferees on the part
of the House of Delegates.*

*Conferees on the part
of the Senate.*

90 DAYS

Delegate Hunt, from the Committee of Conference on matters of disagreement between the two houses, as to

Com. Sub. for H. B. 4098, Penalties for assault against correctional employees, humane officers, emergency medical technicians and firefighters,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the Senate to Com. Sub. for H. B. 4098 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

That both houses recede from their respective positions as to amendments of the Senate striking out everything following the enacting clause and inserting new language, and agree to the same as follows:

That §61-2-10b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-10b. Malicious assault; unlawful assault; battery and recidivism of battery; assault on police officers, conservation officers, humane officers, emergency medical service personnel, firefighters, fire marshal and county or state correctional employees; penalties.

(a) *Malicious assault.* -- ~~If any~~ Any person who maliciously shoots, stabs, cuts or wounds or by any means causes bodily injury

with intent to maim, disfigure, disable or kill a police officer, conservation officer, humane officer, emergency medical service personnel, firefighter, State Fire Marshal or employee, county correctional ~~officer~~ employee or state correctional ~~officer~~ employee acting in his or her official capacity and the person committing the malicious assault knows or has reason to know that the victim is a police officer, conservation officer, humane officer, emergency medical ~~technician~~ service personnel, firefighter, State Fire Marshal or employee, county correctional ~~officer~~ employee, or state correctional ~~officer~~ employee acting in his or her official capacity, ~~then the offender shall be~~ is guilty of a felony and, upon conviction, shall be ~~punished by confinement in the penitentiary~~ confined in a correctional facility for not less than three nor more than fifteen years.

(b) *Unlawful assault.* -- ~~If any~~ Any person who unlawfully but not maliciously shoots, stabs, cuts or wounds or by any means causes a police officer, conservation officer, humane officer, emergency medical service personnel, firefighter, State Fire Marshal or employee, county correctional ~~officer~~ employee or state correctional ~~officer~~ employee acting in his or her official capacity, employee acting in his or her official capacity, bodily injury with intent to maim, disfigure, disable or kill said ~~officer~~ person and the person committing the unlawful assault knows or has reason to know that the victim is a police officer, conservation officer, humane officer, emergency medical service personnel, firefighter, State Fire Marshal or employee, county correctional ~~officer~~ employee or state correctional ~~officer~~ employee acting in his or her official capacity, ~~then the offender~~ is guilty of a felony and,

upon conviction, shall be confined ~~to the penitentiary for a period~~
~~of~~ in a correctional facility for not less than two years nor more
than five years.

(c) *Battery.* -- ~~If any~~ Any person who unlawfully, knowingly
and intentionally makes physical contact of an insulting or
provoking nature with a police officer, conservation officer,
humane officer, emergency medical service personnel, firefighter,
State Fire Marshal or employee, county correctional ~~officer~~
employee or state correctional ~~officer~~ employee acting in his or
her official capacity, or unlawfully and intentionally causes
physical harm to a police officer, conservation officer, humane
officer, emergency medical service personnel, firefighter, State
Fire Marshal or employee, county correctional ~~officer~~ employee, or
state correctional ~~officer~~ employee acting in such capacity, ~~said~~
~~person~~ is guilty of a misdemeanor and, upon conviction thereof,
shall be confined ~~to the county or regional~~ in jail for not less
than one month nor more than twelve months, ~~or~~ fined the sum of
five hundred dollars, or both. ~~fined and imprisoned~~ If any person
commits a second such offense, ~~then such person~~ he or she is guilty
of a felony and, upon conviction thereof, shall be confined in ~~the~~
~~state~~ a correctional facility for not less than one year nor more
than three years or fined the sum of one thousand dollars or both
~~fined and imprisoned~~ confined. Any person who commits a third
violation of this subsection is guilty of a felony and, upon
conviction, shall be confined in ~~the state~~ a correctional facility
not less than two years nor more than five years or fined not more
than two thousand dollars or both fined and ~~imprisoned~~ confined.

(d) ~~Assault.~~ -- ~~if any~~ Any person who unlawfully attempts to commit a violent injury to the person of a police officer, conservation officer, humane officer, emergency medical service personnel, firefighter, State Fire Marshal or employee, county correctional officer employee, or state correctional ~~officer employee~~ employee or unlawfully commits an act which places a police officer, conservation officer, humane officer, emergency medical service personnel, firefighter, county correctional ~~officer employee,~~ or state correctional ~~officer employee~~ employee acting in his or her official capacity in reasonable apprehension of immediately receiving a violent injury, ~~he shall be~~ is guilty of a misdemeanor and, upon conviction, shall be confined in ~~the county or regional~~ jail for not less than twenty-four hours nor more than six months, ~~or~~ fined not more than two hundred dollars, or both. ~~such fine and imprisonment~~

(e) ~~Police officer defined.~~ -- As used in For purposes of this section, a "police officer" means any ~~officer person~~ person employed by the ~~Division of Public Safety any county law enforcement agency,~~ any ~~officer~~ State Police, any person employed by the state to perform law-enforcement duties, or any ~~police officer person~~ person employed by ~~any city or municipality~~ a political subdivision of this state who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of this state or employed as a special police officer as such is defined in section forty-one, article three, chapter sixty-one of this code.

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title as follows:

Com. Sub. for H. B. 4098 -- "A BILL to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to crimes against the person; assaults and batteries on enumerated persons; extending protections of section to humane officers, emergency medical personnel, firefighters, State Fire Marshal or employee, state and county correctional employees and special police; and penalties."

Respectfully submitted,

MARK A. HUNT,

RANDY SCHOONOVER,

RICK STATON,

JEFFREY KESSLER,

LARRY V. FAIRCLOTH,

FRANK DEEM,

*Conferees on the part
of the House of Delegates.*

*Conferees on the part
of the Senate.*

CONFERENCE COMMITTEE REPORTS
TO BE PREPARED BY SENATE STAFF

Refer to the following pages for specific examples of conference committee reports. A combination of these examples may be necessary for your particular needs. If you cannot find the appropriate example to follow, call 7892.

The Journal and Bill Editing Staff are the individuals who ultimately proof and edit your work before it is sent to the printer as journal or bill text. We welcome your questions. It makes our job easier when your work is submitted as accurately as possible.

Boilerplates:

SC BP 130	Conference Committee Report for Senate Bills
SC BP 135	Conference Committee Report for House Bills
CR BP H	Conference Committee Report Signature Lines for House Bills
CR BP S	Conference Committee Report Signature Lines for Senate Bills

Naming Conventions:

SB400 CC #1 3-1
SB400 CC #2 3-2
HB1003 CC #2 3-6

SB400	=	Bill type & number
CC	=	Conference Committee
#1	=	Indicates version of report in case the committee prepares more than one report before agreement is reached
3-6	=	Date typed

Effective Date:

90 DAYS
FROM PASSAGE
JULY 1, 2002

(IN THE PAST SOME REPORTS HAVE
BEEN SUBMITTED WITH A "REGULAR"
EFFECTIVE DATE. THIS IS INCORRECT!)

The effective date takes one of the above forms. The last example (July 1, 2002) may be another date certain, such as January 1, 2002.

Signature Spaces:

Senate Instruments: If the bill in conference is a Senate bill or resolution, signature spaces for Senators should be typed on the right side of the report and signature spaces for Delegates should be typed on the left side of the report. (Use Boilerplate "CR BP S")

House Instruments: If the bill in conference is a House bill or resolution, signature spaces for Delegates should be typed on the right side of the report and signature spaces for Senators should be typed on the left side of the report. (Use Boilerplate "CR BP H")

Number of Copies:

Prepare six copies of each conference committee report--three to be submitted by the Senate chairman and three to be submitted by the House of Delegates chairman.

Remember the Original Bill:

As with all committee reports, the original Senate bill in the blue back must be submitted with the conference committee report before any floor action can be taken.

Filing Location:

NOTE: There is a macro on your toolbar for filing documents to Central Files.

SB400 CC #1 3-2

90 DAYS

Senator Tucker, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill No. 400, Providing special leave for state employees absent from duties due to reason covered by workers' compensation laws.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill No. 400 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House of Delegates on page two, section ten-a, line two, by striking out the words "thirty-seven thousand four hundred fifty" and inserting in lieu thereof the words "thirty-eight thousand";

That both houses recede from their respective positions as to the amendment of the House of Delegates on page two, section thirteen, lines six and seven, by striking out the words "thirty-three thousand five hundred" and inserting in lieu thereof the words "thirty-five thousand five hundred";

That the Senate agree to the amendment of the House of Delegates by striking out all of section six-c;

That the Senate agree to the amendment of the House of Delegates by amending the enacting section to read as follows:

That §51-1-10a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §51-2-13 of said code be amended and reenacted, all to read as follows:;

And,

That the Senate agree to the House amended title.

Respectfully submitted,

George E. Farley,
Chair,

Larry A. Tucker,
Chair,

Marion W. Shiflet,

Oshel B. Craigo,

Larry D. Swann,
*Conferees on the part
of the House of Delegates.*

C. N. Harman,
*Conferees on the part
of the Senate.*

CONFERENCE REPORT - SENATE BILL

SC BP 130

CR BP S

SB35 CC #1 2-28

JULY 1, 2002

Senator Tomblin, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill No. 35, Authorizing Board of Hearing-Aid Dealers to promulgate legislative rules.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill No. 35 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate agree to the amendments of the House of Delegates to the bill and its title.

Respectfully submitted,

Marjorie H. Burke,
Chair,

Earl Ray Tomblin,
Chair,

James F. Humphreys,

John Pat Fanning,

Larry D. Swann,
*Conferees on the part
of the House of Delegates.*

Mike Shaw,
*Conferees on the part
of the Senate.*

CONFERENCE REPORT - SENATE BILL

SC BP 130

CR BP S

90 DAYS

Senator Boettner, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill No. 1001, Stating policy of requiring gubernatorial intervention in labor crisis.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill No. 1001 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate recede from its amendment on page eight, section six, line five, changing the period to a comma and inserting the words "and in the event of a taking pursuant to the provisions of section five (a) of this article of property rights and interest other than title to corporeal signs, displays or devices, to pay to the owner of such signs, displays or devices the removal costs thereof.";

And,

That the House of Delegates agree to all other Senate amendments to the bill, including the Senate amendment to the title.

Respectfully submitted,

John Si Boettner,
Chair,

Sarah Lee Neal,
Chair,

Robert K. Holliday,

James F. Humphreys,

Donna J. Boley,
*Conferees on the part
of the Senate.*

John H. Reed III,
*Conferees on the part
of the House of Delegates.*

CONFERENCE REPORT - HOUSE BILL

SC BP 130

CR BP H

JULY 1, 2002

Senator Tomblin, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill No. 1500, Making supplemental appropriation to Department of Educational Broadcasting Acct. No. 2910.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill No. 1500 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18-2E-1, §18-2E-2 and §18-2E-3, all to read as follows:

ARTICLE 2E. WEST VIRGINIA ACADEMY FOR GIFTED STUDENTS.

§18-2E-1. Establishment of West Virginia Academy for Gifted Students.

The West Virginia Academy for gifted students is established to be governed by a board of trustees described in section two of this article.

§18-2E-2. Board of trustees; appointment; terms of office.

(a) The Board of Trustees of the West Virginia Academy for gifted students consists of the following members:

(1) Five ex officio nonvoting members: The President of the State Board of Education; the State Superintendent of Schools; a representative of the community college system and a representative of a private college both designated by the President of the Board of Regents; and one member of the Board of Regents designated by the president of that board;

(2) Two members appointed by the State Superintendent of Schools: A science teacher and a mathematics teacher, both of whom shall be from within the state;

(3) Two members, one of whom shall be a county superintendent, appointed by the Legislature upon the recommendation of the President of the Senate;

(4) Two members, one of whom shall be a secondary principal, appointed by the Legislature upon the recommendation of the Speaker of the House of Delegates; and

(5) Fifteen members appointed by the Governor, at least twelve of whom shall be scientists or mathematicians. One of these scientists or mathematicians shall be designated by the Governor as chairman of the board of trustees.

(b) The initial members appointed by the Legislature upon the recommendation of the President of the Senate shall serve for terms expiring the thirtieth day of June, one thousand nine hundred eighty-seven; their successors shall serve for four-year terms beginning the first day of July, one thousand nine hundred eighty-seven, and each fourth year thereafter. The initial members appointed by the Legislature upon the recommendation of the Speaker of the House of Delegates shall serve for terms expiring the thirtieth day of June, one thousand nine hundred eighty-six; thereafter, their successors shall serve for two-year terms beginning the first day of July, one thousand nine hundred eighty-six. The two initial appointments of the State Superintendent of Schools shall be for terms of four years. Five of the initial appointments of the Governor shall be for terms of two years; five shall be for terms of four years; and five shall be for terms of six years. With the exception of the appointments of the Legislature, at the expiration of the terms of the initial appointees, their successors shall be appointed for terms of six years, beginning the first day of July in the year of the respective appointments.

(c) Vacancies in appointive terms shall be filled for the unexpired portion of the terms by appointment of the officer or body who appointed the person causing each vacancy.

§18-2E-3. Budget; preparation; submission.

The board of trustees, assisted by administrative staff, shall prepare budgets for the academy and shall submit these budgets directly to the Governor.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for House Bill No. 1500--A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2E-1, §18-2E-2 and §18-2E-3, relating to establishing the West Virginia Academy for gifted students; creating board of trustees; and relating to budget.

Respectfully submitted,

Earl Ray Tomblin,
Chair,

George E. Farley,
Chair,

Keith Burdette,

Lyle F. Sattes,

C. N. Harman,
*Conferees on the part
of the Senate.*

John H. Reed III,
*Conferees on the part
of the House of Delegates.*

CONFERENCE REPORT - HOUSE BILL

SC BP 130

CR BP H