

**JOURNAL**  
**OF THE**  
**HOUSE OF DELEGATES**  
**EIGHTY-THIRD**  
**LEGISLATURE**  
**OF**  
**WEST VIRGINIA**



**VOLUME III**  
**REGULAR SESSION, 2018**  
**FIRST EXTRAORDINARY SESSION, 2018**

WEST VIRGINIA HOUSE OF DELEGATES  
**HONORABLE TIM ARMSTEAD**  
SPEAKER OF THE HOUSE

\*\*\*\*\*

COMPILED AND PUBLISHED  
UNDER THE DIRECTION  
OF

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**FIRST EXTRAORDINARY SESSION**

1 <sup>st</sup> Day .....	Sunday .....	May 20.....	2987
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Friday, March 9, 2018

**FIFTY-NINTH DAY**

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 9:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, March 8, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 8<sup>th</sup> day of March, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for H. B. 2696**, Relating to crossbow hunting,

**Com. Sub. for H. B. 4175**, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment,

**H. B. 4332**, Relating to home peritoneal renal dialysis,

**Com. Sub. for H. B. 4619**, Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth,

**Com. Sub. for H. B. 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas,

**Com. Sub. for H. B. 2843**, Permitting Class III municipalities to be included in the West Virginia Tax Increment Act,

**Com. Sub. for H. B. 2890**, Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects,

**Com. Sub. for H. B. 3104**, Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund,

**Com. Sub. for H. B. 4022**, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft,

**Com. Sub. for H. B. 4138**, Requiring certain public or private schools and daycare centers to install carbon monoxide detectors,

**Com. Sub. for H. B. 4199**, Permitting a nursing home to use trained individuals to administer medication,

**H. B. 4285**, Relating to the West Virginia Safe Mortgage Licensing Act,

And,

**H. B. 4385**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 2028**, Relating to the venue for suits and other actions against the state.



A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 6. GENERAL CONSUMER PROTECTION.**

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

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

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

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

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

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

sold for human habitation: *Provided, however,* That the waiver is not effective unless the waiver:

(1) Is in writing;

(2) Is conspicuous and is in plain language;

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

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

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

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

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

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

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2464** - "A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers and exclusions of warranties for used manufactured homes; providing that a consumer may waive the

warranties of merchantability and fitness for a particular use; providing that a consumer may waive a particular defect or malfunction which the merchant has identified and disclosed in writing to the consumer; providing for the manner and content of waivers; and providing a definition.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 433**), and there were—yeas 91, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Deem, Fluharty, Hicks, Isner, Lovejoy, R. Romine and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2464) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2916**, Authorizing certain first responders to carry firearms.

Delegate Foster moved that the House of Delegates concur in the following amendment of the bill by the Senate, with further title amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY  
OF THE GOVERNOR, SECRETARY OF STATE AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;**

**MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 3. ATTORNEY GENERAL.**

**§5-3-6. Attorney General's investigators authority to carry concealed weapon.**

(a) The Attorney General may allow, consistent with the provisions of this section, an investigator to carry a concealed firearm while performing his or her official duties.

(b) An investigator employed by the Attorney General may carry a concealed firearm approved by the Attorney General solely for purposes of defense of self or others if the investigator has:

(1) Obtained the written authorization by the Attorney General;

(2) Been determined not to be prohibited from possessing a firearm under state or federal law;

(3) Obtained and maintains a concealed handgun license pursuant to §61-7-1 *et seq.* of this code; and

(4) Successfully completed a firearms training and certification program equivalent to that provided to officers attending the entry level law-enforcement certification course provided at the West Virginia State Police Academy. The investigator must thereafter successfully complete an annual firearms qualification counsel equivalent to that required of certified law-enforcement officers as established by legislative rule. The Attorney General may reimburse the investigator for the cost of the training and requalification.

(c) Neither the state, a political subdivision, an agency nor an employee of the state acting in an official capacity, may be held personally liable for an act of an investigator employed by the Attorney General if the act or omission was done in good faith while the investigator was performing official duties or responsibilities under the office of the Attorney General.

**CHAPTER 6. GENERAL PROVISIONS RESPECTING  
OFFICERS.**

**ARTICLE 3. DEPUTY OFFICERS AND CONSERVATORS  
OF THE PEACE.**

**§6-3-1a. Deputy sheriff's reserve; purpose; appointment and qualifications of members; duties; equipment; attire; training; oath; bond; not employee of sheriff or county commission for certain purposes; limitation on liability.**

(a) The sheriff of any county may, for the purposes set forth in this section, designate and appoint a deputy sheriffs' reserve, hereinafter referred to as 'reserve' or 'reserves'. A reserve may not be designated or created without the prior approval of the county commission for the establishment of the reserve.

(b) Each sheriff may appoint as members of the reserve bona fide citizens of the county who are of good moral character and who have not been convicted of a felony or other crime involving moral turpitude. Any person appointed shall serve at the will and pleasure of the sheriff and is not subject to the provisions of §7-14-1 *et seq.* seven of this code. A member of the reserve may not engage in any political activity or campaign involving the office of sheriff or from which activity or campaign the sheriff or candidates for sheriff appointing the member would directly benefit.

(c) Members of the reserves shall not serve as law-enforcement officers, nor carry firearms, except that a member of the reserves may carry a firearm approved by the sheriff while acting in the capacity as a reserve deputy sheriff solely for purpose of defense of self or others, if that member has

(1) Obtained the written authorization of the sheriff;

(2) Been determined not to be prohibited from possessing a firearm under state or federal law; and

(3) Successfully completed a firearms training and certification program equivalent to that provided to officers attending the entry level law-enforcement certification course provided at the West

Virginia State Police Academy. The member must thereafter successfully complete an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by legislative rule. The department may reimburse the member for the cost of the training and requalification. but

Members may carry other weapons, provided that the sheriff certifies in writing to the county commission that the reserve has met the special training requirements for the weapon as established by the Governor's Committee on Crime, Delinquency and Corrections. The Governor's Committee on Crime, Delinquency and Corrections ~~is authorized to promulgate~~ may propose legislative rules for promulgation and emergency rules pursuant to the provisions of §29A-3-1 *et seq.* this code to establish appropriate training standards. The reserves may be provided with radio communication equipment for the purpose of maintaining contact with the sheriff's department or other law-enforcement agencies. The duties of the reserves shall be limited to crowd control or traffic control and direction within the county. In addition, the reserves may perform ~~such~~ any other duties of a nonlaw-enforcement nature ~~as are~~ designated by the sheriff or by a deputy sheriff designated and appointed by the sheriff for that purpose: *Provided*, That a member of the reserves may not aid or assist any law-enforcement officer in enforcing the statutes and laws of this state in any labor trouble or dispute between employer and employee.

(d) Members of the reserves may be uniformed; however, if ~~so~~ uniformed, the uniforms shall clearly differentiate these members from other law-enforcement deputy sheriffs.

(e) After appointment to the reserves, but prior to service each member of the reserves shall receive appropriate training and instruction in ~~their~~ his or her functions and authority as well as the limitations of authority. In addition, each member of the reserves shall annually receive in-service training.

(f) Each member of the reserve shall take the same oath as prescribed by section five, article IV of the Constitution of the State

of West Virginia, but the taking of the oath does not serve to make the member a public officer.

(g) The county commission of each county shall provide for the bonding and liability insurance of each member of the reserve.

(h) A member of the reserve is not an employee of either the sheriff or of the county commission for any purpose or purposes, including, but not limited to, the purposes of workers' compensation, civil service, unemployment compensation, public employees retirement, public employees insurance, or for any other purpose. A member of the reserves may not receive any compensation or pay for any services performed as a member, nor may a member use the designated uniform for any other similar work performed.

(i) Neither the county commission nor the sheriff is liable for any of the acts of any member of the reserves except in the case of gross negligence on the part of the county commission or sheriff in the appointment of the member or in the case of gross negligence on the part of either the sheriff or any of his or her deputies in directing any action on the part of the member.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2916** - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6 and to amend and reenact §61-3a of said code all relating to authorizing investigators employed by the Attorney General to carry a concealed handgun while engaged in official duties; requiring such investigators to obtain and maintain a concealed handgun license; establishing training and recertification requirements; authorizing certain reserve deputy sheriffs to carry firearms; requiring written permission of the sheriff to carry a firearm while acting as a reserve deputy sheriff; authorizing the carrying of a firearm by on-duty reserve deputies only for purposes of defense of self or others, establishing qualifications to carry; specifying the training required for such

persons to be eligible to carry a firearm; and allowing for reimbursement for the cost of the training.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 434**), and there were—yeas 79, nays 12, absent and not voting 8, with the nays and absent and not voting being as follows:

Nays: Brewer, Canestraro, Caputo, Ferro, Fleischauer, Iaquinta, Love, Lynch, Miley, Pethtel, Pyles and Williams.

Absent and Not Voting: Barrett, Deem, Eldridge, Fluharty, Hicks, Isner, Lovejoy and R. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2916) passed.

On motion of Delegate Hanshaw, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 2916** - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6 and to amend and reenact §6-3-1a of said code all relating to authorizing the carrying of firearms; authorizing investigators employed by the Attorney General to carry a concealed handgun while engaged in official duties; requiring such investigators to obtain and maintain a concealed handgun license; establishing training and recertification requirements; authorizing certain reserve deputy sheriffs to carry firearms; requiring written permission of the sheriff to carry a firearm while acting as a reserve deputy sheriff; authorizing the carrying of a firearm by on-duty reserve deputies only for purposes of defense of self or others, establishing qualifications to carry; specifying the training required for such persons to be eligible to carry a firearm; and allowing for reimbursement for the cost of the training.”

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



A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

**Com. Sub. for S. B. 51**, Relating to domestic relations.

On motion of Delegate Cowles, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Foster, Harshbarger and Isner.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

**S. B. 282**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

On motion of Delegate Cowles, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Hanshaw, Ambler and Byrd.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

**S. B. 545**, Relating to driving privileges and requirements for persons under 18.

On motion of Delegate Cowles, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Zatezalo, Hollen and Isner.

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

### **Resolutions Introduced**

Mr. Speaker, Mr. Armstead and Delegates Miley and Bates offered the following resolution, which was reported by the Clerk:

**H. R. 13** - "Recognizing the Fiftieth Anniversary of the establishment of the Commission on Special Investigations and commending the work of its staff."

Whereas, The West Virginia Legislature established a Purchasing Practices and Procedures Commission by concurrent resolution in 1968 during its Second Extraordinary Session to

monitor the state's contracting and purchasing practices to prevent abuses that had been uncovered in the past; and

Whereas, The Purchasing Practices and Procedures Commission drafted legislation in 1970 that became the basis for state government purchasing procedures that have continued to the present day and, in that same year, the commission drafted the language for the Bribery and Corrupt Practices Act that is now codified in Chapter 61 of the West Virginia Code; and

Whereas, This commission began with a staff of just two employees and the Legislature soon saw the need to dedicate more resources to the mission of the commission, establishing it as a statutory body in 1971; and

Whereas, This commission was and is a unique institution, composed of members of the Legislature and staffed by professional investigators to serve as a special investigatory team for the Legislature; and

Whereas, This commission was renamed the Commission on Special Investigations in 1980 and, at that time, the role of the commission was extended to include the investigation of conflicts of interest, bribery of state officials, malfeasance, and misfeasance of state officials and employees; and

Whereas, After these duties were added, the new commission hired Gary Slater, a retired State Trooper who had previously been assigned to the commission, to become its Director, a position in which he served for 25 years; and

Whereas, The Commission on Special Investigations has worked with nearly every federal agency that has investigatory powers, including, but not limited to, the Federal Bureau of Investigation, Internal Revenue Service, Department of Health and Human Services, Secret Service, U.S. Marshall Service, Environmental Protection Agency, and General Services Administration; and

Whereas, This commission and its employees have, over the years, received numerous awards and commendations for

outstanding investigation by United States Attorneys in Northern and Southern Districts, state executive agencies, the Attorney General's office, and county prosecutors across the state, as well as uncountable accolades from private citizens and government workers; and

Whereas, The commission staff now includes six investigators with combined experience of over 200 years in law enforcement and investigation and who have served the Legislature and the state with distinction; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby recognizes the Fiftieth Anniversary of the establishment of the Commission on Special Investigations and commends the work of its staff; and, be it

*Further Resolved,* That the Clerk of the House deliver a copy of this resolution to the staff of the Commission on Special Investigations.

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 13) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegates R. Miller, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Eldridge, E. Evans, Ferro, Fluharty, Frich, Hartman, Hicks, Iaquina, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, Moye, Pushkin, Pyles, Robinson, Rodighiero, Sponaugle, Thompson, Ward and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 14** - "Expressing support for Taiwan's signing of a Bilateral Trade Agreement with the United States, reaffirming support for Taiwan's meaningful participation and contribution in international organizations, and expressing a desire for strengthening and expanding sister-state ties between the State of West Virginia and Taiwan."

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a longstanding partnership and share the common values of freedom, democracy, human rights, and the rule of law. In 2018, Freedom House ranked by Taiwan as the second freest country in Asia, and the Heritage Foundation rated Taiwan as third in Asia in terms of economic freedom, demonstrating the strength and vitality of its democratic system and showcasing Taiwan as a beacon of democracy for Asia and beyond; and

Whereas, The State of West Virginia is proud of the sister-state relationship it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, education and cultural exchange. In 2017, the bilateral trade between West Virginia and Taiwan amounted to nearly \$64 million, making Taiwan our seventh-largest Asian trading partner, demonstrating that Taiwan is not only a friendly sister-state of West Virginia but also an important trading partner; and

Whereas, The United States is Taiwan's second largest trading partner and second-largest destination of Taiwan outward investment. Taiwan is the eleventh largest trading partner of the United States, with bilateral trade reaching \$68.2 billion in 2017, eighth largest export destination for U.S. agricultural goods, and, overall, the fourteenth largest export market; and

Whereas, West Virginia welcomes all opportunities for an even closer economic partnership to increase trade and investment and endorses Taiwan's effort to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement, to boost greater West Virginia exports to Taiwan and to bring in more Taiwanese investment such as the \$34 million project which Far Eastern New Century Corporation recently announced; and

Whereas, In the 2016/17 academic year, 21,516 students from Taiwan studied in the U.S., making Taiwan the seventh leading place of origin for students coming to the U.S. and contributed more than \$738 million to the U.S. economy, through their spending on tuition, accommodation and living expenses; and

Whereas, Taiwan pursues a “New Southbound Policy” to promote more diverse bilateral and multilateral collaboration with Southeast Asia, South Asia, Australia and New Zealand, serving the best interests of the Asia-Pacific region in the continuation of stability and growth; and

Whereas, Taiwan has been proven to be a very valuable contributor in a broad range of global issues, and it is necessary be granted access to meaningfully participate in various international organizations including the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nation Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby (reaffirms) its commitment to the strengthening and deepening of the sister-state relationship between Taiwan and the State of West Virginia; (commends) Taiwan’s vibrant full-fledged democracy; (endorses) Taiwan’s efforts to secure the signing of Bilateral Trade Agreement with the United States; and (continues) to support Taiwan’s meaningful participation and contribution in international organizations which impact the health, safety, and well-being of its people, and supports its aspiration to make more contribution in international societies; and, be it

*Further Resolved,* That the Clerk of the House hereby directed to forward a copy of this resolution be sent to the Honorable Jim Justice, Governor of West Virginia, and to Mr. Stanley Kao, Representative of the Taipei.

Delegates Rowan, Boggs, Eldridge, A. Evans, Ferro, Fleischauer, Graves, Kelly, Love, Lovejoy, Lynch, Martin, Maynard, Moye, Paynter, Pethtel, Pyles, Queen, Rohrbach, C. Romine, R. Romine, Sypolt, White and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 111** - “Requesting the Joint Committee on Government and Finance study the issues, needs and challenges facing senior citizens in this state and study the feasibility of developing and providing additional effective tools, resources, and best practices to address the health, safety, welfare and other concerns of our senior citizens.”

Whereas, West Virginia has the third largest percentage of senior population in the nation; over 16 percent of West Virginians are senior citizens 65 years of age or older. It has been projected that by 2035, the senior citizen population will constitute almost one fourth of the state’s total population; and

Whereas, It is well known that many of our seniors lack adequate resources and have limited financial ability to meet their needs for increased services for the necessities of life, such as personal care, health care, housing, utilities, nutrition, transportation, and mobility needs and, ultimately, long-term care which they need and have the decreasing ability to provide for themselves as they mature; and

Whereas, Findings from recent studies reveal several negative trends of seniors in this state: Approximately 45 percent of West Virginia seniors have a disability, compared to 37 percent nationally; one in three elder state residents is in fair to poor health; for approximately one in three seniors, Social Security is the sole source of income; and relatively few of those seniors eligible take advantage of other supports like SNAP or utility assistance; and

Whereas, The increasing demand for current public, as well as private senior services in West Virginia already has become an increasing topic of concern by public as well as private agencies and service providers serving seniors in the state as well as various private senior advocacy groups; and

Whereas, There is an increase of children being raised in this state by senior grandparents who assume the responsibility to care for these children because of unstable parents. These seniors in many instances face difficulties or are denied the ability to attend to the child’s educational needs and may be denied other public

benefits available for the child as a result of not having proper legal guardianship or custody, thereby resulting in increased physical, emotional and financial strain on these senior grandparents; and

Whereas, These senior demographic trends are going to have increasing consequences for senior citizens and their families as well as on the many state and local programs that provide senior services; and

Whereas, The Legislature finds that these emerging complex issues facing seniors today and in the immediate future in this state need to be addressed by a comprehensive study and examination; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the issues, needs and challenges facing senior citizens in this state and to study the feasibility of developing and providing additional effective tools, resources, and best practices to address the health, safety, welfare and other concerns of our senior citizens; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation to effectuate its recommendations; and, be it

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

Delegates Eldridge, Maynard, R. Miller, Barrett, Rodighiero, Marcum, Love, Diserio, Phillips, White and Kelly offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 112** - "Requesting the Division of Highways to make and erect signs on the roads entering the town of Madison in Boone



County, proclaiming that Madison is the ‘Home of Professional Boxing Champion Perry ‘The Punisher’ Ballard’.”

Whereas, Perry Ballard, known as ‘The Punisher’ during his days as a professional boxer, was born on June 19, 1967, in Madison; and

Whereas, During his illustrious boxing career, Mr. Ballard held the following titles:

United States Boxing Council (USBC) Middleweight Title;

WBF Intercontinental Welterweight Title;

WBS Intercontinental Welterweight Title;

GBF Intercontinental Welterweight Title;

WBE Welterweight Title;

WBE Middleweight Title; and

WBE Light Middleweight Title; and

Whereas, On his growing up, Mr. Ballard said, “Being born and raised in southern West Virginia, one becomes tough on the day that you are born. The ups and downs of the coal industry indirectly touches everyone’s lives. When the railroad trains are not carrying coal cars out of the mountains, it symbolizes that in the majority of the area there is no work. I was born the 8<sup>th</sup> child of 10 children from a father who worked on the railroad for 43 and a half years (with no lost time injury ever reported) and a mother who could whip up a goulash supper when there was no money to buy groceries. Tough was a standard. Being tough was savoring the moment to go to school the next day to get a breakfast and lunch to ease the pain”; and

Whereas, Mr. Ballard’s biggest bout came against Boxing Hall of Fame inductee Hector “Macho” Camacho at Reliant Arena in Houston, Texas. But when asked what might be his most satisfying bouts he said, “You know it is really hard to say what was my most satisfying victory. One in particular, I had my jaw broken in the

second round yet went 7 more rounds before TKO'ing my opponent and taking the victory. After a stop at my sponsor (the Moose Lodge in Leesburg, Virginia), I immediately went to the hospital where they admitted me and where I had emergency jaw surgery. Another victory was against a larger opponent, Bobby Elkins, who was known for his left hook and KO'ing his opponent. He caught me in the first round with a big shot and followed it up with a massive left hook that momentarily stunned me. I made it to the second round and I was feeling my opponent out and I knew there was an opening for an uppercut. Johnny Johnson, my trainer, had a plan for me to go to his round and he told me and it worked like clockwork. He had a big hook yet I still went to his left and he walked right into a massive uppercut. I rattled him as he stumbled across the ring eventually falling. World class referee Dave Johnson gave him the eight count yet he looked as if he did not have his faculties all together. I jumped on him until Dave Johnson called off the fight. With that victory I became a middleweight champion. Lastly, my victory over Jimmy LeBlanc rings high on my list. Jimmy was a technical fighter but just did not have the power to put one away. He knocked me down two or three times in the first three or four rounds but yet I kept coming forward. I knew in the fourth round when my corner man Keith Keller said that I was taking too much punches that he may stop the fight and I told him I am a fighter. I know what I'm doing and I got him. The referee gave him warning after warning because of his excessive holding but I pounded away at his ribs. The punishment was too great for Jimmy and I realized that I was taking his air out of him and this would win me the fight. This was a classic moment for me fighting in front of a lot of family and friends in the Northern Panhandle of West Virginia for the USBC Middleweight title. There was a lot of stress on me because I had a terrible training camp due to an illness I had and also seeing me getting beat down in the earlier rounds. This was truly a victory of will and endurance. This again was one of my Rocky Balboa moments"; and

Whereas, There is one knockout that won't go on Mr. Ballard's record, but he doesn't mind. When he was the World Boxing Empire middleweight champion, Mr. Ballard chased and tackled a robber who had stolen \$473 from a taxi driver, saying "I just made

a decision and said I was going to help this person. I was going to do everything I could to try and help this gentleman.” Mr. Ballard said he was making his daily stop at a convenience store when he heard a commotion. A man had grabbed a bank bag the taxi driver was carrying and fled from the store. Mr. Ballard chased him into the store’s parking lot, where he tackled the man. Another patron helped Mr. Ballard restrain the suspect until police arrived. The Police charged Jason Neil Ennis, 22, with misdemeanor petit larceny. The money was returned to the victim, according to court records. Mr. Ballard said of his heroics, “I have 14 KO’s but this one doesn’t count. This one doesn’t go on my record”; and

Whereas, It is appropriate to let everyone entering Madison, West Virginia know that it is the hometown of boxing champion Perry Ballard, a coal country warrior and one of the true good guys in Appalachian boxing who has always given back to the community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to make and erect signs on the roads entering the town of Madison in Boone County, proclaiming that Madison is the “Home of Professional Boxing Champion Perry ‘The Punisher’ Ballard”; and be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Ellington, Lane, E. Evans, Longstreth, R. Miller, Atkinson, Hollen, Hornbuckle, Queen, Byrd, Bates, Canestraro and Rowe offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 113** - “Requesting the Joint Committee on Government and Finance study the health outcomes of high sugar diets, and the short-term and long-term health and economic benefits of a sugar drink tax.”

Whereas, 37.7 percent of West Virginians are obese, which ranks West Virginia the highest nationally; and

Whereas, West Virginia ranks fourth nationally in obesity-attributable costs of absenteeism in the workforce; and

Whereas, More than one in seven West Virginia adults have diabetes (15.0 percent), which ranks West Virginia the highest nationally; and

Whereas, 35.1 percent of West Virginia children age 10 to 17 are overweight or obese, which ranks West Virginia the seventh worst nationally; and

Whereas, West Virginia has the highest prevalence in the nation of adults reporting fair or poor health (25.9 percent); and

Whereas, The combination of rising health care costs and an unhealthy population put a financial strain on PEIA as well as private insurers; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the health outcomes of high sugar diets and short-term and long-term health and economic benefits of a sugar drink tax; and, be it

*Further Resolved,* That the study include the examination of the economic impact on businesses, including those located in border counties, while also considering the healthy initiatives currently being implemented in our surrounding states and potential health care cost savings to the State of West Virginia; and, be it

*Further Resolved,* That the study investigate possible uses of the inevitable revenue stream created by the tax; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Delegate Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 114** - “Requesting the Joint Committee on Government and Finance study the feasibility and propriety of modernizing state code as it relates to rental of motor vehicles and the manner in which individually owned passenger motor vehicles and rental car fleets are rented, registered, maintained and insured.”

Whereas, With technology constantly advancing and the means of doing business in all industries rapidly changing, the rental of motor vehicles is no different; and

Whereas, Americans are increasingly depending on the “sharing” economy to provide, as well as to obtain, transportation, travel and overnight accommodations. Customers use services like Airbnb, Uber, and Lyft, relying on peers instead of businesses for travel and transportation. Drivers and hosts have created cottage industries making money renting their cars and homes, charging rates for these services at a competitive advantage over traditional businesses; and

Whereas, The rental of individually owned passenger motor vehicles to the public under rental agreements has become an increasing common transaction throughout the country; and

Whereas, There has been a nationwide emergence of private vehicle rental program providers who operate, facilitate or administer the rental of individually owned private passenger motor vehicles to the public via digital and or other electronic means, without the necessity of personal, direct, in-person contact between the parties; and

Whereas, When a motor vehicle is rented and a ticket or citation is issued that does not require the driver of the motor vehicle to supply his or her license, there is a great administrative burden on the rental car company to determine the driver at the

time of ticket or citation. Thus, the Legislature finds it prudent to study and examine the issues and cost to the state and rental car companies in seeing the tickets are timely and properly paid by the individual renting the motor vehicle at the time of ticket or citation; and

Whereas, Currently, West Virginia law provides that no person may rent a motor vehicle to another person unless the renter is licensed to operate a motor vehicle, and the renter of the motor vehicle has inspected the license of the renter and has compared and verified the signature of the operator's license with the signature of such person, written in his or her presence, thereby requiring that the parties be in each other's physical presence to do so, and thereby inhibiting the ability to conduct rental transactions via digital or electronic means; and

Whereas, West Virginia law also provides that persons who rent a motor vehicle to another person must keep records of the registration of the rented vehicle as well as information about the person renting the vehicle, which shall be open to inspection by law enforcement and the DMV; and

Whereas, There are other issues to be considered in the rental of individually owned passenger motor vehicles via digital or electronic means, including issues of insurance coverage on private, individually owned passenger vehicles used for hire as well as potential regulation of such transactions and activity that may be subject to regulation as a motor carrier for hire; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the feasibility and propriety of modernizing state code as it relates to rental of motor vehicles and the manner in which individually owned passenger motor vehicles and rental car fleets are rented, registered, maintained and insured; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular

session, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation to effectuate its recommendations; and, be it

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

## Special Calendar

### Third Reading

**Com. Sub. for S. J. R. 3**, Judicial Budget Oversight Amendment; on third reading, coming up in regular order, was read a third time.

On the adoption of the resolution, the yeas and nays were taken (**Roll No. 435**), and there were—yeas 94, nays 1, absent and not voting 3 with the yeas, nays and absent and not voting being as follows:

Yeas: Adkins, Ambler, Anderson, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Graves Hamilton, Hamrick, Hanshaw, Harshbarger, Hartman, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquinta, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, Nelson, Overington, Pack, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, Rowan, Rowe, Shott, Sobonya, Sponaugle, Statler, Storch, Summers, Sypolt, Thompson, Upson, Wagner, Ward, Westfall, White, Williams, Wilson, Zatezalo and Mr. Speaker, Mr. Armstead.

Nays: Hicks.

Absent and Not Voting: Byrd, Deem and R. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for S. J. R. 3) adopted, as follows:

**Com. Sub. for S. J. R. 3** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the authority of the Legislature with regard to the state budget; giving the Legislature the authority to reduce items in the budget relating to the judiciary; providing that the Legislature may not make any law that conditions an increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state; amending obsolete language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session, to accurately reflect current constitutional requirements; making numerous technical corrections; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

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

“That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that section 51, article VI thereof be amended to read as follows:

#### ARTICLE VI.

#### **§51. Budget and supplementary appropriation bills.**

The Legislature shall not appropriate any money out of the treasury except in accordance with the provisions of this section.

#### **Subsection A – Appropriation Bills**

(1) Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter provided.



### **Subsection B – Budget Bills**

(2) ~~Within ten days after the convening of the regular session of the Legislature in odd-numbered years, unless such time shall be extended by the Legislature, On the second Wednesday of February in the year 2021 and every fourth year thereafter and on the second Wednesday of January in even-numbered~~ all other years, unless a later time in any year be fixed by the Legislature, the Governor shall submit to the Legislature a budget for the next ensuing fiscal year. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year and shall show the estimated surplus or deficit of revenues at the end of each fiscal year. Accompanying each budget shall be a statement showing: (a) An estimate of the revenues and expenditures for the current fiscal year, including the actual revenues and actual expenditures to the extent available, and the revenues and expenditures for the next preceding fiscal year; (b) the current assets, liabilities, reserves, and surplus or deficit of the state; (c) the debts and funds of the state; (d) an estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget; and (e) any explanation the Governor may desire to make as to the important features of the budget and any suggestions as to methods for reduction or increase of the state's revenue.

(3) Each budget shall embrace an itemized estimate of the appropriations, in such form and detail as the Governor shall determine or as may be prescribed by law: (a) For the Legislature as certified to the Governor in the manner hereinafter provided; (b) for the executive department; (c) for the judiciary department, as provided by law, certified to the Governor by the Auditor; (d) for payment and discharge of the principal and interest of any debt of the state created in conformity with the constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the state under the constitution and laws of the state; and (f) for such other purposes as are set forth in the constitution and in laws made in pursuance thereof.

(4) The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of

the budget clearly itemized and classified, in such form and detail as the Governor shall determine or as may be prescribed by law; and the presiding officer of each house shall promptly cause the bill to be introduced therein, and such bill shall be known as the "Budget Bill". The Governor may, with the consent of the Legislature, before final action thereon by the Legislature, amend or supplement the budget to correct an oversight, or to provide funds contingent on passage of pending legislation, and in case of an emergency, he or she may deliver such an amendment or supplement to the presiding officers of both houses; and the amendment or supplement shall thereby become a part of the budget bill as an addition to the items of the bill or as a modification of or a substitute for any item of the bill the amendment or supplement may affect.

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That ~~no item relating to the total appropriation relating to the~~ judiciary shall not be decreased, by more than ten percent compared to the appropriation for the prior fiscal year without a separate vote of the Legislature requiring a two-thirds vote of the members elected to each house determined by yeas and nays and entered on the journals: *Provided, however*, That such separate vote is not required if the percentage of decrease in the total appropriation relating to the judiciary is equivalent to or less than the percentage of decrease for the entire general revenue budget as compared to the prior fiscal year. ~~and except~~ Except as otherwise provided in this constitution, the salary or compensation of any public officer shall not be increased or decreased during his or her term of office: and *Provided further*, That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.

(6) The Chief Justice of the Supreme Court of Appeals, the Governor, and such representatives of the executive departments, boards, officers, and commissions of the state expending or applying for state moneys as have been designated by the Governor for this purpose, shall have the right, and when requested by either house of the Legislature it shall be their duty, to appear and be

heard with respect to any budget bill, and to answer inquiries relative thereto.

### **Subsection C – Supplementary Appropriation Bills**

(7) Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid except: in accordance with the provisions following (a) Every such appropriation shall be embodied in a separate bill limited to some single work, object, or purpose therein stated and called therein a supplementary appropriation bill; (b) each supplementary appropriation bill shall provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as ~~shall be~~ directed in the bill unless it appears from such budget that there is sufficient revenue available.

### **Subsection D – General Provisions**

(8) If the budget bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the governor shall issue a proclamation extending the session for such further period as may, in his or her judgment, be necessary for the passage of the bill; but no matter other than the bill shall be considered during such an extension of a session except the matters detailed in section 14, article VII of this Constitution and a provision for the cost thereof.

(9) For the purpose of making up the budget, the Governor shall have the power and it shall be his or her duty, to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he or she shall direct. The estimates for the legislative department, certified by the presiding officer of each house, and for the judiciary, as provided by law, certified by the Auditor, shall be transmitted to the Governor in such form and

at such times as he or she shall direct and shall be included in the budget.

(10) The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies and all institutions applying for state moneys. After such public hearings he or she may, in his or her discretion, revise all estimates except those for the legislative and judiciary departments.

(11) Every budget bill or supplementary appropriation bill passed by a majority of the members elected to each house of the Legislature shall, before it becomes a law, be presented to the Governor. The Governor may veto the bill, or he or she may disapprove or reduce items or parts of items contained therein. If he or she approves, he or she shall sign it and thereupon, it shall become a law. The bill, items or parts thereof, disapproved or reduced by the Governor, shall be returned with his or her objections to each house of the Legislature.

Each house shall enter the objections at large upon its journal and proceed to reconsider. If, after reconsideration, two thirds of the members elected to each house agree to pass the bill, or such items or parts thereof, as were disapproved or reduced, the bill, items or parts thereof, approved by two thirds of such members, shall become law, notwithstanding the objections of the Governor. In all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal.

A bill, item or part thereof, which is not returned by the Governor within five days (Sundays excepted) after the bill has been presented to him or her shall become a law in like manner as if he or she had signed the bill, unless the Legislature, by adjournment, prevents such return, in which case it shall be filed in the office of the Secretary of State, within five days after such adjournment, and shall become a law; or it shall be so filed within such five days with the objections of the governor, in which case it shall become law to the extent not disapproved by the Governor.

(12) The Legislature may, from time to time, enact such laws, not inconsistent with this section, as may be necessary and proper to carry out its provisions.

(13) In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by section nineteen of this article, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

(14) If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

*Resolved further*, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Judicial Budget Oversight Amendment” and the purpose of the proposed amendment is summarized as follows: “Giving the Legislature the authority to reduce items in the budget related to the judiciary, preventing the Legislature from any decrease of the appropriation to the judiciary greater than ten percent without a two-thirds vote of each House of the Legislature; providing that such separate vote is not required if the total budget has been decreased by an equivalent proportion, providing that when requested by the Legislature, the Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill, and conforming language relating to the introduction of the budget and matters that may be taken up during extended sessions to more recent amendments to the constitution.”

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

An amendment to the title of the resolution, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**Com. Sub. for S. J. R. 3** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the state budget and related matters; giving the Legislature the authority to reduce items in the budget relating to the judiciary; providing that the Legislature may not make any law that conditions an increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state; providing rights and duties of the Chief Justice of the Supreme Court of Appeals relating to appearances before the Legislature and answering inquiries with respect to any budget bill; amending and adding language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session to conform the section to more recent amendments to the constitution; making technical corrections to gender related language; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

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

**Com. Sub. for S. B. 10**, Relating generally to PSC jurisdiction; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 436**), and there were—yeas 95, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Deem, Moore and R. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 10) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 437**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Deem and R. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 10) takes effect from its passage.

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

**Com. Sub. for S. B. 82**, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 438**), and there were—yeas 96, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Deem and R. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 82) passed.

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

**Com. Sub. for S. B. 141**, Expanding county assessment and collection of head tax on breeding cows; on third reading, coming up in regular order, was read a third time.

Delegate Summers requested to be excused from voting on the passage of Com. Sub. for S. B. 141 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 439**), and there were—yeas 84, nays 11, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Butler, Fast, Graves, Hanshaw, Hill, Kelly, Kessinger, Love, Martin, Summers and Wilson.

Absent and Not Voting: Boggs, Deem, Hicks and R. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 141) passed.

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

**Com. Sub. for S. B. 230**, Authorizing Department of Commerce promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 440**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, R. Miller and R. Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 230) passed.

Delegate Cowles moved that the bill take effect from its passage.



On this question, the yeas and nays were taken (**Roll No. 441**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, R. Miller and R. Romine.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 230) takes effect from its passage.

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

**Com. Sub. for S. B. 244**, Specifying conditions for unlawful possession of firearm at school-sponsored activities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 442**), and there were—yeas 86, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Caputo, Diserio, Fleischauer, Hornbuckle, Lane, Pushkin, Pyles, Rowe, Wagner and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 244) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

**Com. Sub. for S. B. 244** - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to specifying the conditions under which it is unlawful to possess a firearm or other deadly weapon on a school bus, in a public primary or secondary education building, structure, facility or grounds, or at certain school-sponsored functions; revising the conditions

under which a retired law-enforcement officer may possess a firearm or other deadly weapon on a school bus, in a public primary or secondary education building, structure, facility or grounds, or at certain school-sponsored functions; clarifying when a person, other than a student of a primary or secondary facility, may possess a firearm or other deadly weapon on a school bus, in a public primary or secondary education building, structure, facility or grounds, or at certain school-sponsored functions if specifically authorized by the board of education or principal of the school where the property is located to conduct programs with valid educational purposes; and revising conditions for which certain persons holding a valid concealed handgun permit can possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school.”

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

**Com. Sub. for S. B. 271**, Creating centralized Shared Services Section of Department of Administration; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 443**), and there were—yeas 96, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Upson.

Absent and Not Voting: Dean and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 271) passed.

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

**Com. Sub. for S. B. 283**, Relating generally to procurement by state agencies; on third reading, coming up in regular order, was read a third time.

Delegate Foster requested to be excused from voting on the passage of Com. Sub. for S. B. 283 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 444**), and there were—yeas 69, nays 29, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Gearheart, Hicks, Hornbuckle, Iaquina, Isner, Kelly, Longstreth, Lovejoy, Martin, Miley, Moye, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rowe, Thompson and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 283) passed.

On motion of Delegate Nelson, the title of the bill was amended to read as follows:

**Com. Sub. for S. B. 283** - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-3-10b, §5A-3-10c, §5A-3-10e, §5A-3-33d, §5A-3-33f, §5A-3-37, and §5A-3-45 of said code; to amend said code by adding thereto a new section, designated §5A-3-61; to amend and reenact §5G-1-3 and §5G-1-4 of said code; to amend and reenact §6D-1-1 of said code; and to amend and reenact §18B-5-4 of said code, all relating generally to procurement by state agencies; defining terms; authorizing competitive bidding of certain open-

ended repair and maintenance contracts; modifying use and consideration of alternates in solicitations; prohibiting alternates from being accepted out of order; modifying criteria to be considered in best value procurement awards; eliminating sole source procurement; establishing direct award procurement requirements; establishing prequalification agreements and their requirements and procedures; authorizing agency-delegated bidding and its procedure; increasing certain cost limits from \$50,000 to \$1 million; authorizing awarding contracts without competitive bidding if certain requirements are met; eliminating master contracts and direct ordering process; expanding the scope of those who may be debarred; eliminating preferences for resident vendors, vendors employing state residents, and veteran residents; establishing the concept of 'reciprocal preference' for an in-state vendor over an out-of-state vendor from any state that gives or requires a preference to bidders from that state and setting forth its requirements; providing certain preferences for purchases of motor vehicles; modifying the value determination of certain motor vehicles that are to be sold; permitting funds from sale of surplus property be deposited in alternate fund if original fund no longer exists; permitting spending units to use a standardization process to purchase commodities and setting forth its requirements; permitting an architectural or engineering firm to be selected without bidding if certain conditions exist; increasing the cost of projects under which division of highways is permitted to procure services of architectural and engineering firms under certain provisions; increasing certain contract limits from \$100,000 to \$1 million; modifying provisions requiring disclosure of interested parties; requiring certain reporting; removing preference requirements for higher education; and authorizing rulemaking.”

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

### **Conference Committee Report Availability**

At 11:14 a.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for H. B. 4186**, Relating

generally to guaranteed asset protection waivers, shall be available in the Clerk's Office.

## Special Calendar

### Third Reading

- continued -

**Com. Sub. for S. B. 288**, Regulating cremation, embalming and directing of funeral service; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 445**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Hamrick.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 288) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**Com. Sub. for S. B. 288** - "A Bill to repeal §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21, and §30-6-22 of said code, all relating to regulation of cremation, embalming, and funeral service directing; defining terms; terminating the Board of Funeral Service Examiners; transferring the functions of the board to the Secretary of State; specifying timeline and duties for the transfer of functions and property; providing special provisions and authority to Secretary of State to facilitate transfer; providing rule-

making authority for Secretary of State; continuing existing rules previously promulgated by the board; authorizing Secretary of State to request repeal of rules previously promulgated by the board; establishing timeline for promulgation of rules by Secretary of State in 2018; authorizing the promulgation of emergency rules; transferring control of a special revenue account utilized by Board of Funeral Service Examiners to the Secretary of State; providing for the transfer of assets and liabilities to new account; providing for periodic sweep of funds into General Revenue Fund; eliminating outdated and obsolete language; authorizing Secretary of State to grant funeral service license; updating requirements for funeral service license; continuing certificates to operate a crematory; authorizing Secretary of State to grant certificate to operate a crematory; updating requirements for certificate to operate a crematory; updating language related to license and certificate reciprocity and courtesy card holders to give authority to Secretary of State; authorizing Secretary of State to enter into reciprocity agreements; authorizing Secretary of State to issue registration to be an apprentice; updating requirements for licensure of funeral establishments; authorizing Secretary of State to issue funeral establishment license; updating requirements for licensure of crematories; authorizing Secretary of State to issue crematory license; modifying requirements for inspectors and inspections; authorizing Secretary of State to appoint inspectors; updating requirements for renewal of licenses, certificates, courtesy cards, and registrations; eliminating requirement for Board of Funeral Service Examiners to provide continuing education; modifying order of persons authorized to give written permission for cremation; updating language concerning preneed affidavit; requiring Secretary of State to refuse to issue a license, certificate, renewal, or registration if certain requirements are not met; authorizing Secretary of State to take action against licensee, certificate holder, registrant, or applicant under certain circumstances; requiring Secretary of State establish means for public to submit complaints; requiring Secretary of State to investigate all complaints received; setting procedures for investigations; specifying powers and procedures for conducting hearings and rendering disposition of contested cases; granting the authority to suspend or revoke an authorization to practice without

a prior hearing under certain circumstances; setting burden of proof; providing right of appeal from determination of Secretary of State; authorizing informal disposition; making violations of article a criminal act; establishing criminal penalties; authorizing Secretary of State or interested person to seek injunctions for violations of article; providing for referral of criminal matters to appropriate authorities; permitting criminal actions to be brought by Attorney General, United States Attorney, or local prosecuting attorney; providing that a single act is evidence of violation; providing for certain inapplicability of article; and correcting references and updating terms throughout.”

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 446**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Canestraro and Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 288) takes effect from its passage.

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

**Com. Sub. for S. B. 313**, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers; on third reading, coming up in regular order, was read a third time.

Delegate Kelly demanded the previous question, which demand was sustained.

Delegate Wilson requested to be excused from voting on the passage of Com. Sub. for S. B. 313 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting.

On this question, the yeas and nays were taken (**Roll No. 447**), and there were—yeas 43, nays 55, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Adkins, Ambler, Atkinson, Blair, Butler, Cooper, Criss, Ellington, Espinosa, A. Evans, Fast, Folk, Foster, Gearheart, Hamrick, Hanshaw, Harshbarger, Higginbotham, Hill, Hollen, Jennings, Kelly, Martin, Maynard, McGeehan, C. Miller, Moore, Nelson, Pack, Paynter, Phillips, C. Romine, R. Romine, Rowan, Shott, Sobonya, Summers, Sypolt, Wagner, Ward, Wilson, Zatezalo and Mr. Speaker, Mr. Armstead.

Absent and Not Voting: Deem.

So, a majority of the members present and voting not having voted in the affirmative, the motion was rejected.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 448**), and there were—yeas 82, nays 16, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Brewer, Canestraro, Caputo, Diserio, Ferro, Fleischauer, Hicks, Lane, Longstreth, Lynch, Pushkin, Pyles, Robinson, Rowe and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 313) passed.

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



### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for S. B. 51**, Relating to domestic relations.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Trump, Smith and Woelfel.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**S. B. 282**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Boso, Maynard and Palumbo.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**S. B. 545**, Relating to driving privileges and requirements for persons under 18.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Trump, Weld and Woelfel.

At 12:14 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:30 p.m.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

**Com. Sub. for S. B. 582**, Allowing candidate for political party executive committee serve as election official.

On motion of Delegate Cowles, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Lane, Capito and R. Miller.

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

### **Special Calendar**

#### **Third Reading**

- continued -

**S. B. 339**, Relating to WV Retirement Health Benefit Trust Fund within PEIA; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 449**), and there were—yeas 88, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Espinosa, Ferro, Fleischauer, Hartman, Lovejoy, Maynard, R. Miller, Moore, Statler and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 339) passed.

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

**Com. Sub. for S. B. 355**, Dissolving IS&C Division under Office of Technology; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 450**), and there were—yeas 93, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Espinosa, Lovejoy, Maynard, Moore and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 355) passed.

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

**Com. Sub. for S. B. 375**, Relating to farmers markets; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 451**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Espinosa.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 375) passed.

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

**Com. Sub. for S. B. 401**, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 452**), and there were—yeas 90, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Fast, Folk, Foster, McGeehan, Overington and Wilson.

Absent and Not Voting: Deem and Espinosa.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 401) passed.

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

**S. B. 406**, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 453**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Deem and Hollen.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 406) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**S. B. 406** - “A Bill to amend and reenact §9-5-26 of the Code of West Virginia, 1931, as amended, relating to supplemental Medicare and Medicaid reimbursement; and clarifying that ground emergency medical transportation services providers owned or operated by, or providing services under contract with the state and certain political subdivisions thereof, are eligible for reimbursement from Medicare.”

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 454**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Dean, Deem and Marcum.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 406) takes effect from its passage.

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

**S. B. 407**, Licensing and approval of child care programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 455**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Marcum and Sobonya.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 407) passed.

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

**Com. Sub. for S. B. 408**, Licensing of nursing homes and assisted living residences; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 456**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 408) passed.

**S. B. 425**, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 457**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 425) passed.

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

**Com. Sub. for S. B. 434**, Specifying documents not subject to discovery in certain proceedings; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 458**), and there were—yeas 87, nays 10, absent and not voting 2, with the yeas and absent and not voting being as follows:

Nays: Canestraro, Eldridge, Fluharty, Isner, Miley, Moye, Pushkin, Robinson, Rowe and Sponaugle.

Absent and Not Voting: Deem and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 434) passed.

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

**Com. Sub. for S. B. 438**, Relating to debt service on bonds secured by State Excess Lottery Revenue Fund; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 459**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 438) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**Com. Sub. for S. B. 438** - “A Bill to amend and reenact §29-22-18e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to authorizing additional bonds for state park projects; requiring certain deposits from the state excess lottery revenue fund; providing for allocation of certain funds not needed for debt service to state park improvements; authorizing the Economic Development Authority to issue certain revenue bonds; providing limitations on bond issuance; creating a special revenue account; and providing for allocation of bond proceeds.”

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

**Com. Sub. for S. B. 442**, Establishing universal forms and deadlines when submitting prior authorization electronically; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 460**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 442) passed.

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

**Com. Sub. for S. B. 443**, Terminating parental rights when certain conditions are met; on third reading, coming up in regular order, was read a third time.



The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 461**), and there were—yeas 96, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Upson.

Absent and Not Voting: Deem and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 443) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

**Com. Sub. for S. B. 443** - “A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the department to file a petition to terminate parental rights when parents voluntarily fail to have contact or attempt to have contact with the child for a period of 18 consecutive months; and creating exceptions thereto.”

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

**Com. Sub. for S. B. 445**, Allowing DOH acquire real or personal property for utility accommodation; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Hanshaw asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegates Hanshaw and Folk, the bill was amended on page two, section 17A, line thirty-nine, immediately following the word “Commissioner”, by inserting the following “: *Provided, however*, for any utility which is not subject to the jurisdiction of the Public Service Commission, the lease shall not contain any exclusivity provisions.”

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 462**), and there were—yeas 89, nays 8, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Hill, Kessinger, Martin, McGeehan, Paynter, Wagner and Ward.

Absent and Not Voting: Deem and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 445) passed.

**Com. Sub. for S. B. 446**, Creating Agritourism Responsibility Act; on third reading, coming up in regular order, with an amendment pending and with the restricted right to amend jointly by Delegates Hanshaw and Byrd, was reported by the Clerk.

Whereupon,

Delegate Hanshaw asked and obtained unanimous consent that the amendment recommended by the Committee on the Judiciary be withdrawn.

An amendment, offered by Delegates Hanshaw and Byrd, was reported by the Clerk on page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

**“ARTICLE 36. AGRITOURISM RESPONSIBILITY ACT.**

**§19-36-1. Legislative purposes; authority.**

Every year, in rapidly increasing numbers, residents and nonresidents of the State of West Virginia are enjoying the recreational value of the state’s many agritourism venues. The tourist trade is of vital importance to the State of West Virginia and the services offered by agritourism significantly contribute to the revenue enterprise and economic development of the state. The Legislature recognizes that there are inherent risks in the

recreational activities provided by agritourism which should be understood by each participant. It is essentially impossible for agritourism to eliminate these risks. It is the purpose of this article to define those areas of responsibility and affirmative acts for which agritourism is liable for loss, damage, or injury.

The Commissioner of Agriculture is hereby authorized to, and shall devise means of, advancing agritourism in the state, and in the performance of such duty, he or she shall have the authority to call upon any department, division, or officer of the state or county to cooperate with him or her in promoting agritourism in the state.

The Commissioner of Agriculture, in consultation with the Secretary of Commerce, shall promulgate rules in accordance with chapter 29A of this code for the promotion, marketing, and regulation of agritourism.

#### **§19-36-2. Definitions.**

Unless the context of usage clearly requires otherwise:

‘Agritourism’ activity means any lawful activity carried out on a farm or ranch that allows members of the general public for recreational, entertainment or educational purposes to view or enjoy rural activities.

‘Agritourism business’ means any person, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group or entity which is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

‘Agritourism professional’ means owners, operators, employees, and volunteers working for or under the direction of the operators of an agritourism business.

‘Farm’ or ‘Ranch’ means an area of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

‘Inherent risks of agritourism activity’ are those dangers or conditions that are part of an agritourism activity including certain hazards, natural conditions of land and terrain, vegetation, and waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

‘Participant’ as used in this article means any person, other than the agritourism professional, who engages in an agritourism activity.

### **§19-36-3. Duties of agritourism businesses and participants.**

(a) An agritourism business, or agritourism business employee or volunteer acting under the direction of the agritourism business operator, is not liable for injury or death of a participant, or loss or damage to a participant’s property, as the result of the inherent risks of agritourism activities if such agritourism business has posted the notice in substantially the form as is provided in §19-36-4(b).

(b) The provisions of subsection (a) of this section shall not prevent or in any way limit the liability of an agritourism business that does any of the following:

(1) Commits an act or omission that constitutes gross negligence or willful or wanton disregard for the health and safety of the participant which proximately causes injury, death, loss, or damage to the participant; or

(2) Commits an intentional act or omission which proximately causes injury, death, loss, or damage to the participant.

(c) Any limitation on legal liability afforded by this section to an agritourism business is in addition to any other limitations of legal liability otherwise provided by law.

(d) Participants have a duty to act as a reasonably prudent person when engaging in recreational activities offered by agritourism businesses in this state.

**§19-36-4. Liability of agritourism businesses.**

(a) To qualify for the limitation on liability afforded by §19-36-3, an agritourism business shall post and maintain signs that contain the notice specified in §19-36-4(b) of this code. The sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The notice must be clearly legible, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly legible print the notice specified in §19-36-4(b) of this code.

(b) The signs and contracts described in subsection (a) of this section must contain the following notice:

**NOTICE**

Under West Virginia law, there may be limited liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism business if the injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to landscape, terrain, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.

(c) Failure to comply with the requirements concerning notices provided in this section will prevent an agritourism business from invoking the privileges of immunity provided by this article.

**§19-36-5. Maintenance of property status for certain purposes; exceptions.**

(a) Notwithstanding any provision of this code to the contrary, the occurrence of agritourism does not change the nature or use of property that otherwise qualifies as agricultural for building code and property tax classification purposes.

(b) An agritourism business may use certain of its facilities for occasional events without complying with building codes applicable to structures used for such purposes on a full-time basis as long as such facilities are deemed structurally sound and otherwise safe for the intended use.

Delegate Fast then asked and obtained unanimous consent to offer an amendment to the amendment.

Delegate Fast moved to amend the amendment, on page one, section one, lines thirteen through fifteen, by striking out lines thirteen through fifteen in its entirety and inserting in lieu thereof the following:

“The Commissioner of Agriculture, in consultation with the Secretary of Commerce, shall promulgate rules in accordance with chapter 29A of this code for the promotion and marketing of agritourism business.”

On page two, section two, line seven, after the word “business”, by adding the word “enterprise”.

And,

On page two, section two, line twenty, after the word “agritourism”, by adding the word “business”.

On the adoption of the amendment to the amendment, Delegate Fast demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 463**), and there were—yeas 5, nays 93, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Fast, Hornbuckle, Isner, Love and Lovejoy.

Absent and Not Voting: Deem.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

The amendment offered by Delegates Hanshaw and Byrd was then adopted.

The bill was then read third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 464**), and there were—yeas 88, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Canestraro, Eldridge, Fast, Fluharty, Gearheart, Isner, Love, Miley and Rowe.

Absent and Not Voting: Deem and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 446) passed.

On motion of Delegate Hanshaw, the title of the bill was amended to read as follows:

**S. B. 446** - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, and §19-36-5, all relating to agritourism generally; creating the Agritourism Responsibility Act; making findings; establishing authority and duties of the Commissioner of Agriculture related to agritourism; authorizing Commissioner of Agriculture, in consultation with the Secretary of Commerce, to promulgate and propose rules; defining terms; establishing duties of agritourism businesses and participants in agritourism activities; immunizing agritourism business, employees, and volunteers associated therewith from certain acts of simple negligence and creating exceptions thereto; requiring notice of certain rights, limitations on liability, and responsibilities of participants in

agritourism activities; clarifying that operation of agritourism business does not change status of the facilities and property used for building code and tax purposes; and exempting structures of agritourism business occasionally used for events from building code requirements for entities engaged in such activities on a full-time basis.”

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

**S. B. 468**, Changing date and recipients for submission of Auditor’s annual report; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 465**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 468) passed.

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

**Com. Sub. for S. B. 469**, Converting Addiction Treatment Pilot Program to permanent program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 466**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.



So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 469) passed.

On motion of Delegate Ellington, the title of the bill was amended to read as follows:

**Com. Sub. for S. B. 469** - “A Bill to amend and reenact §62-15A-1, §62-15A-2, and §62-15A-3 of the Code of West Virginia, 1931, as amended, all relating to converting the Addiction Treatment Pilot Program into a permanent program; placing the program under the control of the Department of Military Affairs and Public Safety; permitting certain funding to come from a combination of sources; and requiring reports to be submitted annually.”

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

**Com. Sub. for S. B. 495**, Designating specific insurance coverages exempt from rate filing requirements; on third reading, coming up in regular order, was read a third time.

Delegate Fast requested to be excused from voting on the passage of Com. Sub. for S. B. 495 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 467**), and there were—yeas 96, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast and Robinson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 495) passed.

An amendment to the title of the bill, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the title to read as follows:

**Com. Sub. for S. B. 495** - “A Bill to amend and reenact §33-20-4 of the Code of West Virginia, 1931, as amended, relating to commercial insurance rates applicable to fire, marine, casualty and surety insurance; and designating specific insurance coverages which are exempt from the requirements of filing rates with the insurance commissioner.”

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

**Com. Sub. for S. B. 501**, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 468**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 501) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 469**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 501) takes effect July 1, 2018.

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

**Com. Sub. for S. B. 521**, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 470**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 521) passed.

An amendment to the title of the bill, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the title to read as follows:

**Com. Sub. for S. B. 521** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-13, relating to requiring any newly appointed chief executive of a municipal law-enforcement agency to be either a certified law-enforcement officer, or to be certifiable as such, according to the requirements set forth in other applicable provisions of this code; and, providing that chief executives employed prior to the effective date are exempt from this requirement.”

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 471**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Fleischauer and Fluharty.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 521) takes effect July 1, 2018.

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

**Com. Sub. for S. B. 528**, Providing additional circuit judge for nineteenth judicial circuit; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 472**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 528) passed.

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

**Com. Sub. for S. B. 445**, Allowing DOH acquire real or personal property for utility accommodation; still being in possession of the Clerk, was taken up for further consideration.

On motion of Delegate Hanshaw, the title of the bill, was amended to read as follows:

**Com. Sub. for S. B. 445** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-17a; and to amend and reenact §17-4-17b of

said code, and to add thereto a new section, designated §17-4-17e; all relating to utility relocation; stating legislative findings; defining term; authorizing the Division of Highways to acquire real or personal property for utility accommodation; authorizing the division to lease real property to utilities; allowing the division to pay for utility relocation costs subject to reimbursement agreement; specifying methods of preliminary engineering design work completion and utility relocation construction work payment; providing legislative and emergency rule-making authority; and providing for allocation of costs and the repayments thereof for utility relocation on any state highway construction projects financed by proceeds of bonds or notes which are issued before July 1, 2021.”

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

### **Conference Committee Report Availability**

At 3:14 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. B. 46**, Permitting pharmacists to inform customers of lower-cost alternative drugs, shall be available in the Clerk’s Office.

### **Special Calendar**

#### **Third Reading**

- continued -

**S. B. 551**, Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 473**), and there were—yeas 97, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Upson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 551) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

**S. B. 551** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13; and to amend and reenact §61-10-20 of said code, all relating to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; authorizing the State Auditor, county commission, or sheriff of the county in which the employer is located to withhold moneys due to a public employer that is delinquent in required contributions to a retirement plan after the Consolidated Public Retirement Board has certified the delinquency; authorizing withheld moneys to be applied to the retirement system the delinquent payments would have been made to; providing for interest on delinquencies; requiring the Consolidated Public Retirement Board to provide notice to a participating employer thirty days prior to certifying a delinquency under this section; making it a criminal offense for persons who are responsible for ensuring that an entity complies with the requirements of a retirement plan administered by the Consolidated Public Retirement Board to knowingly and willfully fail to make employee or employer contributions to a retirement plan for a period of sixty days after the payment is due; and providing criminal penalties.”

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

**Com. Sub. for S. B. 556**, Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority; on third reading, coming

up in regular order, with restricted right to amend by Delegates Cowles and Miley, was reported by the Clerk.

On motion of Delegates Cowles and Miley, the bill was amended on page seven, section three, line one hundred fifty-two after the words “small businesses”, by inserting the words “with less than seventy-five full-time employees or full-time equivalent employees” and a comma.

On page seven, section three, line one hundred fifty-six after the words “African Americans”, by inserting a comma and the words “American Indian, Alaskan Native, Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), Pacific Islander or other economically disadvantaged ethnic group” and a comma.

And,

On page seven, section three, line one hundred fifty-seven, after the word “The”, by inserting the words “Small and”.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 474**), and there were—yeas 84, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Cowles, Fast, Folk, Foster, Gearheart, Graves, Harshbarger, Hill, McGeehan, Overington, Storch and Wilson.

Absent and Not Voting: Deem and Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 556) passed.

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

**S. B. 592**, Adding examination of advanced care technician for firefighter paramedic; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 475**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 592) passed.

An amendment to the title of the bill, recommended by the Committee on Government Organization, was reported by the Clerk and adopted, amending the title to read as follows:

**S. B. 592** - “A Bill to amend and reenact §8-15-20a of the Code of West Virginia, 1931, as amended; to amend and reenact §16-4C-6 of this code; and to amend said code by adding thereto a new section, designated §16-4C-6d, all relating to advanced care technicians and emergency medical technicians; authorizing commissioner of the Bureau of Public Health to certify certain scopes of practice and levels of certification; requiring an applicant to be certified; requiring examination for certification; and providing for qualified veterans to take certification examinations.”

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

**S. B. 612**, Relating to sale of municipal property; on third reading, coming up in regular order, was read a third time.

Delegates Kessinger and Ward requested to be excused from voting on the passage of S. B. 612 under the provisions of House Rule 49.



The Speaker replied that any impact on the Delegates would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Members from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 476**), and there were—yeas 96, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Sobonya.

Absent and Not Voting: Cowles and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 612) passed.

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

**Com. Sub. for S. B. 625**, Creating WV Volunteer Fire and Rescue Act of 2018; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 477**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cowles and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 625) passed.

On motion of Delegate Nelson, the title of the bill was amended to read as follows:

**Com. Sub. for S. B. 625** - “A Bill to amend and reenact §5A-3-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend and reenact §8-15-3 of said code; to

amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto two new sections, designated §16-4C-8a and §16-4C-24; to amend said code by adding thereto a new section, designated §17-2A-8d; to amend said code by adding thereto three new sections, designated §29-3-5e, §29-3-5f and §29-3-8; to amend and reenact §29-3-12 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b, all relating to fire and other emergency hazards generally; requiring Director of Purchasing Division make facilities and services of the division available to fire departments and companies and certain emergency medical services agencies; authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, emergency medical services, or law-enforcement provider who dies as a proximate result of the performance of his or her duties; providing for written designation of beneficiary to be made with State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or accidents involving hazardous materials or extended search and rescue and water rescue incidents; requiring payment of amounts owed as reimbursement within 90 days; authorizing written agreements between fire department or company and responsible party; modifying provisions relating to fire fees imposed on nonresidents of a municipality who are users of that municipality's fire service; capping the amount of the fees which can be imposed; excluding charges for certain buildings; requiring contract to impose fees for services provided to property outside municipal boundaries; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies; giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public

Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing courtesy certification program for certified emergency medical service personnel in states bordering West Virginia; relieving courtesy certification applicants from requirement to comply with state certification standards; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use of fund for grants to equip emergency medical service providers and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for services provided relating to tree or debris removal from state highways and rights-of-way; setting conditions for and defining scope of reimbursement; retaining authority of commissioner to properly remove and dispose of cleared trees, debris, or other obstacles; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be made available to certain fire companies and departments as well as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing courtesy certification program for certified firefighters in states bordering West Virginia as volunteer firefighters; relieving courtesy certification applicants from requirement to comply with state certification standards for volunteer firefighters; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of

courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Fire Service Equipment and Training Fund; authorizing use of fund for grants to equip volunteer and part-volunteer fire companies and departments and their members, and train volunteer and part-volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part-volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire Marshal prepare certain reports and make certain recommendations; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation for volunteer and part-volunteer fire departments; eliminating obsolete language; and making technical corrections.”

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

At 3:48 p.m., on motion of Delegate Foster, the House of Delegates recessed until 4:30 p.m.

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### **Evening Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4401**, Relating to the registration of business.

Delegate Cowles moved that the House of Delegates concur in the following amendment of the bill by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 21. LABOR.**

**ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.**

**§21-3-7. Regulation of operation of steam boilers.**

(a) Any person owning or operating a steam boiler carrying more than fifteen pounds pressure per square inch (except boilers on railroad locomotives subject to inspection under federal laws; portable boilers used for agricultural purposes; boilers on automobiles; boilers of steam fire engines brought into the state for temporary use in times of emergency for the purpose of checking conflagrations; boilers used in private residences which are used solely for residential purposes; any sectional boilers; small portable boilers commonly used in the oil and gas industry about their wells and tool houses; and boilers under the jurisdiction of the United States) in this state shall first obtain a permit to operate a steam boiler from the Commissioner of Labor, or from an inspector working under his or her jurisdiction.

(b) Applications for permits to operate a steam boiler must be accompanied by a sworn statement made by the owner or operator of such boiler, setting forth the condition of the boiler and its appurtenances at which time, if the facts disclosed by such statement meet the safety requirements established under this article, the Commissioner of Labor shall issue a temporary permit, which shall be valid until such boiler has been inspected by a boiler inspector authorized by the state Commissioner of Labor; thereupon, if the boiler meets the safety requirements established under this article, the Commissioner of Labor shall issue an annual permit to operate such steam boiler: *Provided*, That boilers which

are insured by an insurance company operating in this state and which are inspected by such insurance company's boiler inspector shall not be subject to inspection by the state Division of Labor, during any twelve-month period during which an inspection is made by the insurance company's boiler inspector.

(c) The Commissioner of Labor or state boiler inspector shall have the authority to inspect steam boilers in this state. To carry out the provisions of this section, the Commissioner of Labor shall prescribe rules and regulations under which boilers may be constructed and operated, according to their class. The Commissioner of Labor may revoke any permit to operate a steam boiler if the rules prescribed by the Commissioner of Labor, or his or her authorized representative, are violated or if a condition shall prevail which is hazardous to the life and health of persons operating or employed at or around the boiler. Any person or corporation who shall operate a steam boiler for which a permit is necessary under the provisions of this section, without first obtaining such permit to operate a steam boiler, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500. Every day a steam boiler requiring a permit to operate is operated without the permit is a separate offense.

(d) The commissioner shall charge an annual fee to be established by legislative rule for the inspection of boilers by the division, for the processing of inspection reports from insurance companies, for the issuing of annual permits to operate boilers and for the commissioning of insurance company boiler inspectors. The commissioner shall propose rules for legislative approval, in accordance with ~~article three, chapter twenty nine a of this code~~ §29A-3-1 et seq. of this code for the implementation and enforcement of this section. No fee may be charged for the inspection of boilers used on mobile equipment or vehicles used for occasional entertainment or display purposes.

(e) All fees paid pursuant to this section shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury to be known as the Steam Boiler Fund and expended for the implementation and

enforcement of this section. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this section may be utilized by the commissioner as needed to meet the division's funding obligations: Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations.

### **ARTICLE 3C. ELEVATOR SAFETY.**

#### **§21-3C-11. Disposition of fees; legislative rules.**

(a) The division shall propose rules for legislative approval in accordance with ~~article three, chapter twenty nine a of this code~~ §29A-3-1 et seq. of this code, for the implementation and enforcement of the provisions of this article, which shall provide:

(1) Standards, qualifications and procedures for submitting applications, taking examinations and issuing and renewing licenses, certificates of competency and certificates of operation of the three licensure classifications set forth in ~~section ten a of this article~~ §21-3C-10a of this code;

(2) For the renewal of a license, even if the licensee is unemployed or not working in the industry: *Provided*, That to engage or offer to engage in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining an elevator or related conveyance covered by this article, the licensee shall be a contractor, or be employed by a contractor licensed pursuant to ~~section six, article eleven, chapter twenty one~~ §21-11-6 of the code;

(3) Qualifications and supervision requirements for elevator apprentices;

(4) Provisions for the granting of licenses without examination, to applicants who present satisfactory evidence of having the expertise required to perform work as defined in this article and who apply for licensure on or before July 1, 2010: *Provided*, That if a license issued under the authority of this subsection subsequently lapses, the applicant may, at the discretion of the

commissioner, be subject to all licensure requirements, including the examination;

(5) Provisions for the granting of emergency licenses in the event of an emergency due to disaster, act of God or work stoppage when the number of persons in the state holding licenses issued pursuant to this article is insufficient to cope with the emergency;

(6) Provisions for the granting of temporary licenses in the event that there are no elevator mechanics available to engage in the work of an elevator mechanic as defined by this article;

(7) Continuing education requirements;

(8) Procedures for investigating complaints and revoking or suspending licenses, certificates of competency and certificates of operation, including appeal procedures;

(9) Fees for testing, issuance and renewal of licenses, certificates of competency and certificates of operation, and other costs necessary to administer the provisions of this article;

(10) Enforcement procedures; and

(11) Any other rules necessary to effectuate the purposes of this article.

(b) The rules proposed for promulgation pursuant to subsection (a) of this section shall establish the amount of any fee authorized pursuant to the provisions of this article: *Provided*, That in no event may the fees established for the issuance of certificates of operation exceed \$90.

(c) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury known as the Elevator Safety Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be



utilized by the commissioner as needed to meet the division's funding obligations.

(d) The division may enter into agreements with counties and municipalities whereby such counties and municipalities be permitted to retain the inspection fees collected to support the enforcement activities at the local level.

(e) The commissioner or his or her authorized representatives may consult with engineering authorities and organizations concerned with standard safety codes, rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation and the qualifications which are adequate, reasonable and necessary for the elevator mechanic and inspector.

### **ARTICLE 3D. CRANE OPERATOR CERTIFICATION ACT.**

#### **§21-3D-8. Crane Operator Certification Fund; fees; disposition of funds.**

(a) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account known as the Crane Operator Certification Fund in the State Treasury and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts ~~Amounts~~ amounts collected which are found from time to time to exceed the funds needed for purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

(b) The commissioner may set reasonable application fees for the issuance or renewal of certificates and other services associated with crane operator certification.

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

#### **§21-5-5c. License required for psychophysiological detection of deception examiners; qualifications; promulgation of rules governing administration of psychophysiological detection of deception examinations.**

(a) No person, firm or corporation shall administer a psychophysiological detection of deception examination, lie detector or other similar examination utilizing mechanical or electronic measures of physiological reactions to evaluate truthfulness without holding a current valid license to do so as issued by the Commissioner of Labor. No examination shall be administered by a licensed corporation except by an officer or employee thereof who is also licensed.

(b) A person is qualified to receive a license as an examiner if he or she:

(1) Is at least twenty-one years of age;

(2) Is a citizen of the United States;

(3) Has not been convicted of a misdemeanor involving moral turpitude or a felony;

(4) Has not been released or discharged with other than honorable conditions from any of the armed services of the United States or that of any other nation;

(5) Has passed an examination conducted by the Commissioner of Labor or under his or her supervision to determine his or her competency to obtain a license to practice as an examiner;

(6) Has satisfactorily completed not less than six months of internship training; and

(7) Has met any other qualifications of education or training established by the Commissioner of Labor in his or her sole discretion which qualifications are to be at least as stringent as those recommended by the American Polygraph Association.

(c) The Commissioner of Labor may designate and administer any test he or she considers appropriate to those persons applying for a license to administer psychophysiological detection of deception, lie detector or similar examination. The test shall be designed to ensure that the applicant is thoroughly familiar with the code of ethics of the American Polygraph Association and has been

trained in accordance with association rules. The test must also include a rigorous examination of the applicant's knowledge of and familiarity with all aspects of operating psychophysiological detection of deception equipment and administering psychophysiological detection of deception examinations.

(d) The license to administer psychophysiological detection of deception, lie detector or similar examinations to any person shall be issued for a period of one year. It may be reissued from year to year. The licenses to be issued are:

(1) 'Class I license' which authorizes an individual to administer psychophysiological detection of deception examinations for all purposes which are permissible under the provisions of this article and other applicable laws and rules.

(2) 'Class II license' which authorizes an individual who is a full-time employee of a law-enforcement agency to administer psychophysiological detection of deception examinations to its employees or prospective employees only.

(e) The Commissioner of Labor shall charge an annual fee to be established by legislative rule. All fees paid pursuant to this section shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury to be known as the Psychophysiological Examiners Fund and expended for the implementation and enforcement of this section. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this section may be utilized by the commissioner as needed to meet the division's funding obligations. In addition to any other information required, an application for a license shall include the applicant's Social Security number.

(f) The Commissioner of Labor shall propose rules for legislative approval in accordance with ~~article three, chapter twenty-nine a~~ §29A-3-1 et seq. of this code governing the administration of psychophysiological detection of deception, lie detector or similar examination to any person: *Provided*, That all applicable rules in effect on the effective date of ~~sections five a,~~

~~five b, five c and five d of this article §21-5-5a, §21-5-5b, §21-5-5c and §21-5-5d of this code~~ will remain in effect until amended, withdrawn, revoked, repealed or replaced. The legislative rules shall include:

(1) The type and amount of training or schooling necessary for a person before which he or she may be licensed to administer or interpret a psychophysiological detection of deception, lie detector or similar examination;

(2) Testing requirements including the designation of the test to be administered to persons applying for licensure;

(3) Standards of accuracy which shall be met by machines or other devices to be used in psychophysiological detection of deception, lie detector, or similar examination;

(4) The conditions under which a psychophysiological detection of deception, lie detector, or similar examination may be administered;

(5) Fees for licenses, renewals of licenses, and other services provided by the commissioner;

(6) Any other qualifications or requirements, including continuing education, established by the commissioner for the issuance or renewal of licenses; and

(7) Any other purpose to carry out the requirements of ~~sections five a, five b, five c and five d of this article §21-5-5a, §21-5-5b, §21-5-5c and §21-5-5d of this code.~~

## **ARTICLE 9. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS.**

### **§21-9-9. License required; fees; form of license; display of license; denial, suspension, or revocation.**

(a) No manufacturer, dealer, distributor or contractor shall engage in business in this state without first having applied for and received a license pursuant to this section. The license shall

authorize the holder to engage in the business permitted by the license. All license applications shall be accompanied by the required fee and surety bond or other form of assurance or fee assessed in satisfaction of assurance as required by rule or regulation promulgated by the board.

(b) All licenses shall be granted or refused within thirty days after proper and complete application. All licenses shall expire on June 30 of each year, unless sooner revoked or suspended. Applications shall be deemed valid for a period of thirty days.

(c) The annual license fees shall be in the amounts prescribed from time to time by rules promulgated by the board but in no event less than the following amounts:

- (1) For manufacturers, \$300;
- (2) For dealers, \$100;
- (3) For distributors, \$100; and

(4) For contractors, \$50: *Provided*, That if a contractor has met the licensing requirements of this article and the West Virginia Contractor Licensing Act in ~~article eleven of this chapter~~ §21-11-1 et seq. of this code, has paid the annual license fee under ~~section eight of said article~~ §21-11-8 of this code and has furnished bond or other assurance or fee under ~~section ten of this article~~ §21-9-10 of this code, he or she shall not be required to pay the annual license fee set forth in this section.

(d) The board shall prescribe the form of license and each license shall have affixed thereon the seal of the state Division of Labor.

(e) Each licensee shall conspicuously display the license in its established place of business.

(f) Pursuant to such rules and regulations as may be promulgated by the board, the board may deny the issuance of a license or revoke or suspend any license.

(g) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account in the State Treasury to be known as the State Manufactured Housing Administration Fund. Expenditures from the fund shall be for the administration and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

## **ARTICLE 10. AMUSEMENT RIDES AND AMUSEMENT ATTRACTIONS SAFETY ACT.**

### **§21-10-4. Inspection and permit fees.**

(a) The division shall charge inspection and permit fees. The annual permit fee is \$100 for each ride or attraction. The annual inspection fee, if an inspection is to be done by the division, is \$100 for each ride or attraction. The annual inspection fee, if an inspection is to be done by the division, is due at the time of application for the annual permit. The division shall waive the inspection fee for any ride or attraction whose owner provides proof of nonprofit business status or for any ride or attraction whose owner provides proof that an inspection has been completed within the last year by a certified special inspector as provided in ~~section six of this article~~ §21-10-6 of this code.

(b) The division may charge additional inspection fees equal to the annual inspection fee for additional inspections required as the result of the condemnation of a device for safety standards violations and for inspections required as a result of accidents involving serious or fatal injury. If any owner or operator requires an inspection as the result of a violation of the permitting requirements of ~~section six of this article~~ §21-10-6 of this code, the division shall charge the owner or operator \$75 per hour in addition to the established inspection fee, including travel time.

(c) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account in the State Treasury known as the Amusement

Rides and Amusement Attractions Safety Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

(d) No inspection fee may be charged public agencies.

(e) The division shall issue, and the owner, operator, or both of the amusement rides and amusement attractions shall visibly display to the public, inspection stickers denoting and signifying that the inspection and permit fee authorized by this section has been paid or waived.

## **ARTICLE 11. WEST VIRGINIA CONTRACTOR LICENSING ACT.**

### **§21-11-17. Recordkeeping; fees.**

(a) The division shall keep a record of all actions taken and account for moneys received. All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account in the State Treasury to be known as the West Virginia Contractor Licensing Board Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed the funds needed for purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

(b) The division shall maintain at its principal office, open for public inspection during regular office hours, a complete indexed record of all applications, licenses issued, licenses renewed and all revocations, cancellations, and suspensions of licenses. Applications shall show the date of application, name, qualifications, place of business and place of residence of each applicant; and whether the application was approved or refused.

(c) (1) All investigations, complaints, reports, records, proceedings, and other information received by the commissioner

and board and related to complaints made to the commissioner or board or investigations conducted by the commissioner or board pursuant to this article, including the identity of the complainant or respondent, shall be confidential and shall not be knowingly and improperly disclosed by any member or former member of the board, the commissioner or staff, except as follows:

(A) Upon a finding that probable cause exists to believe that a respondent has violated the provisions of this article, the complaint and all reports, records, nonprivileged and nondeliberative materials introduced at any probable cause hearing held pursuant to the complaint are thereafter not confidential: *Provided*, That confidentiality of such information shall remain in full force and effect until the respondent has been served with a copy of the statement of charges.

(B) Any subsequent hearing held in the matter for the purpose of receiving evidence or the arguments of the parties or their representatives shall be open to the public and all reports, records, and nondeliberative materials introduced into evidence at such subsequent hearing, as well as the board's and commissioner's orders, are not confidential.

(C) The commissioner or board may release any information relating to an investigation at any time if the release has been agreed to in writing by the respondent.

(D) The complaint as well as the identity of the complainant shall be disclosed to a person named as respondent in any such complaint filed immediately upon such respondent's request.

(E) Where the commissioner or board is otherwise required by the provisions of this article to disclose such information or to proceed in such a manner that disclosure is necessary and required to fulfill such requirements.

(2) If, in a specific case, the commissioner or board finds that there is a reasonable likelihood that the dissemination of information or opinion in connection with a pending or imminent proceeding will interfere with a fair hearing or otherwise prejudice



the due administration of justice, the commissioner or board shall order that all or a portion of the information communicated to the commissioner or board to cause an investigation and all allegations of violations or misconduct contained in a complaint shall be confidential, and the person providing such information or filing a complaint shall be bound to confidentiality until further order of the board.

(d) If any person violates the provisions of subsection (c) of this section by knowingly and willfully disclosing any information made confidential by such section or by the commissioner or board, such person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$5,000, or confined in jail not more than one month, or both fined and confined.

(e) The commissioner shall certify to the State Auditor and to the board a detailed statement of all moneys received and spent during the preceding fiscal year.

## **ARTICLE 14. SUPERVISION OF PLUMBING WORK.**

### **§21-14-9. Disposition of fees.**

All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in a special revenue account in the State Treasury to be known as the Plumbing Work Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

## **ARTICLE 15. ZIPLINE AND CANOPY TOUR RESPONSIBILITY ACT.**

### **§21-15-7. Inspection and permit fees.**

(a) The division shall charge inspection and permit fees. The annual permit fee is \$100 for each zipline or canopy tour.

(1) The annual inspection fee, if an inspection is to be done by the division, is \$100 for each zipline or canopy tour.

(2) The annual inspection fee, if an inspection is to be done by the division, is due at the time of application for the annual permit.

(3) The division shall waive the inspection fee for a zipline or canopy tour whose operator provides proof of nonprofit business status or for any zipline or canopy tour whose operator provides proof that an inspection has been completed within the last year by a certified special inspector as provided in ~~section nine of this article~~ §21-15-9 of this code.

(b) The division may charge additional inspection fees equal to the annual inspection fee for additional inspections required as the result of the condemnation of a device for safety standards violations and for inspections required as a result of accidents involving serious or fatal injury. If any operator requires an inspection as the result of a violation of the permitting requirements of ~~section nine of this article~~ §21-15-9 of this code, the division shall charge the operator \$75 per hour in addition to the established inspection fee, including travel time.

(c) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account in the State Treasury known as the Amusement Rides and Amusement Attractions Safety Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts ~~Amounts~~ amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

(d) No inspection fee may be charged public agencies.

## **ARTICLE 16. REGULATION OF HEATING, VENTILATING, AND COOLING WORK.**

### **§21-16-10. Disposition of fees.**

All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury to be known as the HVAC Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

## CHAPTER 47. REGULATION OF TRADE.

### ARTICLE 1. WEIGHTS AND MEASURES.

#### **§47-1-8. Requirements for the registration of service persons and service agencies for commercial weighing and measuring devices.**

(a) The uniform regulation for the voluntary registration of service persons and service agencies for commercial weighing and measuring devices as adopted by The National Conference of Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, Uniform Laws and Regulations and supplements thereto or revisions thereof, shall apply to the registration of service persons and service agencies in the state, except insofar as modified or rejected by legislative rule.

(b) Beginning January 1, 2018, the commissioner shall charge an annual registration fee for service persons and service agencies to be established by legislative rule: Provided, That upon the effective date of the amendments to this section adopted in the 2018 Regular Session of the Legislature, the division may not charge an annual registration fee. The commissioner may file an emergency rule prior to January 1, 2018, to implement and administer the amendments made to this section during the 2017 regular session. The commissioner may also propose rules for legislative approval, in accordance with article three, chapter twenty nine a of this code for the implementation and enforcement of this section.

(c) All fees paid pursuant to this section shall be paid to the Commissioner of Labor and deposited in the Weights and Measures Fund for use by the commissioner for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

**§47-1-20. State measurement laboratory.**

(a) The commissioner shall operate and maintain a state measurement laboratory certified and approved by the National Institute of Standards and Technology. The laboratory shall be used to both house and maintain the state primary standards and secondary standards as traceable to the national standards and to test or calibrate any secondary or working standards which are submitted for test as required by this article.

(b) The commissioner shall promulgate rules, pursuant to ~~chapter twenty nine a~~ §29A-1-1 et seq. of this code to assess fees for weights and measures, laboratory calibration, and testing. All fees paid pursuant to this section shall be paid to the Commissioner of Labor and deposited into an appropriated special revenue account in the State Treasury to be known as the Weights and Measures Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed the funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

(c) The commissioner shall provide such personnel as required to operate the laboratory in a manner which is consistent with the needs of this article. Personnel shall be trained and certified to perform all such calibrations and tests as required by the National Institute of Standards and Technology to maintain traceability of the state standards to national standards, and to properly maintain the laboratory facility as certified and traceable to the National Institute of Standards and Technology.

**§47-1-21. Registration of business.**

(a) On or before October 1, 1994, every commercial business in the state which, in the course of conducting business, utilizes weights, measures, and weighing and measuring devices covered by this article shall obtain a certificate of device registration for the commercial devices covered by this article, from the division. After October 1, 1994, it shall be unlawful in the state to conduct business subject to the provisions of this article without having first obtained a certificate of device registration from the division. Application for a certificate of device registration shall be made on a form provided by the division.

(b) A certificate of device registration is valid for 12 months from the date of issue. The certificate of device registration shall be posted within the place of business.

(c) Application for the renewal of a certificate of device registration shall be made on a form provided by the division at least 30 days prior to the renewal due date. The commissioner may deny the renewal of device registration for cause where the cause is the result of the conviction of the applicant, in a court of competent jurisdiction, for a violation of this article.

(d) Beginning January 1, 2018, the division shall charge an annual device registration fee, to be established by legislative rule; Provided, That upon the effective date of the amendments to this section adopted in the 2018 Regular Session of the Legislature, the division may not charge an annual device registration fee. ~~The commissioner may file an emergency rule prior to January 1, 2018, to implement and administer the amendments made to this section during the 2017 regular session. The commissioner may also propose rules for legislative approval, in accordance with article three, chapter twenty nine a of this code for the implementation and enforcement of this section.~~

(e) All fees paid pursuant to this section shall be paid to the Commissioner of Labor and deposited in the Weights and Measures Fund for use by the commissioner for the implementation and enforcement of this article. Through June 30,

2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations.

**§47-1-22. Civil penalties.**

(a) No person may:

(1) Use or have in possession for use in commerce any incorrect weight or measure;

(2) Sell or offer for sale for use in commerce any incorrect weight or measure;

(3) Remove any tag, seal, or mark from any weight or measure, without specific authorization from the Weights and Measures Section; or

(4) Violate any provisions of this article or rules promulgated under it, not defined in ~~subsection (a), section twenty three of this article~~ §47-1-23(a) of this code .

(b) Any person who violates subsection (a) of this section or any rule promulgated by the commissioner may be assessed a civil penalty by the commissioner, which penalty may not be more than \$1,000 for each violation. Each violation shall constitute a separate offense. In determining the amount of the penalty, the commissioner shall consider the person's history of previous violations, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation.

(c) All civil penalties paid pursuant to this section shall be paid to the Commissioner of Labor and deposited in the Weights and Measures Fund for use by the commissioner for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article

may be utilized by the commissioner as needed to meet the division's funding obligations.

(d) A civil penalty may be assessed by the commissioner only after the commissioner has given at least ten days' notice to the person. Notice shall be in writing, shall contain a short, plain statement of the matter asserted and shall designate a time and place for a hearing where the person may show cause why the civil penalty should not be imposed. Notice of hearing shall be sent by certified mail. The person may, at the time designated for the hearing, produce evidence on his or her behalf and be represented by counsel.

(e) Any person aggrieved by a decision of the commissioner has the right to a contested case hearing under ~~article five, chapter twenty-nine a of this code~~, §29A-5-1 et seq. of this code.

## **ARTICLE 1A. REGULATION AND CONTROL OF BEDDING AND UPHOLSTERY BUSINESSES.**

### **§47-1A-14. Annual registration and permit fees.**

(a) The annual registration fee for all manufacturers shipping or selling articles of bedding and for upholsterers or renovators, as defined in this article, in the State of West Virginia shall be \$90, payable on the first day of the fiscal year. Any manufacturer, upholsterer, or renovator who submits an annual registration fee on or after July 16, shall pay a \$25 late fee in addition to the annual fee.

(b) The annual sterilizer permit fee shall be \$90, payable on the first day of the fiscal year. Any sterilizer who submits an annual permit fee on or after July 16, shall pay a \$25 late fee in addition to the annual fee.

(c) The fee for reissuing a revoked or expired registration or permit shall be \$90.

(d) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury to be known

as the Bedding and Upholstery Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligations."

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4401** - "A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11; to amend and reenact §21-3D-8; to amend and reenact §21-5-5c; to amend and reenact §21-9-9; to amend and reenact §21-10-4; to amend and reenact §21-11-17; to amend and reenact §21-14-9; to amend and reenact §21-15-7; to amend and reenact §21-16-10; to amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22; and to amend and reenact §47-1A-14, all relating to the collection and use of fees by the Commissioner of the Division of Labor; authorizing commissioner to utilize certain excess funds to meet the division's funding obligations through June 30, 2019; eliminating authority to use certain excess funds after June 30, 2019; eliminating authority to charge annual registration fee for service persons and service agencies; eliminating authority to charge annual device registration fee; and eliminating certain rulemaking authority."

On motion of Delegate Cowles, the House concurred in the Senate amendment with further amendment, on page 4, section 11, line 39, following the word "obligation", by inserting a semicolon and the following: "Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations";

On page 5, section 8, line 6, following the word "obligation", by inserting a semicolon and the following: "Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations";



On page 7, section 5c, line 41, following the word “obligation”, by inserting a semicolon and the following: “*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division’s funding obligations*”;

On page 9, section 9, line 32, following the word “obligation”, by inserting a semicolon and the following: “*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division’s funding obligations*”;

On page 10, section 4, line 20, following the word “obligation”, by inserting a semicolon and the following: “*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division’s funding obligations*”;

On page 10, section 17, line 7, following the word “obligation”, by inserting a semicolon and the following: “*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division’s funding obligations*”;

On page 12, section 9, line 6, following the word “obligation”, by inserting a semicolon and the following: “*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division’s funding obligations*”;

On page 13, section 7, line 22, following the word “obligation”, by inserting a semicolon and the following: “*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division’s funding obligations*”;

On page 14, section 10, line 6, following the word “obligation”, by inserting a semicolon and the following: “*Provided, That beginning July 1, 2019, amounts collected may not be utilized by*”

the commissioner as needed to meet the division's funding obligations";

On page 15, section 8, line 19, following the word "obligation", by inserting a semicolon and the following: "*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations*";

On page 15, section 20, line 13, following the word "obligation", by inserting a semicolon and the following: "*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations*";

On page 16, section 21, line 45, following the word "obligation", by inserting a semicolon and the following: "*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations*";

On page 17, section 22, line 20, following the word "obligation", by inserting a semicolon and the following: "*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations*"; and

On page 18, section 14, line 15, following the word "obligation", by inserting a semicolon and the following: "*Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations*".

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 478**), and there were—yeas 92, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ferro, Foster, Harshbarger, Hicks, Isner and Marcum.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4401) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 479**), and there were—yeas 93, nays 0, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ferro, Foster, Harshbarger, Isner and Moore.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4401) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

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

amending the appropriations for the fiscal year ending June 30, 2018.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 633) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 480**), and there were—yeas 95, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Foster, Harshbarger and Isner.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time, and ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 481**), and there were—yeas 95, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Foster, Harshbarger and Isner.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 633) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 482**), and there were—yeas 95, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Foster, Harshbarger and Isner.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 633) takes effect from its passage.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 635** - “A Bill to amend and reenact §5-5-4 of the Code of West Virginia, 1931, as amended, relating to a 2019 across-the-board salary adjustment for employees of the Department of Health and Human Resources.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 635) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 483**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Isner.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time, and ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 484**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 635) passed.

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

## Special Calendar

### Third Reading

- continued -

**H. B. 4630**, Relating to a 2019 across-the-board salary adjustment for employees of the Department of Health and Human Resources; on third reading, coming up in regular order, was, on motion of Delegate Cowles, laid upon the table.

**H. B. 4631**, Expiring funds to the unappropriated surplus balance in the State Fund - Insurance Commission Fund; on third reading, coming up in regular order, was, on motion of Delegate Cowles, laid upon the table.

### Second Reading

**Com. Sub. for S. B. 152**, Budget Bill; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Nelson, the bill was amended by striking out everything after the enacting clause and inserting in lieu thereof the following:

#### TITLE I – GENERAL PROVISIONS.

1           **Section 1. General policy.** – The purpose of this bill is to  
 2 appropriate money necessary for the economical and efficient  
 3 discharge of the duties and responsibilities of the state and its  
 4 agencies during the fiscal year 2019.

1           **Sec. 2. Definitions.** — For the purpose of this bill:

2           ‘Governor’ shall mean the Governor of the State of West  
3 Virginia.

4           ‘Code’ shall mean the Code of West Virginia, one thousand  
5 nine hundred thirty-one, as amended.

6           ‘Spending unit’ shall mean the department, bureau,  
7 division, office, board, commission, agency or institution to which  
8 an appropriation is made.

9           The ‘fiscal year 2019’ shall mean the period from July 1,  
10 2018, through June 30, 2019.

11           ‘General revenue fund’ shall mean the general operating  
12 fund of the state and includes all moneys received or collected by  
13 the state except as provided in W.Va. Code §12-2-2 or as otherwise  
14 provided.

15           ‘Special revenue funds’ shall mean specific revenue  
16 sources which by legislative enactments are not required to be  
17 accounted for as general revenue, including federal funds.

18           ‘From collections’ shall mean that part of the total  
19 appropriation which must be collected by the spending unit to be  
20 available for expenditure. If the authorized amount of collections  
21 is not collected, the total appropriation for the spending unit shall  
22 be reduced automatically by the amount of the deficiency in the  
23 collections. If the amount collected exceeds the amount designated  
24 ‘from collections’, the excess shall be set aside in a special surplus  
25 fund and may be expended for the purpose of the spending unit as  
26 provided by Article 2, Chapter 11B of the code.

1           **Sec. 3. Classification of appropriations.** — an  
2 appropriation for:

3           ‘Personal services’ shall mean salaries, wages and other  
4 compensation paid to full-time, part-time and temporary  
5 employees of the spending unit but shall not include fees or  
6 contractual payments paid to consultants or to independent  
7 contractors engaged by the spending unit. ‘Personal services’ shall

8 include 'annual increment' for 'eligible employees' and shall be  
9 disbursed only in accordance with Article 5, Chapter 5 of the code.

10 Unless otherwise specified, appropriations for 'personal  
11 services' shall include salaries of heads of spending units.

12 'Employee benefits' shall mean social security matching,  
13 workers' compensation, unemployment compensation, pension  
14 and retirement contributions, public employees insurance  
15 matching, personnel fees or any other benefit normally paid by the  
16 employer as a direct cost of employment. Should the appropriation  
17 be insufficient to cover such costs, the remainder of such cost shall  
18 be paid by each spending unit from its 'unclassified' appropriation,  
19 or its 'current expenses' appropriation or other appropriate  
20 appropriation. Each spending unit is hereby authorized and  
21 required to make such payments in accordance with the provisions  
22 of Article 2, Chapter 11B of the code.

23 Each spending unit shall be responsible for all  
24 contributions, payments or other costs related to coverage and  
25 claims of its employees for unemployment compensation and  
26 workers compensation. Such expenditures shall be considered an  
27 employee benefit.

28 'BRIM Premiums' shall mean the amount charged as  
29 consideration for insurance protection and includes the present  
30 value of projected losses and administrative expenses. Premiums  
31 are assessed for coverages, as defined in the applicable policies, for  
32 claims arising from, inter alia, general liability, wrongful acts,  
33 property, professional liability and automobile exposures.

34 Should the appropriation for 'BRIM Premium' be  
35 insufficient to cover such cost, the remainder of such costs shall be  
36 paid by each spending unit from its 'unclassified' appropriation, its  
37 'current expenses' appropriation or any other appropriate  
38 appropriation to the Board of Risk and Insurance Management.  
39 Each spending unit is hereby authorized and required to make such  
40 payments. If there is no appropriation for 'BRIM Premium' such  
41 costs shall be paid by each spending unit from its 'current



42 expenses' appropriation, 'unclassified' appropriation or other  
43 appropriate appropriation.

44 West Virginia Council for Community and Technical  
45 College Education and Higher Education Policy Commission  
46 entities operating with special revenue funds and/or federal funds  
47 shall pay their proportionate share of the Board of Risk and  
48 Insurance Management total insurance premium cost for their  
49 respective institutions.

50 'Current expenses' shall mean operating costs other than  
51 personal services and shall not include equipment, repairs and  
52 alterations, buildings or lands. Each spending unit shall be  
53 responsible for and charged monthly for all postage meter service  
54 and shall reimburse the appropriate revolving fund monthly for all  
55 such amounts. Such expenditures shall be considered a current  
56 expense.

57 'Equipment' shall mean equipment items which have an  
58 appreciable and calculable period of usefulness in excess of one  
59 year.

60 'Repairs and alterations' shall mean routine maintenance  
61 and repairs to structures and minor improvements to property  
62 which do not increase the capital assets.

63 'Buildings' shall include new construction and major  
64 alteration of existing structures and the improvement of lands and  
65 shall include shelter, support, storage, protection or the  
66 improvement of a natural condition.

67 'Lands' shall mean the purchase of real property or interest  
68 in real property.

69 'Capital outlay' shall mean and include buildings, lands or  
70 buildings and lands, with such category or item of appropriation to  
71 remain in effect as provided by W.Va. Code §12-3-12.

72 From appropriations made to the spending units of state  
73 government, upon approval of the Governor there may be

74 transferred to a special account an amount sufficient to match  
75 federal funds under any federal act.

76           Appropriations classified in any of the above categories  
77 shall be expended only for the purposes as defined above and only  
78 for the spending units herein designated: *Provided*, That the  
79 secretary of each department shall have the authority to transfer  
80 within the department those general revenue funds appropriated to  
81 the various agencies of the department: *Provided, however*, That  
82 no more than five percent of the general revenue funds  
83 appropriated to any one agency or board may be transferred to  
84 other agencies or boards within the department: and no funds may  
85 be transferred to a ‘personal services and employee benefits’  
86 appropriation unless the source funds are also wholly from a  
87 ‘personal services and employee benefits’ line, or unless the source  
88 funds are from another appropriation that has exclusively funded  
89 employment expenses for at least twelve consecutive months prior  
90 to the time of transfer and the position(s) supported by the  
91 transferred funds are also permanently transferred to the receiving  
92 agency or board within the department: *Provided further*, That the  
93 secretary of each department and the director, commissioner,  
94 executive secretary, superintendent, chairman or any other agency  
95 head not governed by a departmental secretary as established by  
96 Chapter 5F of the Code shall have the authority to transfer funds  
97 appropriated to ‘personal services and employee benefits’, ‘current  
98 expenses’ ‘repairs and alterations’, ‘equipment’, ‘other assets’,  
99 ‘land’, and ‘buildings’ to other appropriations within the same  
100 account and no funds from other appropriations shall be transferred  
101 to the ‘personal services and employee benefits’ or the  
102 ‘unclassified’ appropriation except that for funds appropriated in  
103 Title II – Section 3, 6, or 7 funds may be transferred to the ‘personal  
104 services and employee benefits’ appropriation of the same fund in  
105 an amount not to exceed 5% of the enrolled appropriation for  
106 ‘personal services and employee benefits’: *And provided further*,  
107 That no authority exists hereunder to transfer funds into  
108 appropriations to which no funds are legislatively appropriated:  
109 *And provided further*, That if the Legislature consolidates,  
110 reorganizes or terminates agencies, boards or functions, the  
111 secretary or other appropriate agency head, or in the case of the

112 termination of a spending unit of the state, the Director of the State  
113 Budget Office, in the absence of general law providing otherwise,  
114 may transfer the funds formerly appropriated to such agency, board  
115 or function, allocating items of appropriation as may be necessary  
116 if only part of the item may be allocated, in order to implement  
117 such consolidation, reorganization or termination. No funds may  
118 be transferred from a Special Revenue Account, dedicated account,  
119 capital expenditure account or any other account or fund  
120 specifically exempted by the Legislature from transfer, except that  
121 the use of the appropriations from the State Road Fund for the  
122 office of the Secretary of the Department of Transportation is not  
123 a use other than the purpose for which such funds were dedicated  
124 and is permitted.

125           Appropriations otherwise classified shall be expended only  
126 where the distribution of expenditures for different purposes cannot  
127 well be determined in advance or it is necessary or desirable to  
128 permit the spending unit the freedom to spend an appropriation for  
129 more than one of the above classifications.

1           **Sec. 4. Method of expenditure.** — Money appropriated by  
2 this bill, unless otherwise specifically directed, shall be  
3 appropriated and expended according to the provisions of Article  
4 3, Chapter 12 of the Code or according to any law detailing a  
5 procedure specifically limiting that article.

1           **Sec. 5. Maximum expenditures.** — No authority or  
2 requirement of law shall be interpreted as requiring or permitting  
3 an expenditure in excess of the appropriations set out in this bill.

## TITLE II – APPROPRIATIONS.

### ORDER OF SECTIONS

SECTION 1.           Appropriations from general revenue.

SECTION 2.           Appropriations from state road fund.

SECTION 3.           Appropriations from other funds.

- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

1           **Section 1. Appropriations from general revenue.** – From  
2 the State Fund, General Revenue, there are hereby appropriated  
3 conditionally upon the fulfillment of the provisions set forth in  
4 Article 2, Chapter 11B the following amounts, as itemized, for  
5 expenditure during the fiscal year 2019.

**LEGISLATIVE***1 - Senate*Fund 0165 FY 2019 Org 2100

	<b>Appro- piation</b>	<b>General Revenue Fund</b>
1 Compensation of Members (R).....00300	\$	1,010,000
2 Compensation and Per Diem of Officers 3 and Employees (R) .....00500		4,011,332
4 Current Expenses and Contingent 5 Fund (R).....02100		276,392
6 Repairs and Alterations (R) .....06400		50,000
7 Computer Supplies (R) .....10100		20,000
8 Computer Systems (R).....10200		60,000
9 Printing Blue Book (R) .....10300		125,000
10 Expenses of Members (R).....39900		370,000
11 BRIM Premium (R) .....91300		<u>29,482</u>
12 Total.....	\$	<u>5,952,206</u>

13 The appropriations for the Senate for the fiscal year 2018  
14 are to remain in full force and effect and are hereby reappropriated  
15 to June 30, 2019. Any balances so reappropriated may be  
16 transferred and credited to the fiscal year 2018 accounts.

17 Upon the written request of the Clerk of the Senate, the Auditor  
18 shall transfer amounts between items of the total appropriation in  
19 order to protect or increase the efficiency of the service.

20 The Clerk of the Senate, with the approval of the President,  
21 is authorized to draw his or her requisitions upon the Auditor,  
22 payable out of the Current Expenses and Contingent Fund of the  
23 Senate, for any bills for supplies and services that may have been  
24 incurred by the Senate and not included in the appropriation bill,  
25 for supplies and services incurred in preparation for the opening,  
26 the conduct of the business and after adjournment of any regular or  
27 extraordinary session, and for the necessary operation of the Senate

28 offices, the requisitions for which are to be accompanied by bills  
29 to be filed with the Auditor.

30           The Clerk of the Senate, with the approval of the President,  
31 or the President of the Senate shall have authority to employ such  
32 staff personnel during any session of the Legislature as shall be  
33 needed in addition to staff personnel authorized by the Senate  
34 resolution adopted during any such session. The Clerk of the  
35 Senate, with the approval of the President, or the President of the  
36 Senate shall have authority to employ such staff personnel between  
37 sessions of the Legislature as shall be needed, the compensation of  
38 all staff personnel during and between sessions of the Legislature,  
39 notwithstanding any such Senate resolution, to be fixed by the  
40 President of the Senate. The Clerk is hereby authorized to draw his  
41 or her requisitions upon the Auditor for the payment of all such  
42 staff personnel for such services, payable out of the appropriation  
43 for Compensation and Per Diem of Officers and Employees or  
44 Current Expenses and Contingent Fund of the Senate.

45           For duties imposed by law and by the Senate, the Clerk of  
46 the Senate shall be paid a monthly salary as provided by the Senate  
47 resolution, unless increased between sessions under the authority  
48 of the President, payable out of the appropriation for Compensation  
49 and Per Diem of Officers and Employees or Current Expenses and  
50 Contingent Fund of the Senate.

51           The distribution of the blue book shall be by the office of  
52 the Clerk of the Senate and shall include 75 copies for each member  
53 of the Legislature and two copies for each classified and approved  
54 high school and junior high or middle school and one copy for each  
55 elementary school within the state.

56           Included in the above appropriation for Senate (fund 0165,  
57 appropriation 02100), an amount not less than \$5,000 is to be used  
58 for the West Virginia Academy of Family Physicians - Doc of the  
59 Day Program.

*2 - House of Delegates*

Fund 0170 FY 2019 Org 2200

1	Compensation of Members (R).....00300	\$ 3,000,000
2	Compensation and Per Diem of Officers	
3	and Employees (R) .....00500	575,000
4	Current Expenses and Contingent	
5	Fund (R).....02100	3,909,031
6	Expenses of Members (R).....39900	1,350,000
7	BRIM Premium (R) .....91300	<u>70,000</u>
8	Total.....	\$ 8,904,031

9           The appropriations for the House of Delegates for the fiscal  
10 year 2018 are to remain in full force and effect and are hereby  
11 reappropriated to June 30, 2019. Any balances so reappropriated  
12 may be transferred and credited to the fiscal year 2018 accounts.

13           Upon the written request of the Clerk of the House of  
14 Delegates, the Auditor shall transfer amounts between items of the  
15 total appropriation in order to protect or increase the efficiency of  
16 the service.

17           The Clerk of the House of Delegates, with the approval of  
18 the Speaker, is authorized to draw his or her requisitions upon the  
19 Auditor, payable out of the Current Expenses and Contingent Fund  
20 of the House of Delegates, for any bills for supplies and services  
21 that may have been incurred by the House of Delegates and not  
22 included in the appropriation bill, for bills for services and supplies  
23 incurred in preparation for the opening of the session and after  
24 adjournment, and for the necessary operation of the House of  
25 Delegates' offices, the requisitions for which are to be  
26 accompanied by bills to be filed with the Auditor.

27           The Speaker of the House of Delegates, upon approval of  
28 the House committee on rules, shall have authority to employ such  
29 staff personnel during and between sessions of the Legislature as  
30 shall be needed, in addition to personnel designated in the House  
31 resolution, and the compensation of all personnel shall be as fixed  
32 in such House resolution for the session, or fixed by the Speaker,  
33 with the approval of the House committee on rules, during and  
34 between sessions of the Legislature, notwithstanding such House  
35 resolution. The Clerk of the House of Delegates is hereby  
36 authorized to draw requisitions upon the Auditor for such services,

37 payable out of the appropriation for the Compensation and Per  
 38 Diem of Officers and Employees or Current Expenses and  
 39 Contingent Fund of the House of Delegates.

40 For duties imposed by law and by the House of Delegates,  
 41 including salary allowed by law as keeper of the rolls, the Clerk of  
 42 the House of Delegates shall be paid a monthly salary as provided  
 43 in the House resolution, unless increased between sessions under  
 44 the authority of the Speaker, with the approval of the House  
 45 committee on rules, and payable out of the appropriation for  
 46 Compensation and Per Diem of Officers and Employees or Current  
 47 Expenses and Contingent Fund of the House of Delegates.

48 Included in the above appropriation for House of Delegates  
 49 (fund 0170, appropriation 02100), an amount not less than \$5,000  
 50 is to be used for the West Virginia Academy of Family Physicians  
 51 - Doc of the Day Program.

*3 - Joint Expenses*

(WV Code Chapter 4)

Fund 0175 FY 2019 Org 2300

1	Joint Committee on Government and		
2	Finance (R) .....	10400	\$ 5,725,138
3	Legislative Printing (R).....	10500	760,000
4	Legislative Rule-Making Review		
5	Committee (R) .....	10600	147,250
6	Legislative Computer System (R).....	10700	1,447,500
7	BRIM Premium (R) .....	91300	<u>60,569</u>
8	Total.....		\$ 8,140,457

9 The appropriations for the Joint Expenses for the fiscal year  
 10 2018 are to remain in full force and effect and are hereby  
 11 reappropriated to June 30, 2019. Any balances reappropriated may  
 12 be transferred and credited to the fiscal year 2018 accounts.

13 Upon the written request of the Clerk of the Senate, with  
 14 the approval of the President of the Senate, and the Clerk of the  
 15 House of Delegates, with the approval of the Speaker of the House



16 of Delegates, and a copy to the Legislative Auditor, the Auditor  
 17 shall transfer amounts between items of the total appropriation in  
 18 order to protect or increase the efficiency of the service.

## JUDICIAL

### *4 - Supreme Court –*

#### *General Judicial*

#### Fund 0180 FY 2019 Org 2400

1	Personal Services and	
2	Employee Benefits (R) .....	\$ 102,856,258
3	Children’s Protection Act (R) .....	214,700
4	Current Expenses (R) .....	32,882,879
5	Repairs and Alterations (R) .....	236,450
6	Equipment (R).....	1,800,000
7	Judges’ Retirement System (R).....	779,000
8	Buildings (R).....	100,000
9	Other Assets (R).....	200,000
10	BRIM Premium (R) .....	<u>690,383</u>
11	Total.....	\$ 139,759,670

12           The appropriations to the Supreme Court of Appeals for the  
 13 fiscal years 2017 and 2018 are to remain in full force and effect and  
 14 are hereby reappropriated to June 30, 2019. Any balances so  
 15 reappropriated may be transferred and credited to the fiscal year  
 16 2018 accounts.

17           This fund shall be administered by the Administrative  
 18 Director of the Supreme Court of Appeals, who shall draw  
 19 requisitions for warrants in payment in the form of payrolls,  
 20 making deductions there from as required by law for taxes and  
 21 other items.

22           The appropriation for the Judges’ Retirement System (fund  
 23 0180, appropriation 11000) is to be transferred to the Consolidated  
 24 Public Retirement Board, in accordance with the law relating  
 25 thereto, upon requisition of the Administrative Director of the  
 26 Supreme Court of Appeals.

**EXECUTIVE**

*5 - Governor's Office*

(WV Code Chapter 5)

Fund 0101 FY 2019 Org 0100

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,171,318
3	Current Expenses (R).....	13000	760,888
4	Repairs and Alterations.....	06400	2,000
5	National Governors Association .....	12300	60,700
6	Herbert Henderson Office of		
7	Minority Affairs.....	13400	146,726
8	BRIM Premium.....	91300	<u>183,645</u>
9	Total.....		\$ 4,325,277

10           Any unexpended balances remaining in the appropriations  
11 for Unclassified (fund 0101, appropriation 09900), and Current  
12 Expenses (fund 0101, appropriation 13000) at the close of the fiscal  
13 year 2018 are hereby reappropriated for expenditure during the  
14 fiscal year 2019.

15           The above appropriation for Herbert Henderson Office of  
16 Minority Affairs (fund 0101, appropriation 13400) shall be  
17 transferred to the Minority Affairs Fund (fund 1058).

*6 - Governor's Office –*

*Custodial Fund*

(WV Code Chapter 5)

Fund 0102 FY 2019 Org 0100

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 364,421
3	Current Expenses (R).....	13000	183,158
4	Repairs and Alterations.....	06400	<u>5,000</u>
5	Total.....		\$ 552,579

6 Any unexpended balance remaining in the appropriation  
7 for Current Expenses (fund 0102, appropriation 13000) at the close  
8 of the fiscal year 2018 is hereby reappropriated for expenditure  
9 during the fiscal year 2019.

10 Appropriations are to be used for current general expenses,  
11 including compensation of employees, household maintenance,  
12 cost of official functions and additional household expenses  
13 occasioned by such official functions.

*7 - Governor's Office –*

*Civil Contingent Fund*

(WV Code Chapter 5)

Fund 0105 FY 2019 Org 0100

1 Any unexpended balances remaining in the appropriations  
2 for Business and Economic Development Stimulus – Surplus (fund  
3 0105, appropriation 08400), Civil Contingent Fund – Total (fund  
4 0105, appropriation 11400), 2012 Natural Disasters – Surplus  
5 (fund 0105, appropriation 13500), Civil Contingent Fund – Total –  
6 Surplus (fund 0105, appropriation 23800), Civil Contingent Fund  
7 – Surplus (fund 0105, appropriation 26300), Business and  
8 Economic Development Stimulus (fund 0105, appropriation  
9 58600), Civil Contingent Fund (fund 0105, appropriation 61400),  
10 and Natural Disasters – Surplus (fund 0105, appropriation 76400)  
11 at the close of the fiscal year 2018 are hereby reappropriated for  
12 expenditure during the fiscal year.

13 From this fund there may be expended, at the discretion of  
14 the Governor, an amount not to exceed \$1,000 as West Virginia's  
15 contribution to the interstate oil compact commission.

16 The above fund is intended to provide contingency funding  
17 for accidental, unanticipated, emergency or unplanned events  
18 which may occur during the fiscal year and is not to be expended  
19 for the normal day-to-day operations of the Governor's Office.

*8 - Auditor's Office –*

*General Administration*

(WV Code Chapter 12)

Fund 0116 FY 2019 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,694,191
3	Current Expenses (R).....	13000	13,429
4	BRIM Premium.....	91300	<u>12,077</u>
5	Total.....		\$ 2,719,697

6           Any unexpended balance remaining in the appropriation  
 7 for Current Expenses (fund 0116, appropriation 13000) at the close  
 8 of the fiscal year 2018 is hereby reappropriated for expenditure  
 9 during the fiscal year 2019.

10           Included in the above appropriation to Personal Services  
 11 and Employee Benefits (fund 0116, appropriation 00100), is  
 12 \$95,000 for the Salary of the Auditor.

*9 - Treasurer's Office*

(WV Code Chapter 12)

Fund 0126 FY 2019 Org 1300

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,480,419
3	Unclassified.....	09900	30,415
4	Current Expenses (R).....	13000	475,100
5	Abandoned Property Program.....	11800	41,794
6	Other Assets .....	69000	10,000
7	ABLE Program .....	69202	150,000
8	BRIM Premium.....	91300	<u>59,169</u>
9	Total.....		\$ 3,246,897

10           Any unexpended balances remaining in the appropriation  
 11 for Current Expenses (fund 0126, appropriation 13000) at the close  
 12 of the fiscal year 2018 are hereby reappropriated for expenditure  
 13 during the fiscal year 2019.

14 Included in the above appropriation to Personal Services  
 15 and Employee Benefits (fund 0126, appropriation 00100), is  
 16 \$95,000 for the Salary of the Treasurer.

*10 - Department of Agriculture*

(WV Code Chapter 19)

Fund 0131 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,301,277
3	Animal Identification Program .....	03900	126,318
4	State Farm Museum .....	05500	87,759
5	Current Expenses (R) .....	13000	141,960
6	Gypsy Moth Program (R) .....	11900	954,230
7	WV Farmers Market .....	12801	150,467
8	Black Fly Control.....	13700	453,164
9	Donated Foods Program .....	36300	45,000
10	Veterans to Agriculture Program .....	36301	250,000
11	Predator Control (R) .....	47000	176,400
12	Bee Research.....	69100	67,822
13	Microbiology Program.....	78500	97,016
14	Moorefield Agriculture Center .....	78600	933,624
15	Chesapeake Bay Watershed.....	83000	106,803
16	Livestock Care Standards Board.....	84300	8,820
17	BRIM Premium.....	91300	138,905
18	State FFA-FHA Camp and		
19	Conference Center .....	94101	613,246
20	Threat Preparedness .....	94200	70,731
21	WV Food Banks.....	96900	126,000
22	Senior's Farmers' Market Nutrition		
23	Coupon Program.....	97000	<u>55,835</u>
24	Total.....		\$ 9,905,377

25 Any unexpended balances remaining in the appropriations  
 26 for Gypsy Moth Program (fund 0131, appropriation 11900),  
 27 Current Expenses (fund 0131, appropriation 13000), Predator  
 28 Control (fund 0131, appropriation 47000), and Agricultural  
 29 Disaster and Mitigation Needs – Surplus (fund 0131, appropriation

30 85000) at the close of the fiscal year 2018 are hereby  
31 reappropriated for expenditure during the fiscal year 2019.

32 Included in the above appropriation to Personal Services  
33 and Employee Benefits (fund 0131, appropriation 00100), is  
34 \$95,000 for the Salary of the Commissioner.

35 The above appropriation for Predator Control (fund 0131,  
36 appropriation 47000) is to be made available to the United States  
37 Department of Agriculture, Wildlife Services to administer the  
38 Predator Control Program.

39 A portion of the Current Expenses appropriation may be  
40 transferred to a special revenue fund for the purpose of matching  
41 federal funds for marketing and development activities.

42 From the above appropriation for WV Food Banks (fund  
43 0131, appropriation 96900), \$20,000 is for House of Hope and the  
44 remainder of the appropriation shall be allocated to the Huntington  
45 Food Bank and the Mountaineer Food Bank in Braxton County.

*11 - West Virginia Conservation Agency*

(WV Code Chapter 19)

Fund 0132 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 754,823
3	Unclassified.....	09900	77,059
4	Current Expenses (R).....	13000	317,848
5	Soil Conservation Projects (R).....	12000	6,649,447
6	BRIM Premium.....	91300	<u>34,428</u>
7	Total.....		\$ 7,833,605

8 Any unexpended balances remaining in the appropriations  
9 for Soil Conservation Projects (fund 0132, appropriation 12000),  
10 and Current Expenses (fund 0132, appropriation 13000) at the  
11 close of the fiscal year 2018 are hereby reappropriated for  
12 expenditure during the fiscal year 2019.

*12 - Department of Agriculture –**Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 640,093
3	Unclassified.....	09900	7,090
4	Current Expenses .....	13000	<u>82,605</u>
5	Total.....		\$ 729,788

6           Any part or all of this appropriation may be transferred to  
7 a special revenue fund for the purpose of matching federal funds  
8 for the above-named program.

*13 - Department of Agriculture –**Agricultural Awards Fund*

(WV Code Chapter 19)

Fund 0136 FY 2019 Org 1400

1	Programs and Awards for		
2	4-H Clubs and FFA/FHA.....	57700	\$ 15,000
3	Commissioner's Awards and Programs.....	73700	<u>39,250</u>
4	Total.....		\$ 54,250

*14 - Department of Agriculture –**West Virginia Agricultural Land Protection Authority*

(WV Code Chapter 8A)

Fund 0607 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 96,735
3	Unclassified.....	09900	<u>950</u>
4	Total.....		\$ 97,685

15 - Attorney General

(WV Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2019 Org 1500

1	Personal Services and		
2	Employee Benefits (R) .....	00100	\$ 2,537,784
3	Unclassified (R) .....	09900	24,428
4	Current Expenses (R) .....	13000	762,097
5	Repairs and Alterations .....	06400	1,000
6	Equipment .....	07000	1,000
7	Criminal Convictions and Habeas		
8	Corpus Appeals (R) .....	26000	923,582
9	Better Government Bureau .....	74000	275,194
10	BRIM Premium.....	91300	<u>120,654</u>
11	Total.....		\$ 4,645,739

12           Any unexpended balances remaining in the above  
 13 appropriations for Personal Services and Employee Benefits (fund  
 14 0150, appropriation 00100), Unclassified (fund 0150,  
 15 appropriation 09900), Current Expenses (fund 0150, appropriation  
 16 13000), Criminal Convictions and Habeas Corpus Appeals (fund  
 17 0150, appropriation 26000), and Agency Client Revolving  
 18 Liquidity Pool (fund 0150, appropriation 36200) at the close of the  
 19 fiscal year 2018 are hereby reappropriated for expenditure during  
 20 the fiscal year 2019.

21           Included in the above appropriation to Personal Services  
 22 and Employee Benefits (fund 0150, appropriation 00100), is  
 23 \$95,000 for the Salary of the Attorney General.

24           When legal counsel or secretarial help is appointed by the  
 25 Attorney General for any state spending unit, this account shall be  
 26 reimbursed from such spending units specifically appropriated  
 27 account or from accounts appropriated by general language  
 28 contained within this bill: *Provided*, That the spending unit shall  
 29 reimburse at a rate and upon terms agreed to by the state spending  
 30 unit and the Attorney General: *Provided, however*, That if the  
 31 spending unit and the Attorney General are unable to agree on the



32 amount and terms of the reimbursement, the spending unit and the  
 33 Attorney General shall submit their proposed reimbursement rates  
 34 and terms to the Governor for final determination.

*16 - Secretary of State*

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2019 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 118,794
3	Unclassified (R) .....	09900	9,555
4	Current Expenses (R).....	13000	805,948
5	BRIM Premium.....	91300	<u>23,297</u>
6	Total.....		\$ 957,594

7 Any unexpended balances remaining in the appropriations  
 8 for Unclassified (fund 0155, appropriation 09900) and Current  
 9 Expenses (fund 0155, appropriation 13000) at the close of the fiscal  
 10 year 2018 are hereby reappropriated for expenditure during the  
 11 fiscal year 2019.

12 Included in the above appropriation to Personal Services  
 13 and Employee Benefits (fund 0155, appropriation 00100), is  
 14 \$95,000 for the Salary of the Secretary of State.

*17 - State Election Commission*

(WV Code Chapter 3)

Fund 0160 FY 2019 Org 1601

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,477
3	Unclassified.....	09900	75
4	Current Expenses .....	13000	<u>4,956</u>
5	Total.....		\$ 7,508

**DEPARTMENT OF ADMINISTRATION**

*18 - Department of Administration –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 0186 FY 2019 Org 0201

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 591,118
3	Unclassified.....	09900	9,177
4	Current Expenses .....	13000	85,446
5	Repairs and Alterations.....	06400	100
6	Equipment.....	07000	1,000
7	Financial Advisor (R) .....	30400	27,546
8	Lease Rental Payments .....	51600	15,000,000
9	Design-Build Board .....	54000	4,000
10	Other Assets.....	69000	100
11	BRIM Premium.....	91300	<u>6,299</u>
12	Total.....		\$ 15,724,786

13           Any unexpended balance remaining in the appropriation  
14 for Financial Advisor (fund 0186, appropriation 30400) at the close  
15 of the fiscal year 2018 is hereby reappropriated for expenditure  
16 during the fiscal year 2019.

17           The appropriation for Lease Rental Payments (fund 0186,  
18 appropriation 51600) shall be disbursed as provided by W.Va.  
19 Code §31-15-6b.

*19 - Consolidated Public Retirement Board*

(WV Code Chapter 5)

Fund 0195 FY 2019 Org 0205

1           The Division of Highways, Division of Motor Vehicles,  
2 Public Service Commission and other departments, bureaus,  
3 divisions, or commissions operating from special revenue funds  
4 and/or federal funds shall pay their proportionate share of the  
5 retirement costs for their respective divisions. When specific  
6 appropriations are not made, such payments may be made from the

7 balances in the various special revenue funds in excess of specific  
8 appropriations.

*20 - Division of Finance*

(WV Code Chapter 5A)

Fund 0203 FY 2019 Org 0209

1	Personal Services and		
2	Employee Benefits.....00100	\$	64,696
3	Unclassified.....09900		1,400
4	Current Expenses .....13000		66,721
5	GAAP Project (R) .....12500		593,684
6	BRIM Premium.....91300		<u>7,517</u>
7	Total.....	\$	734,018

8 Any unexpended balance remaining in the appropriation  
9 for GAAP Project (fund 0203, appropriation 12500) at the close of  
10 the fiscal year 2018 is hereby reappropriated for expenditure during  
11 the fiscal year 2019.

*21 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2019 Org 0211

1	Personal Services and		
2	Employee Benefits.....00100	\$	2,593,147
3	Unclassified.....09900		20,000
4	Current Expenses .....13000		728,849
5	Repairs and Alterations.....06400		500
6	Equipment.....07000		5,000
7	Fire Service Fee .....12600		14,000
8	Buildings (R).....25800		500
9	Preservation and Maintenance of		
10	Statues and Monuments on		
11	Capitol Grounds.....37100		68,000
12	Capital Outlay, Repairs and		
13	Equipment (R) .....58900		14,078,888

14	Other Assets .....	69000	500
15	Land (R) .....	73000	500
16	BRIM Premium .....	91300	<u>129,983</u>
17	Total .....		\$ 17,639,867

18 Any unexpended balances remaining in the above  
 19 appropriations for Buildings (fund 0230, appropriation 25800),  
 20 Capital Outlay, Repairs and Equipment (fund 0230, appropriation  
 21 58900), Capital Outlay, Repairs and Equipment – Surplus (fund  
 22 0230, appropriation 67700), and Land (fund 0230, appropriation  
 23 73000) at the close of the fiscal year 2018 are hereby  
 24 reappropriated for expenditure during the fiscal year 2019.

25 From the above appropriation for Preservation and  
 26 Maintenance of Statues and Monuments on Capitol Grounds (fund  
 27 0230, appropriation 37100), the Division shall consult the Division  
 28 of Culture and History and Capitol Building Commission in all  
 29 aspects of planning, assessment, maintenance and restoration.

30 The above appropriation for Capital Outlay, Repairs and  
 31 Equipment (fund 0230, appropriation 58900) shall be expended for  
 32 capital improvements, maintenance, repairs and equipment for  
 33 state-owned buildings.

*22 - Division of Purchasing*

(WV Code Chapter 5A)

Fund 0210 FY 2019 Org 0213

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 1,023,307
3	Unclassified .....	09900	144
4	Current Expenses .....	13000	1,285
5	Repairs and Alterations .....	06400	200
6	BRIM Premium .....	91300	<u>6,922</u>
7	Total .....		\$ 1,031,858

8 The Division of Highways shall reimburse Fund 2031  
 9 within the Division of Purchasing for all actual expenses incurred  
 10 pursuant to the provisions of W.Va. Code §17-2A-13.

*23 - Travel Management*

(WV Code Chapter 5A)

Fund 0615 FY 2019 Org 0215

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 779,867
3	Unclassified.....	09900	12,032
4	Current Expenses .....	13000	440,247
5	Repairs and Alterations.....	06400	1,000
6	Equipment .....	07000	5,000
7	Buildings (R).....	25800	100
8	Other Assets .....	69000	100
9	Total.....		\$ 1,238,346

10           Any unexpended balance remaining in the appropriation  
 11 for Buildings (fund 0615, appropriation 25800) at the close of the  
 12 fiscal year 2018 is hereby reappropriated for expenditure during the  
 13 fiscal year 2019.

*24 - Commission on Uniform State Laws*

(WV Code Chapter 29)

Fund 0214 FY 2019 Org 0217

1	Current Expenses .....	13000	\$ 45,550
2	To pay expenses for members of the commission on		
3	uniform state laws.		

*25 - West Virginia Public Employees Grievance Board*

(WV Code Chapter 6C)

Fund 0220 FY 2019 Org 0219

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 935,883
3	Unclassified.....	09900	1,000
4	Current Expenses .....	13000	143,754

5	Equipment.....	07000		50
6	BRIM Premium.....	91300		<u>10,281</u>
7	Total.....		\$	1,090,968

*26 - Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2019 Org 0220

1	Personal Services and			
2	Employee Benefits.....	00100	\$	588,831
3	Unclassified.....	09900		2,200
4	Current Expenses .....	13000		104,501
5	Repairs and Alterations.....	06400		500
6	Other Assets .....	69000		100
7	BRIM Premium.....	91300		<u>5,574</u>
8	Total.....		\$	701,706

*27 - Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2019 Org 0221

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,367,785
3	Unclassified.....	09900		314,700
4	Current Expenses .....	13000		12,740
5	Public Defender Corporations.....	35200		19,204,999
6	Appointed Counsel Fees (R) .....	78800		10,723,115
7	BRIM Premium.....	91300		<u>10,575</u>
8	Total.....		\$	31,633,914

9           Any unexpended balance remaining in the above  
10 appropriation for Appointed Counsel Fees (fund 0226,  
11 appropriation 78800) at the close of the fiscal year 2018 is hereby  
12 reappropriated for expenditure during the fiscal year 2019.

13           The director shall have the authority to transfer funds from  
14 the appropriation to Public Defender Corporations (fund 0226,

15 appropriation 35200) to Appointed Counsel Fees (fund 0226,  
16 appropriation 78800).

*28 - Committee for the Purchase of*

*Commodities and Services from the Handicapped*

(WV Code Chapter 5A)

Fund 0233 FY 2019 Org 0224

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,187
3	Current Expenses .....	13000	868
4	Total.....		\$ 4,055

*29 - Public Employees Insurance Agency*

(WV Code Chapter 5)

Fund 0200 FY 2019 Org 0225

1 PEIA Subsidy.....80100 \$ 21,000,000

2       The Division of Highways, Division of Motor Vehicles,  
3 Public Service Commission and other departments, bureaus,  
4 divisions, or commissions operating from special revenue funds  
5 and/or federal funds shall pay their proportionate share of the  
6 public employees health insurance cost for their respective  
7 divisions.

8       The above appropriation for PEIA Subsidy (fund 0200,  
9 appropriation 80100) may be transferred to a special revenue fund  
10 and shall be utilized by the West Virginia Public Employees  
11 Insurance Agency for the purposes of offsetting benefit changes to  
12 offset the aggregate premium cost-sharing percentage  
13 requirements between employers and employees. Such amount  
14 shall not be included in the calculation of the plan year aggregate  
15 premium cost-sharing percentages between employers and  
16 employees.

*30 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 0557 FY 2019 Org 0228

1	Forensic Medical Examinations (R) .....	68300	\$	139,611
2	Federal Funds/Grant Match (R) .....	74900		<u>101,418</u>
3	Total .....		\$	241,029

4 Any unexpended balances remaining in the appropriations  
 5 for Forensic Medical Examinations (fund 0557, appropriation  
 6 68300) and Federal Funds/Grant Match (fund 0557, appropriation  
 7 74900) at the close of the fiscal year 2018 are hereby  
 8 reappropriated for expenditure during the fiscal year 2019.

*31 - Real Estate Division*

(WV Code Chapter 5A)

Fund 0610 FY 2019 Org 0233

1	Personal Services and			
2	Employee Benefits .....	00100	\$	660,855
3	Unclassified .....	09900		1,000
4	Current Expenses .....	13000		138,631
5	Repairs and Alterations .....	06400		100
6	Equipment .....	07000		2,500
7	BRIM Premium .....	91300		<u>8,534</u>
8	Total .....		\$	811,620

**DEPARTMENT OF COMMERCE***32 - Division of Forestry*

(WV Code Chapter 19)

Fund 0250 FY 2019 Org 0305

1	Personal Services and			
2	Employee Benefits .....	00100	\$	2,743,667
3	Unclassified .....	09900		21,435



4	Current Expenses .....	13000	338,953
5	Repairs and Alterations .....	06400	80,000
6	Equipment (R).....	07000	2,061
7	BRIM Premium.....	91300	<u>98,754</u>
8	Total.....		\$ 3,284,870

9 Any unexpended balance remaining in the appropriation  
10 for Equipment (fund 0250, Appropriation 07000) at the close of  
11 the fiscal year 2018 is hereby reappropriated for expenditure during  
12 the fiscal year 2019.

13 Out of the above appropriations a sum may be used to  
14 match federal funds for cooperative studies or other funds for  
15 similar purposes.

### 33 - Geological and Economic Survey

(WV Code Chapter 29)

Fund 0253 FY 2019 Org 0306

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,614,784
3	Unclassified.....	09900	27,678
4	Current Expenses .....	13000	51,524
5	Repairs and Alterations.....	06400	968
6	Mineral Mapping System (R) .....	20700	1,114,009
7	BRIM Premium.....	91300	<u>24,486</u>
8	Total.....		\$ 2,833,449

9 Any unexpended balance remaining in the appropriation  
10 for Mineral Mapping System (fund 0253, appropriation 20700) at  
11 the close of the fiscal year 2018 is hereby reappropriated for  
12 expenditure during the fiscal year 2019.

13 The above Unclassified and Current Expense  
14 appropriations include funding to secure federal and other contracts  
15 and may be transferred to a special revolving fund (fund 3105) for  
16 the purpose of providing advance funding for such contracts.

### 34 - West Virginia Development Office

## (WV Code Chapter 5B)

Fund 0256 FY 2019 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,204,485
3	Unclassified.....	09900	108,687
4	Current Expenses .....	13000	3,769,645
5	National Youth Science Camp.....	13200	241,570
6	Local Economic Development		
7	Partnerships (R) .....	13300	792,000
8	ARC Assessment .....	13600	152,585
9	Infrastructure and Economic		
10	Development Projects.....	23401	3,000,000
11	Guaranteed Work Force Grant (R).....	24200	970,955
12	Mainstreet Program.....	79400	164,655
13	BRIM Premium.....	91300	3,157
14	Hatfield McCoy Recreational Trail.....	96000	<u>198,415</u>
15	Total.....		\$ 13,606,154

16 Any unexpended balances remaining in the appropriations  
17 for Unclassified – Surplus (fund 0256, appropriation 09700),  
18 Partnership Grants (fund 0256, appropriation 13100), Local  
19 Economic Development Partnerships (fund 0256, appropriation  
20 13300), Guaranteed Work Force Grant (fund 0256, appropriation  
21 24200), Industrial Park Assistance (fund 0256, appropriation  
22 48000), and Local Economic Development Assistance (fund 0256,  
23 appropriation 81900) at the close of the fiscal year 2018 are hereby  
24 reappropriated for expenditure during the fiscal year 2019.

25 The above appropriation to Local Economic Development  
26 Partnerships (fund 0256, appropriation 13300) shall be used by the  
27 West Virginia Development Office for the award of funding  
28 assistance to county and regional economic development  
29 corporations or authorities participating in the Certified  
30 Development Community Program developed under the provisions  
31 of W.Va. Code §5B-2-14. The West Virginia Development Office  
32 shall award the funding assistance through a matching grant  
33 program, based upon a formula whereby funding assistance may

34 not exceed \$34,000 per county served by an economic  
 35 development or redevelopment corporation or authority.

*35 - Division of Labor -*

*Weights and Measures Fund*

(WV Code Chapter 47)

Fund 0260 FY 2019 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,500,000
3	Current Expenses .....	13000	227,000
4	Repairs and Alterations.....	06400	28,000
5	Equipment.....	07000	15,000
6	BRIM Premium.....	91300	<u>8,500</u>
7	Total.....		\$ 1,778,500

*36 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 0265 FY 2019 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 16,193,634
3	Unclassified.....	09900	184,711
4	Current Expenses .....	13000	196,302
5	Repairs and Alterations.....	06400	100
6	Equipment.....	07000	100
7	Buildings.....	25800	100
8	Capital Outlay – Parks .....	28800	3,000,000
9	Litter Control Conservation Officers .....	56400	142,712
10	Upper Mud River Flood Control.....	65400	163,385
11	Other Assets.....	69000	100
12	Land (R).....	73000	100
13	Law Enforcement.....	80600	2,473,246
14	BRIM Premium.....	91300	<u>45,141</u>
15	Total.....		\$ 22,399,631

16 Any unexpended balances remaining in the appropriations  
 17 for Buildings (fund 0265, appropriation 25800), Land (fund 0265,  
 18 appropriation 73000), and State Park Improvements – Surplus  
 19 (fund 0265, appropriation 76300) at the close of the fiscal year  
 20 2018 are hereby reappropriated for expenditure during the fiscal  
 21 year 2019.

22 Any revenue derived from mineral extraction at any state  
 23 park shall be deposited in a special revenue account of the Division  
 24 of Natural Resources, first for bond debt payment purposes and  
 25 with any remainder to be for park operation and improvement  
 26 purposes.

*37 - Division of Miners' Health, Safety and Training*

(WV Code Chapter 22)

Fund 0277 FY 2019 Org 0314

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 9,249,358
3	Unclassified.....	09900	111,016
4	Current Expenses .....	13000	1,396,141
5	Coal Dust and Rock Dust Sampling .....	27000	482,128
6	BRIM Premium.....	91300	<u>80,668</u>
7	Total.....		\$ 11,319,311

8 Included in the above appropriation for Current Expenses  
 9 (fund 0277, appropriation 13000) is \$500,000 to be used for coal  
 10 mine training activities at an established mine training facility in  
 11 southern West Virginia.

*38 - Board of Coal Mine Health and Safety*

(WV Code Chapter 22)

Fund 0280 FY 2019 Org 0319

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 231,169
3	Unclassified.....	09900	3,480

4	Current Expenses .....	13000		<u>118,138</u>
5	Total.....		\$	352,7817

6           Included in the above appropriation for Current Expenses  
7 (fund 0280, appropriation 13000) up to \$29,000 shall be used for  
8 the Coal Mine Safety and Technical Review Committee.

*39 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 0572 FY 2019 Org 0323

1	Personal Services and			
2	Employee Benefits.....	00100	\$	51,433
3	Unclassified.....	09900		593
4	Current Expenses .....	13000		<u>7,337</u>
5	Total.....		\$	59,363

*40 - Department of Commerce –*

*Office of the Secretary*

(WV Code Chapter 19)

Fund 0606 FY 2019 Org 0327

1	Personal Services and			
2	Employee Benefits.....	00100	\$	555,128
3	Unclassified.....	09900		3,500
4	Current Expenses .....	13000		<u>15,089</u>
5	Total.....		\$	573,717

*41 - Office of Energy*

(WV Code Chapter 5B)

Fund 0612 FY 2019 Org 0328

1	Personal Services and			
2	Employee Benefits.....	00100	\$	195,487
3	Unclassified.....	09900		12,395

4	Current Expenses .....	13000	1,029,679
5	BRIM Premium.....	91300	<u>3,894</u>
6	Total.....		\$ 1,241,455

7 From the above appropriation for Current Expenses (fund  
8 0612, appropriation 13000) \$558,247 is for West Virginia  
9 University and \$308,247 is for Southern West Virginia Community  
10 and Technical College for the Mine Training and Energy  
11 Technologies Academy.

### DEPARTMENT OF EDUCATION

#### *42 - State Board of Education –*

##### *School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2019 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 335,494
3	Current Expenses .....	13000	<u>2,118,865</u>
4	Total.....		\$ 2,454,359

#### *43 - State Board of Education –*

##### *State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2019 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,387,599
3	Teachers' Retirement Savings Realized ....	09500	35,000,000
4	Unclassified (R) .....	09900	300,000
5	Current Expenses (R) .....	13000	2,572,000
6	Equipment.....	07000	5,000
7	Increased Enrollment .....	14000	2,910,000
8	Safe Schools.....	14300	4,869,447
9	Teacher Mentor.....	15800	550,000

10	National Teacher Certification (R) .....	16100	300,000
11	Buildings (R).....	25800	1,000
12	Technology Repair and Modernization.....	29800	951,003
13	HVAC Technicians .....	35500	506,851
14	Early Retirement Notification Incentive ....	36600	300,000
15	MATH Program .....	36800	336,532
16	Assessment Programs .....	39600	1,339,588
17	21 <sup>st</sup> Century Fellows .....	50700	274,899
18	English as a Second Language.....	52800	96,000
19	Teacher Reimbursement .....	57300	297,188
20	Hospitality Training .....	60000	270,103
21	Hi-Y Youth in Government .....	61600	100,000
22	High Acuity Special Needs (R).....	63400	1,500,000
23	Foreign Student Education.....	63600	100,013
24	Principals Mentorship .....	64900	69,250
25	State Board of Education		
26	Administrative Costs .....	68400	271,779
27	Other Assets .....	69000	1,000
28	IT Academy (R) .....	72100	500,000
29	Land (R).....	73000	1,000
30	Early Literacy Program.....	75600	5,700,000
31	School Based Truancy Prevention (R).....	78101	2,015,366
32	Communities in Schools .....	78103	400,000
33	21 <sup>st</sup> Century Learners (R).....	88600	1,726,944
34	BRIM Premium.....	91300	342,859
35	21 <sup>st</sup> Century Assessment and		
36	Professional Development .....	93100	2,004,447
37	21 <sup>st</sup> Century Technology Infrastructure		
38	Network Tools and Support.....	93300	7,636,586
39	Educational Program Allowance .....	99600	<u>516,250</u>
40	Total.....		\$ 78,152,704

41           The above appropriations include funding for the state  
42 board of education and their executive office.

43           Any unexpended balances remaining in the appropriations  
44 for Unclassified (fund 0313, appropriation 09900), Current  
45 Expenses (fund 0313, appropriation 13000), National Teacher  
46 Certification (fund 0313, appropriation 16100), Buildings (fund

47 0313, appropriation 25800), High Acuity Special Needs (fund  
 48 0313, appropriation 63400), IT Academy (fund 0313,  
 49 appropriation 72100), Land (fund 0313, appropriation 73000),  
 50 School Based Truancy Prevention (fund 0313, appropriation  
 51 78101), and 21<sup>st</sup> Century Learners (fund 0313, appropriation  
 52 88600) at the close of the fiscal year 2018 are hereby  
 53 reappropriated for expenditure during the fiscal year 2019.

54 The above appropriation for Teachers’ Retirement Savings  
 55 Realized (fund 0313, appropriation 09500) shall be transferred to  
 56 the Employee Pension and Health Care Benefit Fund (fund 2044).

57 The above appropriation for Hospitality Training (fund  
 58 0313, appropriation 60000), shall be allocated only to entities that  
 59 have a plan approved for funding by the Department of Education,  
 60 at the funding level determined by the State Superintendent of  
 61 Schools. Plans shall be submitted to the State Superintendent of  
 62 Schools to be considered for funding.

63 From the above appropriation for Educational Program  
 64 Allowance (fund 0313, appropriation 99600), \$100,000 shall be  
 65 expended for Webster County Board of Education for Hacker  
 66 Valley; \$150,000 shall be for the Randolph County Board of  
 67 Education for Pickens School; \$100,000 shall be for the Preston  
 68 County Board of Education for the Aurora School; \$100,000 shall  
 69 be for the Fayette County Board of Education for Meadow Bridge;  
 70 and \$66,250 is for Project Based Learning in STEM fields.

*44 - State Board of Education –*

*Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2019 Org 0402

1	Special Education – Counties .....	15900	\$	7,271,757
2	Special Education – Institutions.....	16000		3,858,654
3	Education of Juveniles Held in			
4	Predispositional Juvenile			
5	Detention Centers .....	30200		625,614



6	Education of Institutionalized		
7	Juveniles and Adults (R).....	47200	<u>18,472,954</u>
8	Total.....		\$ 30,228,979

9 Any unexpended balance remaining in the appropriation  
 10 for Education of Institutionalized Juveniles and Adults (fund 0314,  
 11 appropriation 47200) at the close of the fiscal year 2018 is hereby  
 12 reappropriated for expenditure during the fiscal year 2019.

13 From the above appropriations, the superintendent shall  
 14 have authority to expend funds for the costs of special education  
 15 for those children residing in out-of-state placements.

*45 - State Board of Education –*

*State Aid to Schools*

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2019 Org 0402

1	Other Current Expenses .....	02200	\$ 149,651,626
2	Advanced Placement.....	05300	595,663
3	Professional Educators.....	15100	876,075,903
4	Service Personnel.....	15200	297,680,615
5	Fixed Charges .....	15300	103,542,614
6	Transportation .....	15400	73,375,145
7	Professional Student Support Services .....	65500	38,686,260
8	Improved Instructional Programs.....	15600	49,544,683
9	21 <sup>st</sup> Century Strategic Technology		
10	Learning Growth.....	93600	<u>21,584,131</u>
11	Basic Foundation Allowances.....		1,610,736,640
12	Less Local Share .....		(458,622,709)
13	Adjustments .....		<u>(1,694,701)</u>
14	Total Basic State Aid .....		1,150,419,230
15	Public Employees' Insurance Matching ....	01200	232,810,116
16	Teachers' Retirement System .....	01900	72,719,190
17	School Building Authority .....	45300	23,420,520
18	Retirement Systems – Unfunded		
19	Liability.....	77500	<u>353,640,000</u>
20	Total.....		\$1,833,009,056

*46 - State Board of Education –**Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2019 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,305,125
3	Unclassified.....	09900	268,800
4	Current Expenses .....	13000	883,106
5	Wood Products – Forestry		
6	Vocational Program .....	14600	73,715
7	Albert Yanni Vocational Program .....	14700	132,123
8	Vocational Aid .....	14800	23,239,266
9	Adult Basic Education .....	14900	4,894,607
10	Program Modernization .....	30500	884,313
11	High School Equivalency		
12	Diploma Testing (R) .....	72600	790,743
13	FFA Grant Awards.....	83900	11,496
14	Pre-Engineering Academy Program .....	84000	<u>265,294</u>
15	Total.....		\$ 32,748,588

16 Any unexpended balance remaining in the appropriation  
 17 for High School Equivalency Diploma Testing (fund 0390,  
 18 appropriation 72600) at the close of the fiscal year 2018 is hereby  
 19 reappropriated for expenditure during the fiscal year 2019.

*47 - State Board of Education –**West Virginia Schools for the Deaf and the Blind*

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2019 Org 0403

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 11,588,010
3	Unclassified.....	09900	110,000
4	Current Expenses .....	13000	2,145,469

5	Repairs and Alterations.....	06400	85,000
6	Equipment.....	07000	70,000
7	Buildings (R).....	25800	50,000
8	Capital Outlay and Maintenance (R) .....	75500	82,500
9	BRIM Premium.....	91300	<u>140,842</u>
10	Total.....		\$ 14,271,821

11 Any unexpended balances remaining in the appropriations  
 12 for Buildings (fund 0320, appropriation 25800) and Capital Outlay  
 13 and Maintenance (fund 0320, appropriation 75500) at the close of  
 14 the fiscal year 2018 are hereby reappropriated for expenditure  
 15 during the fiscal year 2019.

## DEPARTMENT OF EDUCATION AND THE ARTS

*48 - Department of Education and the Arts –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 0294 FY 2019 Org 0431

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 533,834
3	Unclassified.....	09900	35,000
4	Center for Professional		
5	Development (R) .....	11500	1,511,331
6	Current Expenses .....	13000	7,162
7	WV Humanities Council.....	16800	250,000
8	Benedum Professional Development		
9	Collaborative (R) .....	42700	429,775
10	Governor's Honors Academy (R) .....	47800	1,059,270
11	Educational Enhancements .....	69500	573,500
12	S.T.E.M. Education and Grant		
13	Program (R) .....	71900	492,262
14	Energy Express .....	86100	382,935
15	BRIM Premium.....	91300	5,336
16	Special Olympic Games.....	96600	<u>25,000</u>
17	Total.....		\$ 5,305,405

18 Any unexpended balances remaining in the appropriations  
 19 for Center for Professional Development (fund 0294, appropriation  
 20 11500), Benedum Professional Development Collaborative (fund  
 21 0294, appropriation 42700), Governor’s Honors Academy (fund  
 22 0294, appropriation 47800), and S.T.E.M. Education and Grant  
 23 Program (fund 0294, appropriation 71900) at the close of the fiscal  
 24 year 2018 are hereby reappropriated for expenditure during the  
 25 fiscal year 2019.

26 From the above appropriation for Educational  
 27 Enhancements (fund 0294, appropriation 69500), \$73,500 shall be  
 28 used for the Clay Center and \$500,000 for Save the Children.

*49 - Division of Culture and History*

(WV Code Chapter 29)

Fund 0293 FY 2019 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,299,919
3	Current Expenses .....	13000	610,843
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	1
6	Unclassified (R) .....	09900	28,483
7	Buildings (R).....	25800	1
8	Other Assets .....	69000	1
9	Land (R).....	73000	1
10	Culture and History Programming.....	73200	231,573
11	Capital Outlay and Maintenance (R) .....	75500	19,600
12	Historical Highway Marker Program.....	84400	57,548
13	BRIM Premium.....	91300	<u>39,337</u>
14	Total.....		\$ 4,288,307

15 Any unexpended balances remaining in the appropriations  
 16 for Unclassified (fund 0293, appropriation 09900), Buildings (fund  
 17 0293, appropriation 25800), Capital Outlay, Repairs and  
 18 Equipment (fund 0293, appropriation 58900), Capital  
 19 Improvements – Surplus (fund 0293, appropriation 66100), Capital  
 20 Outlay, Repairs and Equipment – Surplus (fund 0293,

21 appropriation 67700), Land (fund 0293, appropriation 73000), and  
 22 Capital Outlay and Maintenance (fund 0293, appropriation 75500)  
 23 at the close of the fiscal year 2018 are hereby reappropriated for  
 24 expenditure during the fiscal year 2019.

25 The Current Expense appropriation includes funding for  
 26 the arts funds, department programming funds, grants, fairs and  
 27 festivals and Camp Washington Carver and shall be expended only  
 28 upon authorization of the Division of Culture and History and in  
 29 accordance with the provisions of Chapter 5A, Article 3, and  
 30 Chapter 12 of the Code.

*50 - Library Commission*

(WV Code Chapter 10)

Fund 0296 FY 2019 Org 0433

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,261,316
3	Current Expenses .....	13000	139,624
4	Repairs and Alterations.....	06400	6,500
5	Services to Blind & Handicapped.....	18100	161,717
6	BRIM Premium.....	91300	<u>18,205</u>
7	Total.....		\$ 1,587,362

*51 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 0300 FY 2019 Org 0439

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,767,321
3	Current Expenses .....	13000	1,591,805
4	Mountain Stage .....	24900	300,000
5	Capital Outlay and Maintenance (R) .....	75500	50,000
6	BRIM Premium.....	91300	<u>48,453</u>
7	Total.....		\$ 3,757,579

8 Any unexpended balance remaining in the appropriation  
 9 for Capital Outlay and Maintenance (fund 0300, appropriation  
 10 75500) at the close of the fiscal year 2018 is hereby reappropriated  
 11 for expenditure during the fiscal year 2019.

*52 - State Board of Rehabilitation –*

*Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 0310 FY 2019 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,953,816
3	Independent Living Services.....	00900	429,418
4	Current Expenses .....	13000	558,815
5	Workshop Development .....	16300	1,817,427
6	Supported Employment		
7	Extended Services.....	20600	77,960
8	Ron Yost Personal Assistance Fund .....	40700	333,828
9	Employment Attendant Care Program.....	59800	131,575
10	BRIM Premium.....	91300	<u>77,464</u>
11	Total.....		\$ 14,380,303

12 From the above appropriation for Workshop Development  
 13 (fund 0310, appropriation 16300), funds shall be used exclusively  
 14 with the private nonprofit community rehabilitation program  
 15 organizations known as work centers or sheltered workshops. The  
 16 appropriation shall also be used to continue the support of the  
 17 program, services, and individuals with disabilities currently in  
 18 place at those organizations.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*53 - Environmental Quality Board*

(WV Code Chapter 20)

Fund 0270 FY 2019 Org 0311

1 Personal Services and

2	Employee Benefits.....00100	\$	76,915
3	Current Expenses .....13000		29,353
4	Repairs and Alterations.....06400		100
5	Equipment.....07000		300
6	Other Assets .....69000		400
7	BRIM Premium.....91300		791
8	Total.....	\$	107,859

*54 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....00100	\$	4,051,891
3	Water Resources Protection and		
4	Management .....06800		570,654
5	Current Expenses .....13000		96,916
6	Repairs and Alterations.....06400		1,500
7	Unclassified.....09900		14,825
8	Dam Safety.....60700		212,186
9	West Virginia Stream Partners Program....63700		77,396
10	Meth Lab Cleanup.....65600		199,616
11	WV Contributions to River		
12	Commissions.....77600		148,485
13	Office of Water Resources		
14	Non-Enforcement Activity .....85500		934,525
15	Total.....	\$	6,307,994

16 A portion of the appropriations for Current Expense (fund  
 17 0273, appropriation 13000) and Dam Safety (fund 0273,  
 18 appropriation 60700) may be transferred to the special revenue  
 19 fund Dam Safety Rehabilitation Revolving Fund (fund 3025) for  
 20 the state deficient dams rehabilitation assistance program.

*55 - Air Quality Board*

(WV Code Chapter 16)

Fund 0550 FY 2019 Org 0325

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 60,737
3	Current Expenses .....	13000	12,462
4	Repairs and Alterations.....	06400	50
5	Equipment .....	07000	300
6	Other Assets .....	69000	200
7	BRIM Premium.....	91300	<u>2,304</u>
8	Total.....		\$ 76,053

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*56 - Department of Health and Human Resources –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 0400 FY 2019 Org 0501

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 379,014
3	Unclassified.....	09900	6,459
4	Current Expenses .....	13000	50,613
5	Commission for the Deaf and		
6	Hard of Hearing .....	70400	<u>219,910</u>
7	Total.....		\$ 655,996

8           Any unexpended balance remaining in the appropriation  
9 for the Women's Commission (fund 0400, appropriation 19100) at  
10 the close of the fiscal year 2018 is hereby reappropriated for  
11 expenditure during the fiscal year 2019.

*57 - Division of Health –*

*Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 12,446,690



3	Chief Medical Examiner .....	04500	6,618,003
4	Unclassified.....	09900	671,795
5	Current Expenses .....	13000	4,677,059
6	State Aid for Local and Basic Public		
7	Health Services .....	18400	12,652,756
8	Safe Drinking Water Program (R) .....	18700	2,188,827
9	Women, Infants and Children .....	21000	38,621
10	Early Intervention .....	22300	8,134,060
11	Cancer Registry.....	22500	200,682
12	Statewide EMS Program Support (R).....	38300	1,835,429
13	Black Lung Clinics .....	46700	170,885
14	Vaccine for Children.....	55100	335,423
15	Tuberculosis Control.....	55300	372,366
16	Maternal and Child Health Clinics,		
17	Clinicians Medical Contracts		
18	and Fees (R).....	57500	6,335,115
19	Epidemiology Support .....	62600	1,513,869
20	Primary Care Support .....	62800	4,245,849
21	Sexual Assault Intervention		
22	and Prevention .....	72300	125,000
23	Health Right Free Clinics.....	72700	2,750,000
24	Capital Outlay and Maintenance (R) .....	75500	100,000
25	Maternal Mortality Review .....	83400	47,712
26	Diabetes Education and Prevention .....	87300	97,125
27	BRIM Premium.....	91300	169,791
28	State Trauma and Emergency		
29	Care System.....	91800	<u>2,004,450</u>
30	Total.....		\$ 67,731,507

31           Any unexpended balances remaining in the appropriations  
32 for Safe Drinking Water Program (fund 0407, appropriation  
33 18700), Statewide EMS Program Support (fund 0407,  
34 appropriation 38300), Maternal and Child Health Clinics,  
35 Clinicians and Medical Contracts and Fees (fund 0407,  
36 appropriation 57500), Capital Outlay and Maintenance (fund 0407,  
37 appropriation 75500), Emergency Response Entities – Special  
38 Projects (fund 0407, appropriation 82200).

39 From the above appropriation for Current Expenses (fund  
 40 0407, appropriation 13000), an amount not less than \$100,000 is  
 41 for the West Virginia Cancer Coalition; \$50,000 shall be expended  
 42 for the West Virginia Aids Coalition; \$100,000 is for Adolescent  
 43 Immunization Education; \$73,065 is for informal dispute  
 44 resolution relating to nursing home administrative appeals; and  
 45 \$50,000 is for Hospital Hospitality House of Huntington.

46 From the above appropriation for Maternal and Child  
 47 Health Clinics, Clinicians and Medical Contracts and Fees (fund  
 48 0407, appropriation 57500) up to \$400,000 may be transferred to  
 49 the Breast and Cervical Cancer Diagnostic Treatment Fund (fund  
 50 5197) and \$11,000 is for the Marshall County Health Department  
 51 for dental services.

*58 - Consolidated Medical Services Fund*

(WV Code Chapter 16)

Fund 0525 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,590,408
3	Current Expenses .....	13000	14,113
4	Behavioral Health Program (R) .....	21900	64,462,622
5	Family Support Act.....	22100	251,226
6	Institutional Facilities Operations (R).....	33500	134,223,239
7	Substance Abuse Continuum of Care (R) ..	35400	5,000,000
8	Capital Outlay and Maintenance (R) .....	75500	950,000
9	Renaissance Program .....	80400	165,996
10	BRIM Premium.....	91300	<u>1,296,098</u>
11	Total.....		\$ 207,953,702

12 Any unexpended balances remaining in the appropriations  
 13 for Behavioral Health Program (fund 0525, appropriation 21900),  
 14 Institutional Facilities Operations (fund 0525, appropriation  
 15 33500), Substance Abuse Continuum of Care (fund 0525,  
 16 appropriation 35400), and Capital Outlay and Maintenance (fund  
 17 0525, appropriation 75500) at the close of the fiscal year 2018 are  
 18 hereby reappropriated for expenditure during the fiscal year 2019.

19           Notwithstanding the provisions of Title I, section three of  
20 this bill, the secretary of the Department of Health and Human  
21 Resources shall have the authority to transfer funds within the  
22 above appropriations: *Provided*, That no more than five percent of  
23 the funds appropriated to one appropriation may be transferred to  
24 other appropriations: *Provided, however*, That no funds from other  
25 appropriations shall be transferred to the personal services and  
26 employee benefits appropriation.

27           Included in the above appropriation for Behavioral Health  
28 Program (fund 0525, appropriation 21900) is \$100,000 for the  
29 Healing Place of Huntington.

30           From the above appropriation for Institutional Facilities  
31 Operations (fund 0525, appropriation 33500), together with  
32 available funds from the Division of Health – Hospital Services  
33 Revenue Account (fund 5156, appropriation 33500), on July 1,  
34 2018, the sum of \$160,000 shall be transferred to the Department  
35 of Agriculture – Land Division – Farm Operating Fund (1412) as  
36 advance payment for the purchase of food products; actual  
37 payments for such purchases shall not be required until such credits  
38 have been completely expended.

39           The above appropriation for Institutional Facilities  
40 Operations (fund 0525, appropriation 33500) contains prior year  
41 salary increases due to the Hartley court order in the amount of  
42 \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for  
43 Mildred Mitchel-Bateman Hospital.

44           From the above appropriation for Substance Abuse  
45 Continuum of Care (fund 0525, appropriation 35400), the funding  
46 will be consistent with the goal areas outlined in the  
47 Comprehensive Substance Abuse Strategic Action Plan.

48           Additional funds have been appropriated in fund 5156,  
49 fiscal year 2019, organization 0506, for the operation of the  
50 institutional facilities. The secretary of the Department of Health  
51 and Human Resources is authorized to utilize up to ten percent of  
52 the funds from the Institutional Facilities Operations appropriation

53 to facilitate cost effective and cost saving services at the  
54 community level.

*59 - Division of Health –*

*West Virginia Drinking Water Treatment*

(WV Code Chapter 16)

Fund 0561 FY 2019 Org 0506

1 West Virginia Drinking Water Treatment

2       Revolving Fund-Transfer.....68900   \$    647,500

3           The above appropriation for Drinking Water Treatment  
4   Revolving Fund – Transfer shall be transferred to the West Virginia  
5   Drinking Water Treatment Revolving Fund or appropriate bank  
6   depository and the Drinking Water Treatment Revolving –  
7   Administrative Expense Fund as provided by Chapter 16 of the  
8   Code.

*60 - Human Rights Commission*

(WV Code Chapter 5)

Fund 0416 FY 2019 Org 0510

1 Personal Services and

2       Employee Benefits.....00100   \$   1,028,561

3       Unclassified.....09900           4,024

4       Current Expenses .....13000       331,304

5       BRIM Premium.....91300         10,764

6       Total.....                           \$   1,374,653

*61 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2019 Org 0511

1 Personal Services and

2       Employee Benefits.....00100   \$  45,354,625

3	Unclassified.....	09900	5,688,944
4	Current Expenses .....	13000	11,404,008
5	Child Care Development.....	14400	4,090,908
6	Medical Services .....	18900	413,957,363
7	Social Services .....	19500	154,183,734
8	Family Preservation Program .....	19600	1,565,000
9	Family Resource Networks.....	27400	1,762,464
10	Domestic Violence Legal Services Fund ...	38400	400,000
11	James ‘Tiger’ Morton Catastrophic		
12	Illness Fund.....	45500	102,883
13	I/DD Waiver.....	46600	88,753,483
14	Child Protective Services Case Workers ...	46800	23,473,825
15	OSCAR and RAPIDS .....	51500	6,453,502
16	Title XIX Waiver for Seniors.....	53300	13,593,620
17	WV Teaching Hospitals		
18	Tertiary/Safety Net .....	54700	6,356,000
19	Child Welfare System .....	60300	1,291,873
20	In-Home Family Education.....	68800	1,000,000
21	WV Works Separate State Program.....	69800	1,935,000
22	Child Support Enforcement .....	70500	6,487,501
23	Temporary Assistance for Needy Families/		
24	Maintenance of Effort.....	70700	25,819,096
25	Child Care – Maintenance of		
26	Effort Match.....	70800	5,693,743
27	Grants for Licensed Domestic Violence		
28	Programs and Statewide Prevention ....	75000	2,500,000
29	Capital Outlay and Maintenance (R) .....	75500	11,875
30	Community Based Services and		
31	Pilot Programs for Youth.....	75900	1,000,000
32	Medical Services Administrative Costs ....	78900	38,127,412
33	Traumatic Brain Injury Waiver.....	83500	800,000
34	Indigent Burials (R) .....	85100	2,050,000
35	BRIM Premium.....	91300	892,642
36	Rural Hospitals Under 150 Beds.....	94000	2,596,000
37	Children’s Trust Fund – Transfer.....	95100	<u>220,000</u>
38	Total.....		\$ 867,565,501

39           Any unexpended balances remaining in the appropriations  
40 for Capital Outlay and Maintenance (fund 0403, appropriation

41 75500) and Indigent Burials (fund 0403, appropriation 85100) at  
42 the close of the fiscal year 2018 are hereby reappropriated for  
43 expenditure during the fiscal year 2019.

44 Notwithstanding the provisions of Title I, section three of  
45 this bill, the secretary of the Department of Health and Human  
46 Resources shall have the authority to transfer funds within the  
47 above appropriations: *Provided*, That no more than five percent of  
48 the funds appropriated to one appropriation may be transferred to  
49 other appropriations: *Provided, however*, That no funds from other  
50 appropriations shall be transferred to the personal services and  
51 employee benefits appropriation.

52 The secretary shall have authority to expend funds for the  
53 educational costs of those children residing in out-of-state  
54 placements, excluding the costs of special education programs.

55 Included in the above appropriation for Social Services  
56 (fund 0403, appropriation 19500) is funding for continuing  
57 education requirements relating to the practice of social work.

58 The above appropriation for Domestic Violence Legal  
59 Services Fund (fund 0403, appropriation 38400) shall be  
60 transferred to the Domestic Violence Legal Services Fund (fund  
61 5455).

62 The above appropriation for James ‘Tiger’ Morton  
63 Catastrophic Illness Fund (fund 0403, appropriation 45500) shall  
64 be transferred to the James ‘Tiger’ Morton Catastrophic Illness  
65 Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the  
66 Code.

67 The above appropriation for WV Works Separate State  
68 Program (fund 0403, appropriation 69800), shall be transferred to  
69 the WV Works Separate State College Program Fund (fund 5467),  
70 and the WV Works Separate State Two-Parent Program Fund (fund  
71 5468) as determined by the secretary of the Department of Health  
72 and Human Resources.

73 From the above appropriation for Child Support  
74 Enforcement (fund 0403, appropriation 70500) an amount not to

75 exceed \$300,000 may be transferred to a local banking depository  
76 to be utilized to offset funds determined to be uncollectible.

77 From the above appropriation for the Grants for Licensed  
78 Domestic Violence Programs and Statewide Prevention (fund  
79 0403, appropriation 75000), 50% of the total shall be divided  
80 equally and distributed among the fourteen (14) licensed programs  
81 and the West Virginia Coalition Against Domestic Violence  
82 (WVCADV). The balance remaining in the appropriation for  
83 Grants for Licensed Domestic Violence Programs and Statewide  
84 Prevention (fund 0403, appropriation 75000), shall be distributed  
85 according to the formula established by the Family Protection  
86 Services Board.

87 The above appropriation for Children's Trust Fund –  
88 Transfer (fund 0403, appropriation 95100) shall be transferred to  
89 the Children's Trust Fund (fund 5469, org 0511).

## **DEPARTMENT OF MILITARY AFFAIRS**

### **AND PUBLIC SAFETY**

*62 - Department of Military Affairs and Public Safety –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 0430 FY 2019 Org 0601

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 732,256
3	Unclassified (R) .....	09900	18,949
4	Current Expenses .....	13000	58,320
5	Repairs and Alterations .....	06400	2,500
6	Equipment .....	07000	2,500
7	Fusion Center (R).....	46900	542,430
8	Other Assets .....	69000	2,500
9	Directed Transfer .....	70000	32,000
10	BRIM Premium.....	91300	18,190
11	WV Fire and EMS Survivor Benefit (R) ...	93900	200,000

12	Homeland State Security		
13	Administrative Agency (R).....	95300	<u>318,890</u>
14	Total.....		\$ 1,928,535

15           Any unexpended balances remaining in the appropriations  
 16 for Unclassified (fund 0430, appropriation 09900), Fusion Center  
 17 (fund 0430, appropriation 46900), Justice Reinvestment Training –  
 18 Surplus (fund 0430, appropriation 69900), WV Fire and EMS  
 19 Survivor Benefit (fund 0430, appropriation 93900), and Homeland  
 20 State Security Administrative Agency (fund 0430, appropriation  
 21 95300) at the close of the fiscal year 2018 are hereby  
 22 reappropriated for expenditure during the fiscal year 2019.

23           The above appropriation for Directed Transfer (fund 0430,  
 24 appropriation 70000) shall be transferred to the Law-Enforcement,  
 25 Safety and Emergency Worker Funeral Expense Payment Fund  
 26 (fund 6003).

*63 - Adjutant General –*

*State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2019 Org 0603

1	Unclassified (R) .....	09900	\$ 106,798
2	College Education Fund.....	23200	4,000,000
3	Civil Air Patrol.....	23400	249,664
4	Mountaineer ChalleNGe Academy .....	70900	1,500,000
5	Armory Board Transfer.....	70015	2,317,555
6	Military Authority (R).....	74800	6,029,611
7	Drug Enforcement and Support .....	74801	<u>1,500,000</u>
8	Total.....		\$ 15,703,628

9           Any unexpended balance remaining in the appropriations  
 10 for Unclassified (fund 0433, appropriation 09900) and Military  
 11 Authority (fund 0433, appropriation 74800) at the close of the  
 12 fiscal year 2018 is hereby reappropriated for expenditure during the  
 13 fiscal year 2019.



14 From the above appropriations an amount approved by the  
 15 Adjutant General and the secretary of Military Affairs and Public  
 16 Safety may be transferred to the State Armory Board for operation  
 17 and maintenance of National Guard Armories.

18 The adjutant general shall have the authority to transfer  
 19 between appropriations.

20 From the above appropriation and other state and federal  
 21 funding, the Adjutant General shall provide an amount not less than  
 22 \$4,500,000 to the Mountaineer Challenge Academy to meet  
 23 anticipated program demand.

*64 - Adjutant General –*

*Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2019 Org 0603

1	Personal Services and		
2	Employee Benefits.....00100	\$	100,000
3	Current Expenses .....13000		<u>57,775</u>
4	Total.....	\$	157,775

*65 - West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2019 Org 0605

1	Personal Services and		
2	Employee Benefits.....00100	\$	402,254
3	Current Expenses .....13000		365,234
4	Salaries of Members of		
5	West Virginia Parole Board.....22700		609,833
6	BRIM Premium.....91300		<u>6,149</u>
7	Total.....	\$	1,383,470

8 The above appropriation for Salaries of Members of West  
 9 Virginia Parole Board (fund 0440, appropriation 22700) includes

10 funding for salary, annual increment (as provided for in W.Va.  
11 Code §5-5-1), and related employee benefits of board members.

*66 - Division of Homeland Security and*

*Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2019 Org 0606

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,268,402
3	Unclassified.....	09900	26,342
4	Current Expenses .....	13000	53,024
5	Repairs and Alterations.....	06400	600
6	Radiological Emergency Preparedness.....	55400	17,052
7	SIRN.....	55401	600,000
8	Federal Funds/Grant Match (R) .....	74900	663,463
9	Mine and Industrial Accident Rapid		
10	Response Call Center.....	78100	461,355
11	Early Warning Flood System (R) .....	87700	475,832
12	BRIM Premium.....	91300	96,529
13	WVU Charleston Poison Control Hotline..	94400	<u>712,942</u>
14	Total.....		\$ 4,375,541

15 Any unexpended balances remaining in the appropriations  
16 for Federal Funds/Grant Match (fund 0443, appropriation 74900),  
17 Early Warning Flood System (fund 0443, appropriation 87700),  
18 and Disaster Mitigation (fund 0443, appropriation 95200) at the  
19 close of the fiscal year 2018 are hereby reappropriated for  
20 expenditure during the fiscal year 2019.

*67 - Division of Corrections –*

*Central Office*

(WV Code Chapters 25, 28, 49 and 62)

Fund 0446 FY 2019 Org 0608

1 Personal Services and

2	Employee Benefits.....	00100	\$	621,000
3	Current Expenses .....	13000		<u>2,400</u>
4	Total.....		\$	623,400

*68 - Division of Corrections –*

*Correctional Units*

(WV Code Chapters 25, 28, 49 and 62)

Fund 0450 FY 2019 Org 0608

1	Employee Benefits .....	01000	\$	1,258,136
2	Children's Protection Act (R) .....	09000		838,437
3	Unclassified.....	09900		1,578,800
4	Current Expenses (R).....	13000		21,151,011
5	Facilities Planning and			
6	Administration (R).....	38600		1,274,200
7	Charleston Correctional Center .....	45600		3,026,773
8	Beckley Correctional Center .....	49000		2,027,265
9	Anthony Correctional Center .....	50400		5,468,335
10	Huttonsville Correctional Center .....	51400		20,907,772
11	Northern Correctional Center.....	53400		7,205,041
12	Inmate Medical Expenses (R) .....	53500		21,226,064
13	Pruntytown Correctional Center .....	54300		7,630,256
14	Corrections Academy.....	56900		1,666,247
15	Information Technology Services .....	59901		2,259,052
16	Martinsburg Correctional Center .....	66300		3,856,727
17	Parole Services.....	68600		5,361,413
18	Special Services .....	68700		7,100,452
19	Investigative Services .....	71600		3,129,759
20	Capital Outlay and Maintenance (R) .....	75500		2,000,000
21	Salem Correctional Center .....	77400		10,260,770
22	McDowell County			
23	Correctional Center.....	79000		2,542,590
24	Stevens Correctional Center.....	79100		7,863,195
25	Parkersburg Correctional Center.....	82800		3,412,708
26	St. Mary's Correctional Center .....	88100		12,939,805
27	Denmar Correctional Center .....	88200		4,666,171
28	Ohio County Correctional Center .....	88300		1,874,033

29	Mt. Olive Correctional Complex .....	88800	20,063,054
30	Lakin Correctional Center.....	89600	9,510,551
31	BRIM Premium.....	91300	<u>2,527,657</u>
32	Total.....		\$ 194,626,274

33 Any unexpended balances remaining in the appropriations  
 34 for Children’s Protection Act (fund 0450, appropriation 09000),  
 35 Unclassified – Surplus (fund 0450, appropriation 09700), Current  
 36 Expenses (fund 0450, appropriation 13000), Facilities Planning  
 37 and Administration (fund 0450, appropriation 38600), Inmate  
 38 Medical Expenses (fund 0450, appropriation 53500), Capital  
 39 Improvements – Surplus (fund 0450, appropriation 66100), Capital  
 40 Outlay, Repairs and Equipment – Surplus (fund 0450,  
 41 appropriation 67700), Capital Outlay and Maintenance (fund 0450,  
 42 appropriation 75500), and Security System Improvements –  
 43 Surplus (fund 0450, appropriation 75501) at the close of the fiscal  
 44 year 2018 are hereby reappropriated for expenditure during the  
 45 fiscal year 2019.

46 The Commissioner of Corrections shall have the authority  
 47 to transfer between appropriations to the individual correctional  
 48 units above and may transfer funds from the individual correctional  
 49 units to Current Expenses (fund 0450, appropriation 13000) or  
 50 Inmate Medical Expenses (fund 0450, appropriation 53500).

51 From the above appropriation to Unclassified (fund 0450,  
 52 appropriation 09900), on July 1, 2018, the sum of \$300,000 shall  
 53 be transferred to the Department of Agriculture – Land Division –  
 54 Farm Operating Fund (1412) as advance payment for the purchase  
 55 of food products; actual payments for such purchases shall not be  
 56 required until such credits have been completely expended.

57 From the above appropriation to Current Expenses (fund  
 58 0450, appropriation 13000) payment shall be made to house  
 59 Division of Corrections inmates in federal, county, and /or regional  
 60 jails.

61 Any realized savings from Energy Savings Contract may  
 62 be transferred to Facilities Planning and Administration (fund  
 63 0450, appropriation 38600).

*69 - West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2019 Org 0612

1	Personal Services and		
2	Employee Benefits.....00100	\$	58,857,744
3	Children's Protection Act .....09000		972,973
4	Current Expenses .....13000		10,384,394
5	Repairs and Alterations.....06400		450,523
6	Trooper Class .....52100		4,000,000
7	Barracks Lease Payments .....55600		237,898
8	Communications and		
9	Other Equipment (R) .....55800		570,968
10	Trooper Retirement Fund.....60500		5,584,775
11	Handgun Administration Expense .....74700		72,268
12	Capital Outlay and Maintenance (R) .....75500		250,000
13	Retirement Systems – Unfunded		
14	Liability.....77500		15,415,000
15	Automated Fingerprint		
16	Identification System .....89800		3,185,756
17	BRIM Premium.....91300		<u>5,743,921</u>
18	Total.....	\$	105,726,220

19           Any unexpended balances remaining in the appropriations  
20 for Communications and Other Equipment (fund 0453,  
21 appropriation 55800), and Capital Outlay and Maintenance (fund  
22 0453, appropriation 75500) at the close of the fiscal year 2018 are  
23 hereby reappropriated for expenditure during the fiscal year 2019.

24           From the above appropriation for Personal Services and  
25 Employee Benefits (fund 0453, appropriation 00100), an amount  
26 not less than \$25,000 shall be expended to offset the costs  
27 associated with providing police services for the West Virginia  
28 State Fair.

*70 - Fire Commission*

(WV Code Chapter 29)

Fund 0436 FY 2019 Org 0619

1 Current Expenses .....13000 \$ 64,021

*71 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2019 Org 0620

1	Personal Services and		
2	Employee Benefits.....00100	\$	550,620
3	Current Expenses .....13000		133,360
4	Repairs and Alterations.....06400		1,804
5	Child Advocacy Centers (R).....45800		1,704,001
6	Community Corrections (R) .....56100		6,919,589
7	Statistical Analysis Program .....59700		48,272
8	Sexual Assault Forensic		
9	Examination Commission (R) .....71400		76,963
10	Qualitative Analysis and		
11	Training for Youth Services (R) .....76200		332,446
12	Law Enforcement Professional Standards .83800		157,692
13	BRIM Premium.....91300		<u>2,123</u>
14	Total.....	\$	9,926,870

15 Any unexpended balances remaining in the appropriations  
 16 for Child Advocacy Centers (fund 0546, appropriation 45800),  
 17 Community Corrections (fund 0546, appropriation 56100), Sexual  
 18 Assault Forensic Examination Commission (fund 0546,  
 19 appropriation 71400), and Qualitative Analysis and Training for  
 20 Youth Services (fund 0546, appropriation 76200) at the close of  
 21 the fiscal year 2018 are hereby reappropriated for expenditure  
 22 during the fiscal year 2019.

23 From the above appropriation for Child Advocacy Centers  
 24 (fund 0546, appropriation 45800), the division may retain an  
 25 amount not to exceed four percent of the appropriation for  
 26 administrative purposes.

*72 - Division of Juvenile Services*

## (WV Code Chapter 49)

Fund 0570 FY 2019 Org 0621

1	Statewide Reporting Centers.....	26200	\$	6,730,137
2	Robert L. Shell Juvenile Center .....	26700		2,183,169
3	Resident Medical Expenses (R) .....	53501		3,604,999
4	Central Office.....	70100		2,496,733
5	Capital Outlay and Maintenance (R) .....	75500		250,000
6	Gene Spadaro Juvenile Center .....	79300		2,356,207
7	BRIM Premium.....	91300		115,967
8	Kenneth Honey Rubenstein			
9	Juvenile Center (R) .....	98000		5,325,233
10	Vicki Douglas Juvenile Center .....	98100		2,083,190
11	Northern Regional Juvenile Center.....	98200		2,876,302
12	Lorrie Yeager Jr. Juvenile Center .....	98300		2,118,510
13	Sam Perdue Juvenile Center .....	98400		2,220,766
14	Tiger Morton Center .....	98500		2,322,188
15	Donald R. Kuhn Juvenile Center .....	98600		4,465,381
16	J.M. 'Chick' Buckbee Juvenile Center .....	98700		<u>2,227,993</u>
17	Total.....		\$	41,376,775

18           Any unexpended balances remaining in the appropriations  
19 for Resident Medical Expenses (fund 0570, appropriation 53501),  
20 Capital Outlay and Maintenance (fund 0570, appropriation 75500),  
21 and Kenneth Honey Rubenstein Juvenile Center (fund 0570,  
22 appropriation 98000) at the close of the fiscal year 2018 are hereby  
23 appropriated for expenditure during the fiscal year 2019.

24           From the above appropriations, on July 1, 2018, the sum of  
25 \$50,000 shall be transferred to the Department of Agriculture –  
26 Land Division – Farm Operating Fund (1412) as advance payment  
27 for the purchase of food products; actual payments for such  
28 purchases shall not be required until such credits have been  
29 completely expended.

30           The Director of Juvenile Services shall have the authority  
31 to transfer between appropriations to the individual juvenile centers  
32 above and may transfer funds from the individual juvenile centers  
33 to Resident Medical Expenses (fund 0570, appropriation 53501).

*73 - Division of Protective Services*

(WV Code Chapter 5F)

Fund 0585 FY 2019 Org 0622

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,894,483
3	Unclassified (R) .....	09900	21,991
4	Current Expenses .....	13000	443,357
5	Repairs and Alterations.....	06400	8,500
6	Equipment (R).....	07000	64,171
7	BRIM Premium.....	91300	<u>12,226</u>
8	Total.....		\$ 3,444,728

9           Any unexpended balances remaining in the appropriations  
10 for Equipment (fund 0585, appropriation 07000), and Unclassified  
11 (fund 0585, appropriation 09900) at the close of the fiscal year  
12 2018 are hereby reappropriated for expenditure during the fiscal  
13 year 2019.

**DEPARTMENT OF REVENUE***74 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2019 Org 0701

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 502,846
3	Unclassified.....	09900	5,837
4	Current Expenses .....	13000	81,594
5	Repairs and Alterations.....	06400	1,262
6	Equipment.....	07000	8,000
7	Other Assets.....	69000	<u>500</u>
8	Total.....		\$ 600,039

9           Any unexpended balance remaining in the appropriation  
10 for Unclassified – Total (fund 0465, appropriation 09600) at the



11 close of the fiscal year 2018 is hereby reappropriated for  
 12 expenditure during the fiscal year 2019.

*75 - Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2019 Org 0702

1	Personal Services and		
2	Employee Benefits (R) .....	00100	\$ 18,211,688
3	Unclassified (R) .....	09900	224,578
4	Current Expenses (R) .....	13000	5,770,589
5	Repairs and Alterations .....	06400	10,000
6	Equipment .....	07000	50,000
7	Tax Technology Upgrade .....	09400	3,700,000
8	Integrated Tax Assessment System.....	29200	5,000,000
9	Multi State Tax Commission .....	65300	77,958
10	Other Assets .....	69000	10,000
11	BRIM Premium.....	91300	<u>15,579</u>
12	Total.....		\$ 33,070,392

13 Any unexpended balances remaining in the appropriations  
 14 for Personal Services and Employee Benefits (fund 0470,  
 15 appropriation 00100), Unclassified (fund 0470, appropriation  
 16 09900), and Current Expenses (fund 0470, appropriation 13000) at  
 17 the close of the fiscal year 2018 are hereby reappropriated for  
 18 expenditure during the fiscal year 2019.

*76 - State Budget Office*

(WV Code Chapter 11B)

Fund 0595 FY 2019 Org 0703

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 672,446
3	Unclassified (R) .....	09900	<u>1,199</u>
4	Total.....		\$ 673,645

5 Any unexpended balance remaining in the appropriation  
 6 for Unclassified (fund 0595, appropriation 09900) at the close of  
 7 the fiscal year 2018 is hereby reappropriated for expenditure  
 8 during the fiscal year 2019.

*77 - West Virginia Office of Tax Appeals*

(WV Code Chapter 11)

Fund 0593 FY 2019 Org 0709

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 438,046
3	Current Expenses (R).....	13000	93,022
4	Unclassified.....	09900	5,255
5	BRIM Premium.....	91300	<u>3,062</u>
6	Total.....		\$ 539,385

7 Any unexpended balance remaining in the appropriation  
 8 for Current Expenses (fund 0593, appropriation 13000) at the close  
 9 of the fiscal year 2018 is hereby reappropriated for expenditure  
 10 during the fiscal year 2019.

*78 - Division of Professional and Occupational Licenses –*

*State Athletic Commission*

(WV Code Chapter 29)

Fund 0523 FY 2019 Org 0933

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 7,200
3	Current Expenses .....	13000	<u>29,611</u>
4	Total.....		\$ 36,811

**DEPARTMENT OF TRANSPORTATION**

*79 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2019 Org 0804

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 319,933
3	Current Expenses .....	13000	287,707
4	Other Assets (R).....	69000	1,303,277
5	BRIM Premium.....	91300	<u>201,541</u>
6	Total.....		\$ 2,112,458

7           Any unexpended balance remaining in the appropriation  
8 Other Assets (fund 0506, appropriation 69000) at the close of the  
9 fiscal year 2018 is hereby reappropriated for expenditure during the  
10 fiscal year 2019.

*80 - Division of Public Transit*

(WV Code Chapter 17)

Fund 0510 FY 2019 Org 0805

1	Equipment (R).....	07000	\$ 384,710
2	Current Expenses (R).....	13000	<u>1,878,279</u>
3	Total.....		\$ 2,262,989

4           Any unexpended balances remaining in the appropriations  
5 for Equipment (fund 0510, appropriation 07000), Current  
6 Expenses (fund 0510, appropriation 13000), Buildings (fund 0510,  
7 appropriation 25800), and Other Assets (fund 0510, appropriation  
8 69000) at the close of the fiscal year 2018 are hereby  
9 reappropriated for expenditure during the fiscal year 2019.

*81 - Public Port Authority*

(WV Code Chapter 17)

Fund 0581 FY 2019 Org 0806

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 200,000
3	Current Expenses .....	13000	<u>300,000</u>
4	Total.....		\$ 500,000

*82 - Aeronautics Commission*

(WV Code Chapter 29)

Fund 0582 FY 2019 Org 0807

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 170,304
3	Current Expenses (R).....	13000	591,839
4	Repairs and Alterations.....	06400	100
5	BRIM Premium.....	91300	<u>4,438</u>
6	Total.....		\$ 766,681

7 Any unexpended balances remaining in the appropriations  
8 for Unclassified (fund 0582, appropriation 09900) and Current  
9 Expenses (fund 0582, appropriation 13000) at the close of the fiscal  
10 year 2018 are hereby reappropriated for expenditure during the  
11 fiscal year 2019.

**DEPARTMENT OF VETERANS' ASSISTANCE***83 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2019 Org 0613

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,887,475
3	Unclassified.....	09900	20,000
4	Current Expenses.....	13000	140,161
5	Repairs and Alterations.....	06400	5,000
6	Veterans' Field Offices.....	22800	248,345
7	Veterans' Nursing Home (R).....	28600	5,770,950
8	Veterans' Toll Free Assistance Line.....	32800	2,015
9	Veterans' Reeducation Assistance (R).....	32900	29,502
10	Veterans' Grant Program (R).....	34200	30,741
11	Veterans' Grave Markers.....	47300	10,254
12	Veterans' Transportation.....	48500	625,000
13	Veterans Outreach Programs.....	61700	162,107
14	Memorial Day Patriotic Exercise.....	69700	20,000

15	Veterans Cemetery.....	80800	382,085
16	BRIM Premium.....	91300	<u>25,530</u>
17	Total.....		\$ 9,359,165

18 Any unexpended balances remaining in the appropriations  
 19 for Veterans' Nursing Home (fund 0456, appropriation 28600),  
 20 Veterans' Reeducation Assistance (fund 0456, appropriation  
 21 32900), Veterans' Grant Program (fund 0456, appropriation  
 22 34200), Veterans' Bonus – Surplus (fund 0456, appropriation  
 23 34400), and Educational Opportunities for Children of Deceased  
 24 Veterans (fund 0456, appropriation 85400) at the close of the fiscal  
 25 year 2018 are hereby reappropriated for expenditure during the  
 26 fiscal year 2019.

*84 - Department of Veterans' Assistance –*

*Veterans' Home*

(WV Code Chapter 9A)

Fund 0460 FY 2019 Org 0618

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,148,764
3	Current Expenses .....	13000	<u>46,759</u>
4	Total.....		\$ 1,195,523

**BUREAU OF SENIOR SERVICES**

*85 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2019 Org 0508

1	Transfer to Division of Human Services for Health Care		
2	and Title XIX Waiver for		
3	Senior Citizens.....	53900	\$ 29,950,955
4	The above appropriation for Transfer to Division of Human		
5	Services for Health Care and Title XIX Waiver for Senior Citizens		

6 (fund 0420, appropriation 53900) along with the federal moneys  
 7 generated thereby shall be used for reimbursement for services  
 8 provided under the program.

9 The above appropriation is in addition to funding provided  
 10 in fund 5405 for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY  
 AND TECHNICAL COLLEGE EDUCATION**

*86 - West Virginia Council for*

*Community and Technical College Education –*

*Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2019 Org 0420

1	West Virginia Council for Community		
2	and Technical Education (R) .....	39200	\$ 730,800
3	Transit Training Partnership .....	78300	34,293
4	Community College Workforce		
5	Development (R) .....	87800	2,784,901
6	College Transition Program .....	88700	278,222
7	West Virginia Advance Workforce		
8	Development (R) .....	89300	3,118,172
9	Technical Program Development (R) .....	89400	<u>1,800,735</u>
10	Total.....		\$ 8,747,123

11 Any unexpended balances remaining in the appropriations  
 12 for West Virginia Council for Community and Technical  
 13 Education (fund 0596, appropriation 39200), Capital  
 14 Improvements – Surplus (fund 0596, appropriation 66100),  
 15 Community College Workforce Development (fund 0596,  
 16 appropriation 87800), West Virginia Advance Workforce  
 17 Development (fund 0596, appropriation 89300), and Technical  
 18 Program Development (fund 0596, appropriation 89400) at the

19 close of the fiscal year 2018 are hereby reappropriated for  
20 expenditure during the fiscal year 2019.

21 From the above appropriation for the Community College  
22 Workforce Development (fund 0596, appropriation 87800),  
23 \$200,000 shall be expended on the Mine Training Program in  
24 Southern West Virginia.

25 Included in the above appropriation for West Virginia  
26 Advance Workforce Development (fund 0596, appropriation  
27 89300) is \$200,000 to be used exclusively for advanced  
28 manufacturing and energy industry specific training programs.

*87 - Mountwest Community and Technical College*

(WV Code Chapter 18B)

Fund 0599 FY 2019 Org 0444

1	Mountwest Community and		
2	Technical College .....	48700	\$ 5,505,121

*88 - New River Community and Technical College*

(WV Code Chapter 18B)

Fund 0600 FY 2019 Org 0445

1	New River Community and		
2	Technical College .....	35800	\$ 5,452,807

*89 - Pierpont Community and Technical College*

(WV Code Chapter 18B)

Fund 0597 FY 2019 Org 0446

1	Pierpont Community and		
2	Technical College .....	93000	\$ 7,244,243

*90 - Blue Ridge Community and Technical College*

(WV Code Chapter 18B)

Fund 0601 FY 2019 Org 0447

1	Blue Ridge Community and			
2	Technical College .....	88500	\$	5,099,246

*91 - West Virginia University at Parkersburg*

(WV Code Chapter 18B)

Fund 0351 FY 2019 Org 0464

1	West Virginia University – Parkersburg....	47100	\$	9,495,037
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*92 - Southern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0380 FY 2019 Org 0487

1	Southern West Virginia Community and			
2	Technical College .....	44600	\$	7,944,214

*93 - West Virginia Northern Community and Technical College*

(WV Code Chapter 18B)

Fund 0383 FY 2019 Org 0489

1	West Virginia Northern Community and			
2	Technical College .....	44700	\$	6,833,499

*94 - Eastern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0587 FY 2019 Org 0492

1	Eastern West Virginia Community and			
2	Technical College .....	41200	\$	1,812,537

*95 - BridgeValley Community and Technical College*

(WV Code Chapter 18B)



Fund 0618 FY 2019 Org 0493

1 BridgeValley Community and  
 2 Technical College .....71700 \$ 7,420,648

**HIGHER EDUCATION POLICY COMMISSION***96 - Higher Education Policy Commission –**Administration –**Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2019 Org 0441

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,646,406
3	Current Expenses .....	13000	1,114,959
4	Higher Education Grant Program .....	16400	40,619,864
5	Tuition Contract Program (R).....	16500	1,224,839
6	Underwood-Smith Scholarship		
7	Program-Student Awards.....	16700	328,349
8	Facilities Planning and Administration.....	38600	1,760,254
9	Higher Education System Initiatives.....	48801	1,630,000
10	PROMISE Scholarship – Transfer.....	80000	18,500,000
11	HEAPS Grant Program (R).....	86700	5,011,298
12	BRIM Premium.....	91300	<u>17,817</u>
13	Total.....		\$ 72,853,786

14 Any unexpended balances remaining in the appropriations  
 15 for Unclassified – Surplus (fund 0589, appropriation 09700),  
 16 Tuition Contract Program (fund 0589, appropriation 16500),  
 17 Capital Improvements – Surplus (fund 0589, appropriation 66100),  
 18 Capital Outlay and Maintenance (fund 0589, appropriation 75500),  
 19 and HEAPS Grant Program (fund 0589, appropriation 86700) at  
 20 the close of the fiscal year 2018 are hereby reappropriated for  
 21 expenditure during the fiscal year 2019.

22           The above appropriation for Facilities Planning and  
 23 Administration (fund 0589, appropriation 38600) is for operational  
 24 expenses of the West Virginia Education, Research and  
 25 Technology Park between construction and full occupancy.

26           The above appropriation for Higher Education Grant  
 27 Program (fund 0589, appropriation 16400) shall be transferred to  
 28 the Higher Education Grant Fund (fund 4933, org 0441)  
 29 established by W.Va. Code §18C-5-3.

30           The above appropriation for Underwood-Smith  
 31 Scholarship Program-Student Awards (fund 0589, appropriation  
 32 16700) shall be transferred to the Underwood-Smith Teacher  
 33 Scholarship and Loan Assistance Fund (fund 4922, org 0441)  
 34 established by W.Va. Code §18C-4-1.

35           The above appropriation for PROMISE Scholarship –  
 36 Transfer (fund 0589, appropriation 80000) shall be transferred to  
 37 the PROMISE Scholarship Fund (fund 4296, org 0441) established  
 38 by W.Va. Code §18C-7-7.

*97 - Higher Education Policy Commission –*

*Administration -*

*West Virginia Network for Educational Telecomputing (WVNET)*

(WV Code Chapter 18B9)

Fund 0551 FY 2019 Org 0495

1 WVNET ..... 16900 \$ 1,681,744

*98 - West Virginia University –*

*School of Medicine*

*Medical School Fund*

(WV Code Chapter 18B)

Fund 0343 FY 2019 Org 0463

1	WVU School of Health Science –		
2	Eastern Division.....	05600	\$ 2,158,359
3	WVU – School of Health Sciences .....	17400	16,778,145
4	WVU – School of Health Sciences –		
5	Charleston Division .....	17500	2,218,598
6	Rural Health Outreach Programs .....	37700	162,520
7	West Virginia University		
8	School of Medicine BRIM Subsidy .....	46000	<u>1,203,087</u>
9	Total.....		\$ 22,520,709

10           The above appropriation for Rural Health Outreach  
11 Programs (fund 0343, appropriation 37700) includes rural health  
12 activities and programs; rural residency development and  
13 education; and rural outreach activities.

14           The above appropriation for West Virginia University  
15 School of Medicine BRIM Subsidy (fund 0343, appropriation  
16 46000) shall be paid to the Board of Risk and Insurance  
17 Management as a general revenue subsidy against the ‘Total  
18 Premium Billed’ to the institution as part of the full cost of their  
19 malpractice insurance coverage.

*99 - West Virginia University –*

*General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2019 Org 0463

1	West Virginia University .....	45900	\$ 93,559,659
2	Jackson’s Mill .....	46100	480,879
3	West Virginia University		
4	Institute of Technology.....	47900	7,717,964
5	State Priorities – Brownfield		
6	Professional Development .....	53100	316,556
7	West Virginia University –		
8	Potomac State .....	99400	<u>3,834,937</u>
9	Total.....		\$ 105,909,995

10 From the above appropriation for Jackson’s Mill (fund  
 11 0344, appropriation 46100) \$250,000 shall be used for the West  
 12 Virginia State Fire Training Academy.

*100 - Marshall University –*

*School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2019 Org 0471

1	Marshall Medical School .....	17300	\$ 11,774,743
2	Rural Health Outreach Programs (R).....	37700	156,022
3	Forensic Lab.....	37701	226,009
4	Center for Rural Health.....	37702	153,075
5	Marshall University		
6	Medical School BRIM Subsidy .....	44900	<u>872,612</u>
7	Total.....		\$ 13,182,461

8 Any unexpended balance remaining in the appropriation  
 9 for Rural Health Outreach Program (fund 0347, appropriation  
 10 37700) at the close of the fiscal year 2018 is hereby reappropriated  
 11 for expenditure during the fiscal year 2019.

12 The above appropriation for Rural Health Outreach  
 13 Programs (fund 0347, appropriation 37700) includes rural health  
 14 activities and programs; rural residency development and  
 15 education; and rural outreach activities.

16 The above appropriation for Marshall University Medical  
 17 School BRIM Subsidy (fund 0347, appropriation 44900) shall be  
 18 paid to the Board of Risk and Insurance Management as a general  
 19 revenue subsidy against the ‘Total Premium Billed’ to the  
 20 institution as part of the full cost of their malpractice insurance  
 21 coverage.

*101 - Marshall University –*

*General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2019 Org 0471

1	Marshall University .....	44800	\$	44,273,845
2	Luke Lee Listening			
3	Language and Learning Lab .....	44801		96,203
4	Vista E-Learning (R).....	51900		229,019
5	State Priorities – Brownfield			
6	Professional Development (R).....	53100		309,606
7	Marshall University Graduate			
8	College Writing Project (R).....	80700		25,412
9	WV Autism Training Center (R) .....	93200		<u>1,742,215</u>
10	Total.....		\$	46,676,300

11           Any unexpended balances remaining in the appropriations  
12 for Vista E-Learning (fund 0348, appropriation 51900), State  
13 Priorities – Brownfield Professional Development (fund 0348,  
14 appropriation 53100), Marshall University Graduate College  
15 Writing Project (fund 0348, appropriation 80700), and WV Autism  
16 Training Center (fund 0348, appropriation 93200) at the close of  
17 the fiscal year 2018 are hereby reappropriated for expenditure  
18 during the fiscal year 2019.

*102 - West Virginia School of Osteopathic Medicine*

(WV Code Chapter 18B)

Fund 0336 FY 2019 Org 0476

1	West Virginia School of			
2	Osteopathic Medicine .....	17200	\$	6,683,018
3	Rural Health Outreach Programs (R).....	37700		163,299
4	West Virginia School of			
5	Osteopathic Medicine BRIM Subsidy .....	40300		153,405
6	Rural Health Initiative –			
7	Medical Schools Support.....	58100		<u>391,968</u>
8	Total.....		\$	7,391,690

9           Any unexpended balance remaining in the appropriation  
10 for Rural Health Outreach Programs (fund 0336, appropriation  
11 37700) at the close of fiscal year 2018 is hereby reappropriated for  
12 expenditure during the fiscal year 2019.

13           The above appropriation for Rural Health Outreach  
 14 Programs (fund 0336, appropriation 37700) includes rural health  
 15 activities and programs; rural residency development and  
 16 education; and rural outreach activities.

17           The above appropriation for West Virginia School of  
 18 Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation  
 19 40300) shall be paid to the Board of Risk and Insurance  
 20 Management as a general revenue subsidy against the ‘Total  
 21 Premium Billed’ to the institution as part of the full cost of their  
 22 malpractice insurance coverage.

*103 - Bluefield State College*

(WV Code Chapter 18B)

Fund 0354 FY 2019 Org 0482

1	Bluefield State College .....	40800	\$	5,600,993
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*104 - Concord University*

(WV Code Chapter 18B)

Fund 0357 FY 2019 Org 0483

1	Concord University .....	41000	\$	8,552,843
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*105 - Fairmont State University*

(WV Code Chapter 18B)

Fund 0360 FY 2019 Org 0484

1	Fairmont State University .....	41400	\$	15,111,777
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*106 - Glenville State College*

(WV Code Chapter 18B)

Fund 0363 FY 2019 Org 0485

1	Glenville State College .....	42800	\$	5,885,700
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*107 - Shepherd University*

(WV Code Chapter 18B)

Fund 0366 FY 2019 Org 0486

1 Shepherd University.....43200 \$ 9,671,542

*108 - West Liberty University*

(WV Code Chapter 18B)

Fund 0370 FY 2019 Org 0488

1 West Liberty University.....43900 \$ 7,823,727

*109 - West Virginia State University*

(WV Code Chapter 18B)

Fund 0373 FY 2019 Org 0490

1 West Virginia State University .....44100 \$ 9,861,240

2 West Virginia State University

3 Land Grant Match.....95600 1,586,3404 Total..... \$ 11,447,580

5 Total TITLE II, Section 1 – General Revenue

6 (Including claims against the state) ..... \$4,381,808,884

1 **Sec. 2. Appropriations from state road fund.** — From  
 2 the state road fund there are hereby appropriated conditionally  
 3 upon the fulfillment of the provisions set forth in Article 2, Chapter  
 4 11B of the Code the following amounts, as itemized, for  
 5 expenditure during the fiscal year 2019.

**DEPARTMENT OF TRANSPORTATION***110 - Division of Motor Vehicles*

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2019 Org 0802

	<b>Appropriation</b>	<b>State Road Fund</b>
1	Personal Services and	
2	Employee Benefits.....00100	\$ 23,378,949
3	Current Expenses .....13000	16,181,042
4	Repairs and Alterations.....06400	144,000
5	Equipment.....07000	1,080,000
6	Buildings.....25800	10,000
7	Other Assets.....69000	2,600,000
8	BRIM Premium.....91300	<u>84,738</u>
9	Total.....	\$ 43,478,729

*111 - Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2019 Org 0803

1	Debt Service.....04000	\$ 89,000,000
2	Maintenance.....23700	386,386,000
3	Nonfederal Improvements .....23701	156,500,000
4	Inventory Revolving .....27500	4,000,000
5	Equipment Revolving .....27600	22,500,000
6	General Operations .....27700	68,295,000
7	Interstate Construction .....27800	95,000,000
8	Other Federal Aid Programs .....27900	370,000,000
9	Appalachian Programs .....28000	110,000,000
10	Highway Litter Control.....28200	1,719,000
11	Courtesy Patrol.....28201	<u>5,000,000</u>
12	Total.....	\$ 1,308,400,000

13           The above appropriations are to be expended in accordance  
 14 with the provisions of Chapters 17 and 17C of the code.

15           The Commissioner of Highways shall have the authority to  
 16 operate revolving funds within the State Road Fund for the  
 17 operation and purchase of various types of equipment used directly



18 and indirectly in the construction and maintenance of roads and for  
19 the purchase of inventories and materials and supplies.

20 There is hereby appropriated in addition to the above  
21 appropriations, sufficient money for the payment of claims,  
22 accrued or arising during this budgetary period, to be paid in  
23 accordance with Sections 17 and 18, Article 2, Chapter 14 of the  
24 code.

25 It is the intent of the Legislature to capture and match all  
26 federal funds available for expenditure on the Appalachian  
27 highway system at the earliest possible time. Therefore, should  
28 amounts in excess of those appropriated be required for the  
29 purposes of Appalachian programs, funds in excess of the amount  
30 appropriated may be made available upon recommendation of the  
31 commissioner and approval of the Governor. Further, for the  
32 purpose of Appalachian programs, funds appropriated by  
33 appropriation may be transferred to other appropriations upon  
34 recommendation of the commissioner and approval of the  
35 Governor.

*112 - Office of Administrative Hearings*

(WV Code Chapter 17C)

Fund 9027 FY 2019 Org 0808

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,585,201
3	Current Expenses .....	13000	338,278
4	Repairs and Alterations.....	06400	3,000
5	Equipment.....	07000	15,500
6	BRIM Premium.....	91300	<u>10,000</u>
7	Total.....		\$ 1,951,979

8 Total TITLE II, Section 2 – State Road Fund

9 (Including claims against the state) .....\$ 1,354,239,538

1 **Sec. 3. Appropriations from other funds.** — From the  
2 funds designated there are hereby appropriated conditionally upon

3 the fulfillment of the provisions set forth in Article 2, Chapter 11B  
 4 of the Code the following amounts, as itemized, for expenditure  
 5 during the fiscal year 2019.

### LEGISLATIVE

#### *113 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 1731 FY 2019 Org 2300

	<b>Appro- piation</b>		<b>Other Funds</b>
1 Personal Services and			
2 Employee Benefits.....00100	\$	498,020	
3 Current Expenses .....13000		133,903	
4 Repairs and Alterations.....06400		1,000	
5 Economic Loss Claim Payment Fund.....33400		2,360,125	
6 Other Assets .....69000		<u>3,700</u>	
7 Total.....	\$	2,996,748	

### JUDICIAL

#### *114 - Supreme Court –*

##### *Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2019 Org 2400

1 Current Expenses .....13000	\$	1,600,000
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#### *115 - Supreme Court –*

##### *Court Advanced Technology Subscription Fund*

(WV Code Chapter 51)

Fund 1704 FY 2019 Org 2400

2018] HOUSE OF DELEGATES 2385

1 Current Expenses .....13000 \$ 500,000

*116 - Supreme Court –*

*Adult Drug Court Participation Fund*

(WV Code Chapter 62)

Fund 1705 FY 2019 Org 2400

1 Current Expenses .....13000 \$ 300,000

**EXECUTIVE**

*117 - Governor's Office –*

*Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2019 Org 0100

1	Personal Services and		
2	Employee Benefits.....00100	\$	172,800
3	Current Expenses .....13000		503,200
4	Martin Luther King, Jr.		
5	Holiday Celebration.....03100		<u>8,926</u>
6	Total.....	\$	684,926

*118 - Auditor's Office –*

*Land Operating Fund*

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2019 Org 1200

1	Personal Services and		
2	Employee Benefits.....00100	\$	749,297
3	Unclassified.....09900		15,139
4	Current Expenses .....13000		715,291
5	Repairs and Alterations.....06400		2,600
6	Equipment.....07000		426,741

7	Cost of Delinquent Land Sales.....	76800		<u>1,341,168</u>
8	Total.....		\$	3,250,236

9           There is hereby appropriated from this fund, in addition to  
10 the above appropriations if needed, the necessary amount for the  
11 expenditure of funds other than Personal Services and Employee  
12 Benefits to enable the division to pay the direct expenses relating  
13 to land sales as provided in Chapter 11A of the West Virginia  
14 Code.

15           The total amount of these appropriations shall be paid from  
16 the special revenue fund out of fees and collections as provided by  
17 law.

*119 - Auditor's Office –*

*Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2019 Org 1200

1	Personal Services and			
2	Employee Benefits.....	00100	\$	588,283
3	Current Expenses .....	13000		282,030
4	Repairs and Alterations.....	06400		6,000
5	Equipment.....	07000		10,805
6	Other Assets .....	69000		50,000
7	Statutory Revenue Distribution.....	74100		<u>2,350,000</u>
8	Total.....		\$	3,287,118

9           There is hereby appropriated from this fund, in addition to  
10 the above appropriations if needed, the amount necessary to meet  
11 the transfer of revenue distribution requirements to provide a  
12 proportionate share of rebates back to the general fund of local  
13 governments based on utilization of the program in accordance  
14 with W.Va. Code §6-9-2b.

*120 - Auditor's Office –*

*Securities Regulation Fund*

## (WV Code Chapter 32)

Fund 1225 FY 2019 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,375,836
3	Unclassified.....	09900	31,866
4	Current Expenses .....	13000	1,463,830
5	Repairs and Alterations.....	06400	12,400
6	Equipment .....	07000	394,700
7	Other Assets .....	69000	<u>900,000</u>
8	Total.....		\$ 5,178,632

*121 - Auditor's Office – Technology Support and Acquisition Fund*

## (WV Code Chapter 12)

Fund 1233 FY 2019 Org 1200

1	Current Expenses .....	13000	\$ 10,000
2	Other Assets .....	69000	<u>5,000</u>
3	Total.....		\$ 15,000

4           Fifty percent of the deposits made into this fund shall be  
5 transferred to the Treasurer's Office – Technology Support and  
6 Acquisition Fund (fund 1329, org 1300) for expenditure for the  
7 purposes described in W.Va. Code §12-3-10c.

*122 - Auditor's Office –**Purchasing Card Administration Fund*

## (WV Code Chapter 12)

Fund 1234 FY 2019 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,667,397
3	Current Expenses .....	13000	2,303,622
4	Repairs and Alterations.....	06400	5,500
5	Equipment .....	07000	650,000
6	Other Assets .....	69000	308,886

7	Statutory Revenue Distribution.....	74100		<u>8,000,000</u>
8	Total.....		\$	13,935,405

9           There is hereby appropriated from this fund, in addition to  
10 the above appropriations if needed, the amount necessary to meet  
11 the transfer and revenue distribution requirements to the  
12 Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy  
13 Regional Recreation Authority, and the State Park Operating Fund  
14 (fund 3265) per W.Va. Code §12-3-10d.

*123 - Auditor's Office –*

*Chief Inspector's Fund*

(WV Code Chapter 6)

Fund 1235 FY 2019 Org 1200

1	Personal Services and			
2	Employee Benefits.....	00100	\$	3,405,512
3	Current Expenses .....	13000		765,915
4	Equipment.....	07000		<u>50,000</u>
5	Total.....		\$	4,221,427

*124 - Auditor's Office –*

*Volunteer Fire Department Workers'*

*Compensation Premium Subsidy Fund*

(WV Code Chapters 12 and 33)

Fund 1239 FY 2019 Org 1200

1	Volunteer Fire Department			
2	Workers' Compensation Subsidy .....	83200	\$	2,500,000

*125 - Treasurer's Office*

*College Prepaid Tuition and Savings Program*

*Administrative Account*

## (WV Code Chapter 18)

Fund 1301 FY 2019 Org 1300

1	Personal Services and		
2	Employee Benefits.....00100	\$	774,769
3	Unclassified.....09900		14,000
4	Current Expenses .....13000		<u>619,862</u>
5	Total.....	\$	1,408,631

*126 - Department of Agriculture –**Agriculture Fees Fund*

## (WV Code Chapter 19)

Fund 1401 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....00100	\$	2,244,245
3	Unclassified.....09900		37,425
4	Current Expenses .....13000		1,856,184
5	Repairs and Alterations.....06400		158,500
6	Equipment.....07000		436,209
7	Other Assets .....69000		<u>10,000</u>
8	Total.....	\$	4,742,563

*127 - Department of Agriculture –**West Virginia Rural Rehabilitation Program*

## (WV Code Chapter 19)

Fund 1408 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....00100	\$	73,807
3	Unclassified.....09900		10,476
4	Current Expenses .....13000		<u>963,404</u>
5	Total.....	\$	1,047,687

*128 - Department of Agriculture –**General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 67,000
3	Unclassified.....	09900	2,100
4	Current Expenses .....	13000	89,500
5	Repairs and Alterations.....	06400	36,400
6	Equipment.....	07000	<u>15,000</u>
7	Total.....		\$ 210,000

8           The above appropriations shall be expended in accordance  
9 with Article 26, Chapter 19 of the Code.

*129 - Department of Agriculture –**Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 809,248
3	Unclassified.....	09900	15,173
4	Current Expenses .....	13000	1,367,464
5	Repairs and Alterations.....	06400	388,722
6	Equipment.....	07000	399,393
7	Other Assets.....	69000	<u>20,000</u>
8	Total.....		\$ 3,000,000

*130 - Department of Agriculture –**Donated Food Fund*

(WV Code Chapter 19)



Fund 1446 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 958,864
3	Unclassified.....	09900	45,807
4	Current Expenses .....	13000	3,410,542
5	Repairs and Alterations.....	06400	128,500
6	Equipment .....	07000	10,000
7	Other Assets .....	69000	<u>27,000</u>
8	Total.....		\$ 4,580,713

*131 - Department of Agriculture –**Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2019 Org 1400

1	Current Expenses .....	13000	\$ 100,000
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*132 - Department of Agriculture –**West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2019 Org 1400

1	Current Expenses .....	13000	\$ 500,000
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*133 - Department of Agriculture –**Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2019 Org 1400

1	Current Expenses .....	13000	\$ 7,500
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*134 - Department of Agriculture –  
State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,169,194
3	Unclassified.....	09900	17,000
4	Current Expenses .....	13000	1,143,306
5	Repairs and Alterations.....	06400	82,500
6	Equipment.....	07000	76,000
7	Buildings .....	25800	1,000
8	Other Assets .....	69000	10,000
9	Land .....	73000	<u>1,000</u>
10	Total.....		\$ 2,500,000

*135 - Attorney General –*

*Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2019 Org 1500

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 356,900
3	Current Expenses .....	13000	148,803
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	<u>1,000</u>
6	Total.....		\$ 507,703

*136 - Attorney General –*

*Preneed Burial Contract Regulation Fund*

(WV Code Chapter 47)

Fund 1513 FY 2019 Org 1500

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 210,226
3	Current Expenses .....	13000	54,615
4	Repairs and Alterations.....	06400	1,000
5	Equipment .....	07000	<u>1,000</u>
6	Total.....		\$ 266,841

*137 - Attorney General –*

*Preneed Funeral Guarantee Fund*

(WV Code Chapter 47)

Fund 1514 FY 2019 Org 1500

1	Current Expenses .....	13000	\$ 901,135
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*138 - Secretary of State –*

*Service Fees and Collection Account*

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2019 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 991,051
3	Unclassified.....	09900	4,524
4	Current Expenses .....	13000	<u>8,036</u>
5	Total.....		\$ 1,003,611

*139 - Secretary of State –*

*General Administrative Fees Account*

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2019 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,769,898
3	Unclassified.....	09900	25,529
4	Current Expenses .....	13000	796,716

5	Technology Improvements .....	59900	750,000
6	Total.....		\$ 4,342,143

**DEPARTMENT OF ADMINISTRATION**

*140 - Department of Administration –*

*Office of the Secretary –*

*Tobacco Settlement Fund*

*(WV Code Chapter 4)*

Fund 2041 FY 2019 Org 0201

1	Tobacco Settlement Securitization		
2	Trustee Pass Thru .....	65000	\$ 80,000,000

*141 - Department of Administration –*

*Office of the Secretary –*

*Employee Pension and Health Care Benefit Fund*

*(WV Code Chapter 18)*

Fund 2044 FY 2019 Org 0201

1	Current Expenses .....	13000	\$ 35,000,000
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2           The above appropriation for Current Expenses (fund  
3 2044, appropriation 13000) shall be transferred to the  
4 Consolidated Public Retirement Board – Teachers’ Accumulation  
5 Fund (fund 2600).

*142 - Department of Administration –*

*Division of Finance –*

*Shared Services Section Fund*

*(WV Code Chapter 5A)*

Fund \_\_\_\_ FY 2019 Org 0209

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,500,000
3	Current Expenses .....	13000	<u>500,000</u>
4	Total.....		\$ 2,000,000

*143 - Division of Information Services and Communications*

(WV Code Chapter 5A)

Fund 2220 FY 2019 Org 0210

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 21,378,322
3	Unclassified.....	09900	382,354
4	Current Expenses .....	13000	13,378,766
5	Repairs and Alterations.....	06400	1,000
6	Equipment.....	07000	2,050,000
7	Other Assets.....	69000	<u>1,045,000</u>
8	Total.....		\$ 38,235,442

9           The total amount of these appropriations shall be paid from  
10 a special revenue fund out of collections made by the Division of  
11 Information Services and Communications as provided by law.

12           Each spending unit operating from the General Revenue  
13 Fund, from special revenue funds or receiving reimbursement for  
14 postage from the federal government shall be charged monthly for  
15 all postage meter service and shall reimburse the revolving fund  
16 monthly for all such amounts.

*144 - Division of Purchasing –*

*Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2019 Org 0213

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 655,208
3	Unclassified.....	09900	2,382
4	Current Expenses .....	13000	238,115

5	Repairs and Alterations.....	06400		5,000
6	Equipment.....	07000		2,500
7	Other Assets.....	69000		2,500
8	BRIM Premium.....	91300		810
9	Total.....		\$	906,515

*145 - Division of Purchasing –*

*Purchasing Improvement Fund*

(WV Code Chapter 5A)

Fund 2264 FY 2019 Org 0213

1	Personal Services and			
2	Employee Benefits.....	00100	\$	739,272
3	Unclassified.....	09900		5,562
4	Current Expenses.....	13000		393,066
5	Repairs and Alterations.....	06400		500
6	Equipment.....	07000		500
7	Other Assets.....	69000		500
8	BRIM Premium.....	91300		850
9	Total.....		\$	1,140,250

*146 - Travel Management –*

*Fleet Management Office Fund*

(WV Code Chapter 5A)

Fund 2301 FY 2019 Org 0215

1	Personal Services and			
2	Employee Benefits.....	00100	\$	722,586
3	Unclassified.....	09900		4,000
4	Current Expenses.....	13000		8,130,614
5	Repairs and Alterations.....	06400		12,000
6	Equipment.....	07000		800,000
7	Other Assets.....	69000		2,000
8	Total.....		\$	9,671,200

*147 - Travel Management –**Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2019 Org 0215

1	Unclassified.....	09900	\$	1,000
2	Current Expenses .....	13000		149,700
3	Repairs and Alterations.....	06400		1,175,237
4	Equipment.....	07000		1,000
5	Buildings.....	25800		100
6	Other Assets.....	69000		100
7	Land.....	73000		100
8	Total.....		\$	1,327,237

*148 - Division of Personnel*

(WV Code Chapter 29)

Fund 2440 FY 2019 Org 0222

1	Personal Services and			
2	Employee Benefits.....	00100	\$	4,442,590
3	Unclassified.....	09900		51,418
4	Current Expenses .....	13000		1,262,813
5	Repairs and Alterations.....	06400		5,000
6	Equipment.....	07000		20,000
7	Other Assets.....	69000		60,000
8	Total.....		\$	5,841,821

9           The total amount of these appropriations shall be paid from  
10   a special revenue fund out of fees collected by the Division of  
11   Personnel.

*149 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 2521 FY 2019 Org 0228

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 249,242
3	Unclassified.....	09900	4,023
4	Current Expenses .....	13000	297,528
5	Repairs and Alterations.....	06400	600
6	Equipment .....	07000	500
7	Other Assets .....	69000	500
8	Total.....		<u>\$ 552,393</u>

*150 - Office of Technology –*

*Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2019 Org 0231

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 399,911
3	Unclassified.....	09900	6,949
4	Current Expenses .....	13000	227,116
5	Repairs and Alterations.....	06400	1,000
6	Equipment .....	07000	50,000
7	Other Assets .....	69000	10,000
8	Total.....		<u>\$ 694,976</u>

9           From the above fund, the provisions of W.Va. Code §11B-  
10 2-18 shall not operate to permit expenditures in excess of the funds  
11 authorized for expenditure herein.

**DEPARTMENT OF COMMERCE**

*151 - Division of Forestry*

(WV Code Chapter 19)

Fund 3081 FY 2019 Org 0305

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 1,464,328
3	Current Expenses .....	13000	282,202
4	Repairs and Alterations.....	06400	53,000



5	Equipment.....07000		<u>300,000</u>
6	Total.....	\$	2,099,530

*152 - Division of Forestry –*

*Timbering Operations Enforcement Fund*

(WV Code Chapter 19)

Fund 3082 FY 2019 Org 0305

1	Personal Services and		
2	Employee Benefits.....00100	\$	224,433
3	Current Expenses .....13000		87,036
4	Repairs and Alterations.....06400		<u>11,250</u>
5	Total.....	\$	322,719

*153 - Division of Forestry –*

*Severance Tax Operations*

(WV Code Chapter 11)

Fund 3084 FY 2019 Org 0305

1	Personal Services and		
2	Employee Benefits.....00100	\$	859,626
3	Current Expenses .....13000		<u>435,339</u>
4	Total.....	\$	1,294,965

*154 - Geological and Economic Survey –*

*Geological and Analytical Services Fund*

(WV Code Chapter 29)

Fund 3100 FY 2019 Org 0306

1	Personal Services and		
2	Employee Benefits.....00100	\$	37,966
3	Unclassified.....09900		2,182
4	Current Expenses .....13000		141,631
5	Repairs and Alterations.....06400		50,000

6	Equipment .....	07000	20,000
7	Other Assets .....	69000	<u>10,000</u>
8	Total .....		\$ 261,779

9           The above appropriations shall be used in accordance  
10 with W.Va. Code §29-2-4.

*155 - West Virginia Development Office –*

*Department of Commerce –*

*Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2019 Org 0307

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 1,528,219
3	Unclassified .....	09900	30,000
4	Current Expenses .....	13000	<u>1,482,760</u>
5	Total .....		\$ 3,040,979

*156 - West Virginia Development Office –*

*Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2019 Org 0307

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 430,724
3	Unclassified .....	09900	8,300
4	Current Expenses .....	13000	<u>399,191</u>
5	Total .....		\$ 838,215

*157 - Division of Labor –*

*HVAC Fund*

(WV Code Chapter 21)

Fund 3186 FY 2019 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 300,000
3	Unclassified.....	09900	4,000
4	Current Expenses .....	13000	85,000
5	Repairs and Alterations.....	06400	1,500
6	Buildings .....	25800	1,000
7	BRIM Premium.....	91300	<u>8,500</u>
8	Total.....		\$ 400,000

*158 - Division of Labor –**Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2019 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,019,374
3	Unclassified.....	09900	21,589
4	Current Expenses .....	13000	597,995
5	Repairs and Alterations.....	06400	15,000
6	Buildings .....	25800	5,000
7	BRIM Premium.....	91300	<u>8,500</u>
8	Total.....		\$ 3,667,458

*159 - Division of Labor –**Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2019 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 376,772
3	Unclassified.....	09900	2,261
4	Current Expenses .....	13000	44,112
5	Repairs and Alterations.....	06400	2,000
6	Buildings .....	25800	1,000

7	BRIM Premium.....	91300		<u>8,500</u>
8	Total.....		\$	434,645

*160 - Division of Labor –*

*Steam Boiler Fund*

(WV Code Chapter 21)

Fund 3189 FY 2019 Org 0308

1	Personal Services and			
2	Employee Benefits.....	00100	\$	80,000
3	Unclassified.....	09900		1,000
4	Current Expenses .....	13000		15,000
5	Repairs and Alterations.....	06400		2,000
6	Buildings .....	25800		1,000
7	BRIM Premium.....	91300		1,000
8	Total.....		\$	100,000

*161 - Division of Labor –*

*Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2019 Org 0308

1	Personal Services and			
2	Employee Benefits.....	00100	\$	184,380
3	Unclassified.....	09900		1,380
4	Current Expenses .....	13000		49,765
5	Repairs and Alterations.....	06400		1,500
6	Buildings .....	25800		1,000
7	BRIM Premium.....	91300		<u>8,500</u>
8	Total.....		\$	246,525

*162 - Division of Labor –*

*Amusement Rides and Amusement Attraction Safety Fund*

(WV Code Chapter 21)

Fund 3192 FY 2019 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 179,316
3	Unclassified.....	09900	1,281
4	Current Expenses .....	13000	44,520
5	Repairs and Alterations.....	06400	2,000
6	Buildings .....	25800	1,000
7	BRIM Premium.....	91300	<u>8,500</u>
8	Total.....		\$ 236,617

*163 - Division of Labor –**State Manufactured Housing Administration Fund*

(WV Code Chapter 21)

Fund 3195 FY 2019 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 283,768
3	Unclassified.....	09900	1,847
4	Current Expenses .....	13000	43,700
5	Repairs and Alterations.....	06400	1,000
6	Buildings .....	25800	1,000
7	BRIM Premium.....	91300	<u>3,404</u>
8	Total.....		\$ 334,719

*164 - Division of Labor -**Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2019 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,500,000
3	Current Expenses .....	13000	227,000
4	Repairs and Alterations.....	06400	28,000
5	Equipment.....	07000	15,000
6	BRIM Premium.....	91300	<u>8,500</u>

7 Total..... \$ 1,778,500

*165 - Division of Labor –*

*Bedding and Upholstery Fund*

(WV Code Chapter 21)

Fund 3198 FY 2019 Org 0308

1	Personal Services and		
2	Employee Benefits.....00100	\$	150,000
3	Unclassified.....09900		2,000
4	Current Expenses .....13000		43,000
5	Repairs and Alterations.....06400		2,000
6	Buildings.....25800		1,000
7	BRIM Premium.....91300		<u>2,000</u>
8	Total.....	\$	200,000

*166 - Division of Labor –*

*Psychophysiological Examiners Fund*

(WV Code Chapter 21)

Fund 3199 FY 2019 Org 0308

1	Current Expenses .....13000	\$	4,000
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*167 - Division of Natural Resources –*

*License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2019 Org 0310

1	Wildlife Resources.....02300	\$	7,064,884
2	Administration .....15500		1,766,221
3	Capital Improvements and		
4	Land Purchase (R) .....24800		1,766,220
5	Law Enforcement.....80600		<u>7,064,884</u>
6	Total.....	\$	17,662,209

7 The total amount of these appropriations shall be paid from  
8 a special revenue fund out of fees collected by the Division of  
9 Natural Resources.

10 Any unexpended balance remaining in the appropriation  
11 for Capital Improvements and Land Purchase (fund 3200,  
12 appropriation 24800) at the close of the fiscal year 2018 is hereby  
13 reappropriated for expenditure during the fiscal year 2019.

*168 - Division of Natural Resources –*

*Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2019 Org 0310

1 Current Expenses .....13000 \$ 125,000

*169 - Division of Natural Resources –*

*Nongame Fund*

(WV Code Chapter 20)

Fund 3203 FY 2019 Org 0310

1	Personal Services and		
2	Employee Benefits.....00100	\$	678,109
3	Current Expenses .....13000		201,930
4	Equipment.....07000		<u>106,615</u>
5	Total.....	\$	986,654

*170 - Division of Natural Resources –*

*Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2019 Org 0310

1	Personal Services and		
2	Employee Benefits.....00100	\$	437,496

3	Current Expenses .....	13000		157,864
4	Repairs and Alterations .....	06400		15,016
5	Equipment .....	07000		8,300
6	Buildings .....	25800		8,300
7	Other Assets .....	69000		2,000,000
8	Land .....	73000		<u>31,700</u>
9	Total .....		\$	2,658,676

*171 - Division of Natural Resources –*

*Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2019 Org 0310

1	Personal Services and			
2	Employee Benefits .....	00100	\$	62,704
3	Current Expenses .....	13000		64,778
4	Equipment .....	07000		1,297
5	Buildings .....	25800		<u>6,969</u>
6	Total .....		\$	135,748

*172 - Division of Natural Resources –*

*Whitewater Advertising and Promotion Fund*

(WV Code Chapter 20)

Fund 3256 FY 2019 Org 0310

1	Unclassified .....	09900	\$	200
2	Current Expenses .....	13000		<u>19,800</u>
3	Total .....		\$	20,000

*173 - Division of Miners' Health, Safety and Training –*

*Special Health, Safety and Training Fund*

(WV Code Chapter 22A)

Fund 3355 FY 2019 Org 0314



1	Personal Services and		
2	Employee Benefits .....	00100	\$ 471,606
3	WV Mining Extension Service .....	02600	150,000
4	Unclassified.....	09900	40,985
5	Current Expenses .....	13000	1,954,557
6	Buildings .....	25800	481,358
7	Land .....	73000	<u>1,000,000</u>
8	Total.....		\$ 4,098,506

*174 - Department of Commerce –*

*Office of the Secretary –*

*Broadband Enhancement Fund*

Fund 3013 FY 2019 Org 0327

1	Current Expenses .....	13000	\$ 1,431,043
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*175 - Office of Energy –*

*Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2019 Org 0328

1	Energy Assistance – Total .....	64700	\$ 7,211
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**DEPARTMENT OF EDUCATION**

*176 - State Board of Education –*

*Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2019 Org 0402

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 134,000
3	Unclassified.....	09900	1,000
4	Current Expenses .....	13000	<u>765,000</u>

5	Total.....	\$	900,000
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*177 - State Board of Education –*

*School Construction Fund*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2019 Org 0402

1	SBA Construction Grants .....	24000	\$ 35,845,818
2	Directed Transfer .....	70000	<u>1,371,182</u>
3	Total.....		\$ 37,217,000

4           The above appropriation for Directed Transfer (fund 3951,  
5 appropriation 70000) shall be transferred to the School Building  
6 Authority Fund (3959) for the administrative expenses of the  
7 School Building Authority.

*178 - School Building Authority*

(WV Code Chapter 18)

Fund 3959 FY 2019 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,085,152
3	Current Expenses .....	13000	244,100
4	Repairs and Alterations.....	06400	13,150
5	Equipment.....	07000	<u>26,000</u>
6	Total.....		\$ 1,368,402

**DEPARTMENT OF EDUCATION AND THE ARTS**

*179 - Office of the Secretary –*

*Lottery Education Fund Interest Earnings –*

*Control Account*

(WV Code Chapter 29)

Fund 3508 FY 2019 Org 0431

1 Any unexpended balance remaining in the appropriation  
 2 for Educational Enhancements (fund 3508, appropriation 69500) at  
 3 the close of the fiscal year 2018 is hereby reappropriated for  
 4 expenditure during the fiscal year 2019.

*180 - Division of Culture and History –*

*Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2019 Org 0432

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 211,418
3	Current Expenses .....	13000	862,241
4	Equipment .....	07000	75,000
5	Buildings .....	25800	1,000
6	Other Assets .....	69000	52,328
7	Land .....	73000	<u>1,000</u>
8	Total .....		\$ 1,202,987

*181 - State Board of Rehabilitation –*

*Division of Rehabilitation Services –*

*West Virginia Rehabilitation Center Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2019 Org 0932

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 119,738
3	Current Expenses .....	13000	2,180,122
4	Repairs and Alterations .....	06400	85,500
5	Equipment .....	07000	220,000
6	Buildings .....	25800	150,000
7	Other Assets .....	69000	<u>150,000</u>
8	Total .....		\$ 2,905,360

**DEPARTMENT OF ENVIRONMENTAL PROTECTION***182 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2019 Org 0312

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 802,269
3	Current Expenses .....	13000	2,060,997
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	5,000
6	Other Assets.....	69000	<u>4,403</u>
7	Total.....		\$ 2,873,669

*183 - Division of Environmental Protection –**Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 692,784
3	Current Expenses .....	13000	190,569
4	Repairs and Alterations.....	06400	500
5	Equipment.....	07000	1,505
6	Unclassified.....	09900	8,072
7	Other Assets.....	69000	<u>2,000</u>
8	Total.....		\$ 895,430

*184 - Division of Environmental Protection –**Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 935,324
3	Current Expenses .....	13000	1,226,863
4	Repairs and Alterations .....	06400	13,000
5	Equipment .....	07000	53,105
6	Unclassified.....	09900	14,647
7	Other Assets .....	69000	<u>20,000</u>
8	Total.....		\$ 2,262,939

*185 - Division of Environmental Protection –*

*Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 1,350,829
3	Current Expenses .....	13000	16,402,506
4	Repairs and Alterations .....	06400	79,950
5	Equipment .....	07000	130,192
6	Other Assets .....	69000	<u>32,000</u>
7	Total.....		\$ 17,995,477

*186 - Division of Environmental Protection –*

*Oil and Gas Reclamation Fund*

(WV Code Chapter 22)

Fund 3322 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 143,906
3	Current Expenses .....	13000	<u>356,094</u>
4	Total.....		\$ 500,000

*187 - Division of Environmental Protection –*

*Oil and Gas Operating Permit and Processing Fund*

## (WV Code Chapter 22)

Fund 3323 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,321,164
3	Current Expenses .....	13000	1,237,758
4	Repairs and Alterations.....	06400	40,600
5	Equipment.....	07000	8,000
6	Unclassified.....	09900	44,700
7	Other Assets .....	69000	<u>15,000</u>
8	Total.....		\$ 4,667,222

*188 - Division of Environmental Protection –**Mining and Reclamation Operations Fund*

## (WV Code Chapter 22)

Fund 3324 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,035,449
3	Current Expenses .....	13000	2,302,231
4	Repairs and Alterations.....	06400	60,260
5	Equipment.....	07000	83,000
6	Unclassified.....	09900	920
7	Other Assets .....	69000	<u>57,500</u>
8	Total.....		\$ 6,539,360

*189 - Division of Environmental Protection –**Underground Storage Tank**Administrative Fund*

## (WV Code Chapter 22)

Fund 3325 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 466,543

3	Current Expenses .....	13000		318,420
4	Repairs and Alterations .....	06400		5,350
5	Equipment .....	07000		3,610
6	Unclassified.....	09900		7,520
7	Other Assets .....	69000		3,500
8	Total.....		\$	804,943

*190 - Division of Environmental Protection –*

*Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2019 Org 0313

1	Personal Services and			
2	Employee Benefits.....	00100	\$	6,000
3	Current Expenses .....	13000		1,067,905
4	Repairs and Alterations.....	06400		7,014
5	Equipment .....	07000		9,000
6	Unclassified.....	09900		10,616
7	Other Assets .....	69000		3,500
8	Total.....		\$	1,104,035

*191 - Division of Environmental Protection –*

*Solid Waste Reclamation and*

*Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2019 Org 0313

1	Personal Services and			
2	Employee Benefits.....	00100	\$	793,967
3	Current Expenses .....	13000		3,604,737
4	Repairs and Alterations.....	06400		25,000
5	Equipment .....	07000		31,500
6	Unclassified.....	09900		22,900
7	Buildings .....	25800		500
8	Other Assets .....	69000		1,000

9 Total..... \$ 4,479,604

*192 - Division of Environmental Protection –*

*Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....00100	\$	3,041,424
3	Current Expenses .....13000		1,020,229
4	Repairs and Alterations.....06400		30,930
5	Equipment.....07000		23,356
6	Unclassified.....09900		37,145
7	Other Assets .....69000		<u>25,554</u>
8	Total.....	\$	4,178,638

*193 - Division of Environmental Protection –*

*Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....00100	\$	5,643,421
3	Current Expenses .....13000		1,489,467
4	Repairs and Alterations.....06400		84,045
5	Equipment.....07000		103,601
6	Unclassified.....09900		70,572
7	Other Assets .....69000		<u>52,951</u>
8	Total.....	\$	7,444,057

*194 - Division of Environmental Protection –*

*Environmental Laboratory*

*Certification Fund*



## (WV Code Chapter 22)

Fund 3340 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 311,044
3	Current Expenses .....	13000	208,188
4	Repairs and Alterations.....	06400	1,000
5	Equipment.....	07000	1,000
6	Unclassified.....	09900	1,120
7	Other Assets.....	69000	<u>177,000</u>
8	Total.....		\$ 699,352

*195 - Division of Environmental Protection –**Stream Restoration Fund*

## (WV Code Chapter 22)

Fund 3349 FY 2019 Org 0313

1	Current Expenses .....	13000	\$ 9,298,205
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*196 - Division of Environmental Protection –**Litter Control Fund*

## (WV Code Chapter 22)

Fund 3486 FY 2019 Org 0313

1	Current Expenses .....	13000	\$ 60,000
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*197 - Division of Environmental Protection –**Recycling Assistance Fund*

## (WV Code Chapter 22)

Fund 3487 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 646,395

3	Current Expenses .....	13000	2,735,112
4	Repairs and Alterations .....	06400	800
5	Equipment .....	07000	500
6	Unclassified.....	09900	400
7	Other Assets .....	69000	<u>2,500</u>
8	Total.....		\$ 3,385,707

*198 - Division of Environmental Protection –*

*Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,228,345
3	Current Expenses .....	13000	642,934
4	Repairs and Alterations.....	06400	30,112
5	Equipment .....	07000	23,500
6	Unclassified.....	09900	1,180
7	Other Assets .....	69000	<u>11,520</u>
8	Total.....		\$ 1,937,591

*199 - Oil and Gas Conservation Commission –*

*Special Oil and Gas Conservation Fund*

(WV Code Chapter 22C)

Fund 3371 FY 2019 Org 0315

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 157,224
3	Current Expenses .....	13000	161,225
4	Repairs and Alterations.....	06400	1,000
5	Equipment .....	07000	9,481
6	Other Assets .....	69000	<u>1,500</u>
7	Total.....		\$ 330,430

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES***200 - Division of Health –**Ryan Brown Addiction Prevention and Recovery Fund*

(WV Code Chapter 19)

Fund 5111 FY 2019 Org 0506

1	Current Expenses .....	13000	\$	13,588,654
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*201 - Division of Health –**The Vital Statistics Account*

(WV Code Chapter 16)

Fund 5144 FY 2019 Org 0506

1	Personal Services and			
2	Employee Benefits.....	00100	\$	876,771
3	Unclassified.....	09900		15,500
4	Current Expenses .....	13000		<u>1,257,788</u>
5	Total.....		\$	2,150,059

*202 - Division of Health –**Hospital Services Revenue Account**Special Fund**Capital Improvement, Renovation and Operations*

(WV Code Chapter 16)

Fund 5156 FY 2019 Org 0506

1	Institutional Facilities Operations .....	33500	\$	35,555,221
2	Medical Services Trust Fund – Transfer....	51200		<u>27,800,000</u>
3	Total.....		\$	63,355,221

4           The total amount of these appropriations shall be paid from  
 5 the Hospital Services Revenue Account Special Fund created by  
 6 W.Va. Code §16-1-13, and shall be used for operating expenses  
 7 and for improvements in connection with existing facilities.

8           Additional funds have been appropriated in fund 0525,  
 9 fiscal year 2019, organization 0506, for the operation of the  
 10 institutional facilities. The Secretary of the Department of Health  
 11 and Human Resources is authorized to utilize up to ten percent of  
 12 the funds from the appropriation for Institutional Facilities  
 13 Operations to facilitate cost effective and cost saving services at  
 14 the community level.

15           Necessary funds from the above appropriation may be used  
 16 for medical facilities operations, either in connection with this fund  
 17 or in connection with the appropriation designated Institutional  
 18 Facilities Operations in the Consolidated Medical Service Fund  
 19 (fund 0525, organization 0506).

20           From the above appropriation to Institutional Facilities  
 21 Operations, together with available funds from the Consolidated  
 22 Medical Services Fund (fund 0525, appropriation 33500) on July  
 23 1, 2018, the sum of \$160,000 shall be transferred to the Department  
 24 of Agriculture – Land Division – Farm Operating Fund (1412) as  
 25 advance payment for the purchase of food products; actual  
 26 payments for such purchases shall not be required until such credits  
 27 have been completely expended.

*203 - Division of Health –*

*Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 862,657
3	Unclassified.....	09900	18,114
4	Current Expenses .....	13000	<u>930,716</u>
5	Total.....		\$ 1,811,487

*204 - Division of Health –**The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....00100	\$	605,950
3	Unclassified.....09900		7,113
4	Current Expenses .....13000		<u>98,247</u>
5	Total.....	\$	711,310

*205 - Division of Health –**Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2019 Org 0506

1	Current Expenses .....13000	\$	9,740
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*206 - Division of Health –**Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....00100	\$	19,100
3	Unclassified.....09900		373
4	Current Expenses .....13000		<u>17,875</u>
5	Total.....	\$	37,348

*207 - Division of Health –**West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 647,545
3	Unclassified.....	09900	223,999
4	Current Expenses .....	13000	<u>28,053,549</u>
5	Total.....		\$ 28,925,093

*208 - Division of Health –*

*Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2019 Org 0506

1	Current Expenses .....	13000	\$ 7,579
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*209 - Division of Health –*

*Medical Cannabis Program Fund*

(WV Code Chapter 16A)

Fund 5420 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 509,658
3	Current Expenses .....	13000	1,151,040
4	Other Assets .....	69000	<u>895,000</u>
5	Total.....		\$ 2,555,698

*210 - West Virginia Health Care Authority –*

*Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2019 Org 0507

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,310,821
3	Hospital Assistance .....	02500	50,000

4	Unclassified.....	09900	100
5	Current Expenses .....	13000	754,645
6	Repairs and Alterations.....	06400	500
7	Equipment.....	07000	<u>300</u>
8	Total.....		\$ 2,116,366

9           The above appropriation is to be expended in accordance  
10 with and pursuant to the provisions of W.Va. Code §16-29B and  
11 from the special revolving fund designated Health Care Cost  
12 Review Fund.

*211 - West Virginia Health Care Authority –*

*Certificate of Need Program Fund*

(WV Code Chapter 16)

Fund 5377 FY 2019 Org 0507

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 805,113
3	Current Expenses .....	13000	<u>774,967</u>
4	Total.....		\$ 1,580,080

*212 - Division of Human Services –*

*Health Care Provider Tax –*

*Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2019 Org 0511

1	Medical Services.....	18900	\$ 198,568,451
2	Medical Services Administrative Costs .....	78900	<u>231,549</u>
3	Total.....		\$ 198,800,000

4           The above appropriation for Medical Services  
5 Administrative Costs (fund 5090, appropriation 78900) shall be  
6 transferred to a special revenue account in the treasury for use by  
7 the Department of Health and Human Resources for administrative

8 purposes. The remainder of all moneys deposited in the fund shall  
9 be transferred to the West Virginia Medical Services Fund (fund  
10 5084.)

*213 - Division of Human Services –*

*Child Support Enforcement Fund*

(WV Code Chapter 48A)

Fund 5094 FY 2019 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 24,809,509
3	Unclassified.....	09900	380,000
4	Current Expenses .....	13000	<u>12,810,491</u>
5	Total.....		\$ 38,000,000

*214 - Division of Human Services –*

*Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2019 Org 0511

1	Medical Services.....	18900	\$ 73,477,905
2	Medical Services Administrative Costs .....	78900	<u>548,723</u>
3	Total.....		\$ 74,026,628

4           The above appropriation to Medical Services shall be used  
5 to provide state match of Medicaid expenditures as defined and  
6 authorized in subsection (c) of W.Va. Code §9-4A-2a.  
7 Expenditures from the fund are limited to the following: payment  
8 of backlogged billings, funding for services to future federally  
9 mandated population groups and payment of the required state  
10 match for Medicaid disproportionate share payments. The  
11 remainder of all moneys deposited in the fund shall be transferred  
12 to the Division of Human Services accounts.



*215 - Division of Human Services –**James ‘Tiger’ Morton Catastrophic Illness Fund*

(WV Code Chapter 16)

Fund 5454 FY 2019 Org 0511

1	Unclassified.....	09900	\$	7,000
2	Current Expenses .....	13000		<u>693,000</u>
3	Total.....		\$	700,000

*216 - Division of Human Services –**Domestic Violence Legal Services Fund*

(WV Code Chapter 48)

Fund 5455 FY 2019 Org 0511

1	Current Expenses .....	13000	\$	900,000
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*217 - Division of Human Services –**West Virginia Works Separate State College Program Fund*

(WV Code Chapter 9)

Fund 5467 FY 2019 Org 0511

1	Current Expenses .....	13000	\$	1,000,000
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*218 - Division of Human Services –**West Virginia Works Separate State Two-Parent Program Fund*

(WV Code Chapter 9)

Fund 5468 FY 2019 Org 0511

1	Current Expenses .....	13000	\$	2,000,000
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219 - *Division of Human Services –*

*Marriage Education Fund*

(WV Code Chapter 9)

Fund 5490 FY 2019 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,000
3	Current Expenses .....	13000	<u>25,000</u>
4	Total.....		\$ 35,000

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY**

220 - *Department of Military Affairs and Public Safety –*

*Office of the Secretary –*

*Law-Enforcement, Safety and Emergency Worker*

*Funeral Expense Payment Fund*

(WV Code Chapter 15)

Fund 6003 FY 2019 Org 0601

1	Current Expenses .....	13000	32,000
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221 - *State Armory Board –*

*General Armory Fund*

(WV Code Chapter 15)

Fund 6057 FY 2019 Org 0603

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,643,528
3	Current Expenses .....	13000	650,000
4	Repairs and Alterations .....	06400	385,652
5	Equipment .....	07000	250,000

6	Buildings .....	25800		770,820
7	Other Assets .....	69000		100,000
8	Land .....	73000		<u>200,000</u>
9	Total .....		\$	4,000,000

10 From the above appropriations, the Adjutant General may  
 11 receive and expend funds to conduct operations and activities to  
 12 include functions of the Military Authority. The Adjutant General  
 13 may transfer funds between appropriations, except no funds may  
 14 be transferred to Personal Services and Employee Benefits (fund  
 15 6057, appropriation 00100).

*222 - Division of Homeland Security*

*And Emergency Management –*

*Statewide Interoperable Radio Network Account*

(WV Code Chapter 15)

Fund 6208 FY 2019 Org 0606

1	Current Expenses .....	13000	\$	80,000
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*223 - Division of Homeland Security and*

*Emergency Management –*

*West Virginia Interoperable Radio Project*

(WV Code Chapter 24)

Fund 6295 FY 2019 Org 0606

1	Current Expenses .....	13000	\$	2,000,000
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2 Any unexpended balance remaining in the appropriation  
 3 for Unclassified – Total (fund 6295, appropriation 09600) at the  
 4 close of fiscal year 2018 is hereby reappropriated for expenditure  
 5 during the fiscal year 2019.

*224 - West Virginia Division of Corrections –*

*Parolee Supervision Fees*

(WV Code Chapter 62)

Fund 6362 FY 2019 Org 0608

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,013,793
3	Unclassified.....	09900	9,804
4	Current Expenses .....	13000	758,480
5	Equipment.....	07000	30,000
6	Other Assets.....	69000	<u>40,129</u>
7	Total.....		\$ 1,852,206

*225 - West Virginia State Police –*

*Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2019 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,786,923
3	Current Expenses .....	13000	1,488,211
4	Repairs and Alterations.....	06400	204,500
5	Equipment.....	07000	3,770,751
6	Buildings.....	25800	534,000
7	Other Assets.....	69000	5,000
8	BRIM Premium.....	91300	<u>302,432</u>
9	Total.....		\$ 8,091,817

10           The total amount of these appropriations shall be paid  
 11 from the special revenue fund out of fees collected for inspection  
 12 stickers as provided by law.

*226 - West Virginia State Police –*

*Forensic Laboratory Fund*

## (WV Code Chapter 15)

Fund 6511 FY 2019 Org 0612

1	Personal Services and		
2	Employee Benefits.....00100	\$	100,000
3	Current Expenses .....13000		90,000
4	Repairs and Alterations.....06400		5,000
5	Equipment.....07000		<u>45,000</u>
6	Total.....	\$	240,000

*227 - West Virginia State Police –**Drunk Driving Prevention Fund*

## (WV Code Chapter 15)

Fund 6513 FY 2019 Org 0612

1	Current Expenses .....13000	\$	1,327,000
2	Equipment.....07000		3,491,895
3	BRIM Premium.....91300		<u>154,452</u>
4	Total.....	\$	4,973,347

5           The total amount of these appropriations shall be paid from  
6 the special revenue fund out of receipts collected pursuant to W. Va.  
7 Code §11-15-9a and 16 and paid into a revolving fund account in  
8 the State Treasury.

*228 - West Virginia State Police –**Surplus Real Property Proceeds Fund*

## (WV Code Chapter 15)

Fund 6516 FY 2019 Org 0612

1	Buildings .....25800	\$	1,022,778
2	Land .....73000		1,000
3	BRIM Premium.....91300		<u>77,222</u>
4	Total.....	\$	1,101,000

229 - West Virginia State Police –

*Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2019 Org 0612

1	Current Expenses .....	13000	\$	225,000
2	Repairs and Alterations.....	06400		20,000
3	Equipment .....	07000		250,000
4	Buildings .....	25800		40,000
5	Other Assets .....	69000		45,000
6	BRIM Premium.....	91300		<u>5,000</u>
7	Total.....		\$	585,000

230 - West Virginia State Police –

*Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2019 Org 0612

1	Personal Services and			
2	Employee Benefits.....	00100	\$	236,881
3	Current Expenses .....	13000		51,443
4	Repairs and Alterations.....	06400		500
5	Equipment .....	07000		300,500
6	Other Assets .....	69000		300,500
7	BRIM Premium.....	91300		<u>18,524</u>
8	Total.....		\$	908,348

231 - West Virginia State Police –

*Bail Bond Enforcer Account*

(WV Code Chapter 15)

Fund 6532 FY 2019 Org 0612

1	Current Expenses .....	13000	\$	8,300
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*232 - West Virginia State Police –**State Police Academy Post Exchange*

(WV Code Chapter 15)

Fund 6544 FY 2019 Org 0612

1	Current Expenses .....	13000	\$	160,000
2	Repairs and Alterations .....	06400		<u>40,000</u>
3	Total .....		\$	200,000

*233 - Regional Jail and Correctional Facility Authority*

(WV Code Chapter 31)

Fund 6675 FY 2019 Org 0615

1	Personal Services and			
2	Employee Benefits .....	00100	\$	1,971,039
3	Debt Service .....	04000		9,000,000
4	Current Expenses .....	13000		495,852
5	Repairs and Alterations .....	06400		4,000
6	Equipment .....	07000		<u>1,743</u>
7	Total .....		\$	11,472,634

*234 - Fire Commission –**Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2019 Org 0619

1	Personal Services and			
2	Employee Benefits .....	00100	\$	3,233,683
3	Unclassified .....	09900		3,800
4	Current Expenses .....	13000		1,249,550
5	Repairs and Alterations .....	06400		58,500
6	Equipment .....	07000		140,800
7	Other Assets .....	69000		2,000
8	BRIM Premium .....	91300		<u>60,000</u>

9 Total..... \$ 4,748,333

*235 - Division of Justice and Community Services –*

*WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2019 Org 0620

1	Personal Services and		
2	Employee Benefits.....00100	\$	152,000
3	Unclassified.....09900		750
4	Current Expenses .....13000		1,846,250
5	Repairs and Alterations.....06400		<u>1,000</u>
6	Total.....	\$	2,000,000

*236 - Division of Justice and Community Services –*

*Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2019 Org 0620

1	Personal Services and		
2	Employee Benefits.....00100	\$	21,865
3	Current Expenses .....13000		<u>1,478,135</u>
4	Total.....	\$	1,500,000

*237 - Division of Justice and Community Services –*

*Second Chance Driver’s License Program Account*

(WV Code Chapter 17B)

Fund 6810 FY 2019 Org 0620

1	Current Expenses .....13000	\$	25,000
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**DEPARTMENT OF REVENUE**

*238 - Division of Financial Institutions*



## (WV Code Chapter 31A)

Fund 3041 FY 2019 Org 0303

1	Personal Services and		
2	Employee Benefits.....00100	\$	2,511,101
3	Current Expenses .....13000		705,875
4	Repairs and Alterations.....06400		100
5	Equipment.....07000		<u>12,000</u>
6	Total.....	\$	3,229,076

*239 - Office of the Secretary –**State Debt Reduction Fund*

## (WV Code Chapter 29)

Fund 7007 FY 2019 Org 0701

1	Directed Transfer .....	70000	\$ 20,000,000
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2           The above appropriation for Directed Transfer shall be  
3 transferred to the Consolidated Public Retirement Board – West  
4 Virginia Public Employees Retirement System Employers  
5 Accumulation Fund (fund 2510).

*240 - Tax Division –**Cemetery Company Account*

## (WV Code Chapter 35)

Fund 7071 FY 2019 Org 0702

1	Personal Services and		
2	Employee Benefits.....00100	\$	23,459
3	Current Expenses .....13000		<u>7,717</u>
4	Total.....	\$	31,176

*241 - Tax Division –**Special Audit and Investigative Unit*

## (WV Code Chapter 11)

Fund 7073 FY 2019 Org 0702

1	Personal Services and		
2	Employee Benefits.....00100	\$	655,203
3	Unclassified.....09900		9,500
4	Current Expenses .....13000		273,297
5	Repairs and Alterations.....06400		7,000
6	Equipment.....07000		<u>5,000</u>
7	Total.....	\$	950,000

*242 - Tax Division –**Wine Tax Administration Fund*

## (WV Code Chapter 60)

Fund 7087 FY 2019 Org 0702

1	Personal Services and		
2	Employee Benefits.....00100	\$	254,162
3	Current Expenses .....13000		<u>5,406</u>
4	Total.....	\$	259,568

*243 - Tax Division –**Reduced Cigarette Ignition Propensity**Standard and Fire Prevention Act Fund*

## (WV Code Chapter 47)

Fund 7092 FY 2019 Org 0702

1	Current Expenses .....13000	\$	35,000
2	Equipment.....07000		<u>15,000</u>
3	Total.....	\$	50,000

*244 - Tax Division –**Local Sales Tax and Excise Tax*

*Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2019 Org 0702

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,508,968
3	Unclassified.....	09900	10,000
4	Current Expenses .....	13000	784,563
5	Repairs and Alterations.....	06400	1,000
6	Equipment.....	07000	<u>5,000</u>
7	Total.....		\$ 2,309,531

*245 - State Budget Office –**Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2019 Org 0703

1	Public Employees Insurance		
2	Reserve Fund – Transfer.....	90300	\$ 6,800,000

3           The above appropriation for Public Employees Insurance  
4 Reserve Fund – Transfer shall be transferred to the Medical  
5 Services Trust Fund (fund 5185, org 0511) for expenditure.

*246 - State Budget Office –**Public Employees Insurance Agency Financial Stability Fund*

(WV Code Chapter 11B)

Fund 7401 FY 2019 Org 0703

1	Retiree Premium Offset .....	80101	\$ 5,000,000
2	PEIA Reserve.....	80102	<u>10,000,000</u>
3	Total.....		\$ 15,000,000

4           The above appropriation shall be transferred to special  
5 revenue funds to be utilized by the West Virginia Public

6 Employees Insurance Agency for the purposes of permitting the  
 7 PEIA Finance Board to offset \$5 million in retiree premium  
 8 increases. Additionally, \$10 million will be put into a reserve fund  
 9 to stabilize and preserve the future solvency of PEIA. Such amount  
 10 shall not be included in the calculation of the plan year aggregate  
 11 premium cost-sharing percentages between employers and  
 12 employees.

*247 - Insurance Commissioner –*

*Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2019 Org 0704

1	Personal Services and		
2	Employee Benefits.....00100	\$	721,117
3	Current Expenses .....13000		1,357,201
4	Repairs and Alterations.....06400		3,000
5	Equipment.....07000		81,374
6	Buildings .....25800		8,289
7	Other Assets .....69000		<u>11,426</u>
8	Total.....	\$	2,182,407

*248 - Insurance Commissioner –*

*Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2019 Org 0704

1	Personal Services and		
2	Employee Benefits.....00100	\$	552,228
3	Current Expenses .....13000		202,152
4	Repairs and Alterations.....06400		5,000
5	Equipment.....07000		34,225
6	Buildings .....25800		4,865
7	Other Assets .....69000		<u>19,460</u>
8	Total.....	\$	817,930

*249 - Insurance Commissioner –**Insurance Commission Fund*

(WV Code Chapter 33)

Fund 7152 FY 2019 Org 0704

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 23,039,727
3	Current Expenses .....	13000	8,797,758
4	Repairs and Alterations .....	06400	68,614
5	Equipment .....	07000	1,728,240
6	Buildings .....	25800	25,000
7	Other Assets .....	69000	<u>340,661</u>
8	Total .....		\$ 34,000,000

*250 - Insurance Commissioner –**Workers' Compensation Old Fund*

(WV Code Chapter 23)

Fund 7162 FY 2019 Org 0704

1	Employee Benefits .....	01000	\$ 50,000
2	Current Expenses .....	13000	<u>250,500,000</u>
3	Total .....		\$ 250,550,000

*251 - Insurance Commissioner –**Workers' Compensation Uninsured Employers' Fund*

(WV Code Chapter 23)

Fund 7163 FY 2019 Org 0704

1	Current Expenses .....	13000	\$ 15,000,000
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*252 - Insurance Commissioner –**Self-Insured Employer Guaranty Risk Pool*

(WV Code Chapter 23)

Fund 7164 FY 2019 Org 0704

1 Current Expenses .....13000 \$ 9,000,000

*253 - Insurance Commissioner –  
Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2019 Org 0704

1 Current Expenses .....13000 \$ 14,000,000

*254 - Municipal Bond Commission*

(WV Code Chapter 13)

Fund 7253 FY 2019 Org 0706

1	Personal Services and		
2	Employee Benefits.....00100	\$	247,523
3	Current Expenses .....13000		144,844
4	Equipment.....07000		<u>100</u>
5	Total.....	\$	392,467

*255 - Racing Commission –  
Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2019 Org 0707

1 Medical Expenses – Total.....24500 \$ 57,000

2           The total amount of this appropriation shall be paid from  
3 the special revenue fund out of collections of license fees and fines  
4 as provided by law.

5 No expenditures shall be made from this fund except for  
6 hospitalization, medical care and/or funeral expenses for persons  
7 contributing to this fund.

*256 - Racing Commission –*

*Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2019 Org 0707

1	Personal Services and		
2	Employee Benefits.....00100	\$	256,665
3	Current Expenses .....13000		93,335
4	Other Assets .....69000		<u>5,000</u>
5	Total.....	\$	355,000

*257 - Racing Commission –*

*General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2019 Org 0707

1	Personal Services and		
2	Employee Benefits.....00100	\$	2,271,339
3	Current Expenses .....13000		566,248
4	Repairs and Alterations.....06400		7,000
5	Other Assets .....69000		<u>50,000</u>
6	Total.....	\$	2,894,587

*258 - Racing Commission –*

*Administration, Promotion, Education, Capital Improvement*

*and Greyhound Adoption Programs*

*to include Spaying and Neutering Account*

(WV Code Chapter 19)

Fund 7307 FY 2019 Org 0707

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 864,474
3	Current Expenses .....	13000	214,406
4	Other Assets .....	69000	<u>200,000</u>
5	Total.....		\$ 1,278,880

*259 - Alcohol Beverage Control Administration –**Wine License Special Fund*

(WV Code Chapter 60)

Fund 7351 FY 2019 Org 0708

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 122,339
3	Current Expenses .....	13000	69,186
4	Repairs and Alterations.....	06400	7,263
5	Equipment.....	07000	10,000
6	Buildings.....	25800	100,000
7	Other Assets.....	69000	<u>100</u>
8	Total.....		\$ 308,888

9           To the extent permitted by law, four classified exempt  
10 positions shall be provided from Personal Services and Employee  
11 Benefits appropriation for field auditors.

*260 - Alcohol Beverage Control Administration*

(WV Code Chapter 60)

Fund 7352 FY 2019 Org 0708

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,413,237
3	Current Expenses .....	13000	2,890,577
4	Repairs and Alterations.....	06400	91,000
5	Equipment.....	07000	108,000
6	Buildings.....	25800	375,100
7	Purchase of Supplies for Resale.....	41900	72,500,000



8	Transfer Liquor Profits and Taxes .....	42500	20,800,000
9	Other Assets .....	69000	125,100
10	Land .....	73000	<u>100</u>
11	Total .....		\$ 102,303,114

12           The total amount of these appropriations shall be paid from  
 13 a special revenue fund out of liquor revenues and any other  
 14 revenues available.

15           The above appropriations include the salary of the  
 16 commissioner and the salaries, expenses and equipment of  
 17 administrative offices, warehouses and inspectors.

18           The above appropriations include funding for the  
 19 Tobacco/Alcohol Education Program.

20           There is hereby appropriated from liquor revenues, in  
 21 addition to the above appropriations as needed, the necessary  
 22 amount for the purchase of liquor as provided by law and the  
 23 remittance of profits and taxes to the General Revenue Fund.

*261 - State Athletic Commission Fund*

(WV Code Chapter 29)

Fund 7009 FY 2019 Org 0933

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 2,900
3	Current Expenses .....	13000	<u>37,100</u>
4	Total .....		\$ 40,000

**DEPARTMENT OF TRANSPORTATION**

*262 - Division of Motor Vehicles –*

*Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2019 Org 0802

1	Current Expenses .....	13000	\$	189,000
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*263 - Division of Motor Vehicles –*

*Motor Vehicle Fees Fund*

(WV Code Chapter 17B)

Fund 8223 FY 2019 Org 0802

1	Personal Services and			
2	Employee Benefits .....	00100	\$	3,362,799
3	Current Expenses .....	13000		4,362,975
4	Repairs and Alterations .....	06400		16,000
5	Equipment .....	07000		75,000
6	Other Assets .....	69000		10,000
7	BRIM Premium .....	91300		<u>84,737</u>
8	Total .....		\$	<u>7,911,511</u>

*264 - Division of Highways –*

*A. James Manchin Fund*

(WV Code Chapter 22)

Fund 8319 FY 2019 Org 0803

1	Current Expenses .....	13000	\$	1,650,000
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**DEPARTMENT OF VETERANS' ASSISTANCE**

*265 - Veterans' Facilities Support Fund*

(WV Code Chapter 9A)

Fund 6703 FY 2019 Org 0613

1	Personal Services and			
2	Employee Benefits .....	00100	\$	94,210
3	Current Expenses .....	13000		2,255,997
4	Repairs and Alterations .....	06400		10,000
5	Equipment .....	07000		10,000
6	Other Assets .....	69000		<u>10,000</u>

7 Total..... \$ 2,380,207

*266 - Department of Veterans' Assistance –*

*WV Veterans' Home –*

*Special Revenue Operating Fund*

(WV Code Chapter 9A)

Fund 6754 FY 2019 Org 0618

1	Current Expenses .....	13000	\$	700,000
2	Repairs and Alterations.....	06400		<u>50,000</u>
3	Total.....		\$	750,000

**BUREAU OF SENIOR SERVICES**

*267 - Bureau of Senior Services –*

*Community Based Service Fund*

(WV Code Chapter 22)

Fund 5409 FY 2019 Org 0508

1	Personal Services and			
2	Employee Benefits.....	00100	\$	151,290
3	Current Expenses .....	13000		<u>10,348,710</u>
4	Total.....		\$	10,500,000

5 The total amount of these appropriations are funded from  
6 annual table game license fees to enable the aged and disabled  
7 citizens of West Virginia to stay in their homes through the  
8 provision of home and community-based services.

**HIGHER EDUCATION POLICY COMMISSION**

*268 - Higher Education Policy Commission –*

*System –*

*Tuition Fee Capital Improvement Fund*

*(Capital Improvement and Bond Retirement Fund)*

*Control Account*

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2019 Org 0442

1	Debt Service.....	04000	\$ 27,713,123
2	General Capital Expenditures .....	30600	5,000,000
3	Facilities Planning and Administration.....	38600	<u>421,082</u>
4	Total.....		\$ 33,134,205

5           The total amount of these appropriations shall be paid from  
6 the Special Capital Improvement Fund created in W.Va. Code  
7 §18B-10-8. Projects are to be paid on a cash basis and made  
8 available on July 1.

9           The above appropriations, except for Debt Service, may be  
10 transferred to special revenue funds for capital improvement  
11 projects at the institutions.

*269 - Tuition Fee Revenue Bond Construction Fund*

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2019 Org 0442

1           Any unexpended balance remaining in the appropriation  
2 for Capital Outlay (fund 4906, appropriation 51100) at the close of  
3 the fiscal year 2018 is hereby reappropriated for expenditure during  
4 the fiscal year 2019.

5           The appropriation shall be paid from available unexpended  
6 cash balances and interest earnings accruing to the fund. The  
7 appropriation shall be expended at the discretion of the Higher  
8 Education Policy Commission and the funds may be allocated to  
9 any institution within the system.

10           The total amount of this appropriation shall be paid from  
11 the unexpended proceeds of revenue bonds previously issued

12 pursuant to W.Va. Code §18-12B-8, which have since been  
13 refunded.

*270 - Community and Technical College –*

*Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2019 Org 0442

1 Any unexpended balance remaining in the appropriation  
2 for Capital Improvements – Total (fund 4908, appropriation  
3 95800) at the close of fiscal year 2018 is hereby reappropriated for  
4 expenditure during the fiscal year 2019.

5 The total amount of this appropriation shall be paid from  
6 the sale of the Series 2017 Community and Technical College  
7 Capital Improvement Refunding Revenue Bonds and anticipated  
8 interest earnings.

*271 - West Virginia University –*

*West Virginia University Health Sciences Center*

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2019 Org 0463

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 10,274,340
3	Current Expenses .....	13000	4,524,300
4	Repairs and Alterations .....	06400	425,000
5	Equipment .....	07000	512,000
6	Buildings .....	25800	150,000
7	Other Assets .....	69000	<u>50,000</u>
8	Total .....		\$ 15,935,640

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*272 - Board of Barbers and Cosmetologists –*

*Barbers and Beauticians Special Fund*

(WV Code Chapters 16 and 30)

Fund 5425 FY 2019 Org 0505

1	Personal Services and		
2	Employee Benefits.....00100	\$	504,497
3	Current Expenses .....13000		<u>239,969</u>
4	Total.....	\$	744,466

5           The total amount of these appropriations shall be paid from  
6 a special revenue fund out of collections made by the Board of  
7 Barbers and Cosmetologists as provided by law.

*273 - Hospital Finance Authority –*

*Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2019 Org 0509

1	Personal Services and		
2	Employee Benefits.....00100	\$	85,981
3	Unclassified.....09900		1,450
4	Current Expenses .....13000		<u>57,740</u>
5	Total.....	\$	145,171

6           The total amount of these appropriations shall be paid from  
7 the special revenue fund out of fees and collections as provided by  
8 Article 29A, Chapter 16 of the Code.

*274 - WV State Board of Examiners for Licensed Practical Nurses –*

*Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2019 Org 0906

1	Personal Services and		
2	Employee Benefits.....00100	\$	455,324

3	Current Expenses .....	13000		<u>128,133</u>
4	Total.....		\$	583,457

*275 - WV Board of Examiners for Registered Professional Nurses –*

*Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2019 Org 0907

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,226,557
3	Current Expenses .....	13000		312,655
4	Repairs and Alterations.....	06400		3,000
5	Equipment.....	07000		25,000
6	Other Assets.....	69000		<u>4,500</u>
7	Total.....		\$	1,571,712

*276 - Public Service Commission*

(WV Code Chapter 24)

Fund 8623 FY 2019 Org 0926

1	Personal Services and			
2	Employee Benefits.....	00100	\$	11,807,314
3	Unclassified.....	09900		147,643
4	Current Expenses .....	13000		2,572,222
5	Repairs and Alterations.....	06400		55,000
6	Equipment.....	07000		160,000
7	PSC Weight Enforcement.....	34500		4,370,453
8	Debt Payment/Capital Outlay .....	52000		350,000
9	BRIM Premium.....	91300		<u>172,216</u>
10	Total.....		\$	19,634,848

11           The total amount of these appropriations shall be paid from  
 12 a special revenue fund out of collections for special license fees  
 13 from public service corporations as provided by law.

14           The Public Service Commission is authorized to transfer  
 15 up to \$500,000 from this fund to meet the expected deficiencies in

16 the Motor Carrier Division (fund 8625, org 0926) due to the  
 17 amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled  
 18 House Bill Number 2715, Regular Session, 1997.

*277 - Public Service Commission –*

*Gas Pipeline Division –*

*Public Service Commission Pipeline Safety Fund*

(WV Code Chapter 24B)

Fund 8624 FY 2019 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 284,198
3	Unclassified.....	09900	3,851
4	Current Expenses .....	13000	93,115
5	Repairs and Alterations.....	06400	<u>4,000</u>
6	Total.....		\$ 385,164

7           The total amount of these appropriations shall be paid from  
 8 a special revenue fund out of receipts collected for or by the Public  
 9 Service Commission pursuant to and in the exercise of regulatory  
 10 authority over pipeline companies as provided by law.

*278 - Public Service Commission –*

*Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8625 FY 2019 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,243,526
3	Unclassified.....	09900	29,233
4	Current Expenses .....	13000	577,557
5	Repairs and Alterations.....	06400	23,000
6	Equipment.....	07000	<u>50,000</u>
7	Total.....		\$ 2,923,316



8           The total amount of these appropriations shall be paid from  
 9 a special revenue fund out of receipts collected for or by the Public  
 10 Service Commission pursuant to and in the exercise of regulatory  
 11 authority over motor carriers as provided by law.

*279 - Public Service Commission –*

*Consumer Advocate Fund*

(WV Code Chapter 24)

Fund 8627 FY 2019 Org 0926

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 743,372
3	Current Expenses .....	13000	276,472
4	Equipment .....	07000	9,872
5	BRIM Premium.....	91300	<u>4,660</u>
6	Total.....		\$ 1,034,376

7           The total amount of these appropriations shall be supported  
 8 by cash from a special revenue fund out of collections made by the  
 9 Public Service Commission.

*280 - Real Estate Commission –*

*Real Estate License Fund*

(WV Code Chapter 30)

Fund 8635 FY 2019 Org 0927

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 582,413
3	Current Expenses .....	13000	285,622
4	Repairs and Alterations .....	06400	5,000
5	Equipment .....	07000	<u>10,000</u>
6	Total.....		\$ 883,035

7           The total amount of these appropriations shall be paid out  
 8 of collections of license fees as provided by law.

*281 - WV Board of Examiners for Speech-Language*

*Pathology and Audiology –*

*Speech-Language Pathology and Audiology Operating Fund*

(WV Code Chapter 30)

Fund 8646 FY 2019 Org 0930

1	Personal Services and		
2	Employee Benefits.....00100	\$	73,190
3	Current Expenses .....13000		<u>65,623</u>
4	Total.....	\$	138,813

*282 - WV Board of Respiratory Care –*

*Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2019 Org 0935

1	Personal Services and		
2	Employee Benefits.....00100	\$	82,803
3	Current Expenses .....13000		50,387
4	Repairs and Alterations.....06400		<u>400</u>
5	Total.....	\$	133,590

*283 - WV Board of Licensed Dietitians –*

*Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2019 Org 0936

1	Personal Services and		
2	Employee Benefits.....00100	\$	15,950
3	Current Expenses .....13000		<u>17,050</u>
4	Total.....	\$	33,000

*284 - Massage Therapy Licensure Board –**Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2019 Org 0938

1	Personal Services and		
2	Employee Benefits.....00100	\$	104,418
3	Current Expenses .....13000		<u>42,648</u>
4	Total.....	\$	147,066

*285 - Board of Medicine –**Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2019 Org 0945

1	Personal Services and		
2	Employee Benefits.....00100	\$	1,287,752
3	Current Expenses .....13000		1,113,789
4	Repairs and Alterations.....06400		<u>20,000</u>
5	Total.....	\$	2,421,541

*286 - West Virginia Enterprise Resource Planning Board –**Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2019 Org 0947

1	Personal Services and		
2	Employee Benefits.....00100	\$	6,713,066
3	Unclassified.....09900		232,000
4	Current Expenses .....13000		17,640,134
5	Repairs and Alterations.....06400		300
6	Equipment.....07000		213,000
7	Buildings.....25800		2,000

8	Other Assets .....	69000		<u>199,500</u>
9	Total.....		\$	25,000,000

*287 - Board of Treasury Investments –*

*Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2019 Org 0950

1	Personal Services and			
2	Employee Benefits.....	00100	\$	782,889
3	Unclassified.....	09900		14,850
4	Current Expenses .....	13000		650,714
5	BRIM Premium.....	91300		36,547
6	Fees of Custodians,			
7	Fund Advisors and Fund Managers .....	93800		<u>3,500,000</u>
8	Total.....		\$	4,985,000

9           There is hereby appropriated from this fund, in addition to  
10 the above appropriation if needed, an amount of funds necessary  
11 for the Board of Treasury Investments to pay the fees and expenses  
12 of custodians, fund advisors and fund managers for the  
13 consolidated fund of the State as provided in Article 6C, Chapter  
14 12 of the Code.

15           The total amount of these appropriations shall be paid from  
16 the special revenue fund out of fees and collections as provided by  
17 law.

18 Total TITLE II, Section 3 – Other Funds

19 (Including claims against the state) ..... \$1,485,773,568

1           **Sec. 4. Appropriations from lottery net profits.** — Net  
2 profits of the lottery are to be deposited by the Director of the  
3 Lottery to the following accounts in the amounts indicated. The  
4 Director of the Lottery shall prorate each deposit of net profits in  
5 the proportion the appropriation for each account bears to the total  
6 of the appropriations for all accounts.

7           After first satisfying the requirements for Fund 2252, Fund  
 8 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the  
 9 Director of the Lottery shall make available from the remaining net  
 10 profits of the lottery any amounts needed to pay debt service for  
 11 which an appropriation is made for Fund 9065, Fund 4297, Fund  
 12 3390, and Fund 3514 and is authorized to transfer any such  
 13 amounts to Fund 9065, Fund 4297, Fund 3390, and Fund 3514 for  
 14 that purpose. Upon receipt of reimbursement of amounts so  
 15 transferred, the Director of the Lottery shall deposit the  
 16 reimbursement amounts to the following accounts as required by  
 17 this section.

*288 - Education, Arts, Sciences and Tourism –*

*Debt Service Fund*

(WV Code Chapter 5)

Fund 2252 FY 2019 Org 0211

	<b>Appro- priation</b>	<b>Lottery Funds</b>
1 Debt Service – Total .....	31000	\$ 10,000,000

*289 - West Virginia Development Office –*

*West Virginia Tourism Office*

(WV Code Chapter 5B)

Fund 3067 FY 2019 Org 0304

1 Tourism – Telemarketing Center .....	46300	\$ 82,080
2 Tourism – Advertising (R).....	61800	2,422,407
3 Tourism – Operations (R).....	66200	<u>4,045,269</u>
4 Total.....		\$ 6,549,756

5           Any unexpended balances remaining in the appropriations  
 6 for Tourism – Advertising (fund 3067, appropriation 61800), and  
 7 Tourism – Operations (fund 3067, appropriation 66200) at the

8 close of the fiscal year 2018 are hereby reappropriated for  
9 expenditure during the fiscal year 2019.

*290 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 3267 FY 2019 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,196,139
3	Current Expenses .....	13000	26,900
4	Pricketts Fort State Park.....	32400	106,560
5	Non-Game Wildlife (R) .....	52700	372,124
6	State Parks and Recreation		
7	Advertising (R) .....	61900	<u>494,578</u>
8	Total.....		\$ 3,196,301

9           Any unexpended balances remaining in the appropriations  
10 for Unclassified (fund 3267, appropriation 09900), Capital Outlay  
11 – Parks (fund 3267, appropriation 28800), Non-Game Wildlife  
12 (fund 3267, appropriation 52700), and State Parks and Recreation  
13 Advertising (fund 3267, appropriation 61900) at the close of the  
14 fiscal year 2018 are hereby reappropriated for expenditure during  
15 the fiscal year 2019.

*291 - State Board of Education*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2019 Org 0402

1	FBI Checks.....	37200	\$ 111,611
2	Vocational Education		
3	Equipment Replacement.....	39300	800,000
4	Assessment Program (R).....	39600	2,969,690
5	21 <sup>st</sup> Century Technology Infrastructure		
6	Network Tools and Support (R) .....	93300	<u>14,295,591</u>
7	Total.....		\$ 18,176,892

8 Any unexpended balances remaining in the appropriations  
 9 for Unclassified (fund 3951, appropriation 09900), Current  
 10 Expenses (fund 3951, appropriation 13000), Assessment Program  
 11 (fund 3951, appropriation 39600), and 21<sup>st</sup> Century Technology  
 12 Infrastructure Network Tools and Support (fund 3951,  
 13 appropriation 93300) at the close of the fiscal year 2018 are hereby  
 14 reappropriated for expenditure during the fiscal year 2019.

*292 - State Department of Education –*

*School Building Authority –*

*Debt Service Fund*

(WV Code Chapter 18)

Fund 3963 FY 2019 Org 0402

1	Debt Service – Total .....	31000	\$	15,320,363
2	Directed Transfer .....	70000		<u>2,679,637</u>
3	Total.....		\$	18,000,000

4 The School Building Authority shall have the authority to  
 5 transfer between the above appropriations in accordance with  
 6 W.Va. Code §29-22-18.

*293 - Department of Education and the Arts –*

*Office of the Secretary –*

*Control Account –*

*Lottery Education Fund*

(WV Code Chapter 5F)

Fund 3508 FY 2019 Org 0431

1	Unclassified (R) .....	09900	\$	9,483
2	Current Expenses .....	13000		110,617
3	Commission for National and			
4	Community Service .....	19300		357,084

5	Statewide STEM 21 <sup>st</sup> Century Academy ...	89700	130,000
6	Literacy Project (R).....	89900	<u>350,000</u>
7	Total.....		\$ 957,184

8 Any unexpended balances remaining in the appropriations  
 9 for Unclassified (fund 3508, appropriation 09900), Governor's  
 10 Honors Academy (fund 3508, appropriation 47800), Arts Programs  
 11 (fund 3508, appropriation 50000), and Literacy Project (fund 3508,  
 12 appropriation 89900) at the close of fiscal year 2018 are hereby  
 13 reappropriated for expenditure during the fiscal year 2019.

*294 - Division of Culture and History –*

*Lottery Education Fund*

(WV Code Chapter 29)

Fund 3534 FY 2019 Org 0432

1	Huntington Symphony .....	02700	\$ 59,058
2	Preservation WV (R).....	09200	491,921
3	Fairs and Festivals (R) .....	12200	1,346,814
4	Archeological Curation/ Capital Improvements (R) .....	24600	32,079
6	Historic Preservation Grants (R).....	31100	368,428
7	West Virginia Public Theater.....	31200	120,019
8	Greenbrier Valley Theater .....	42300	99,543
9	Theater Arts of West Virginia.....	46400	90,000
10	Marshall Artists Series .....	51800	36,005
11	Grants for Competitive Arts Program (R) .....	62400	726,000
13	West Virginia State Fair.....	65700	31,241
14	Save the Music .....	68000	24,000
15	Contemporary American Theater Festival .....	81100	57,281
17	Independence Hall .....	81200	27,277
18	Mountain State Forest Festival .....	86400	38,187
19	WV Symphony.....	90700	59,058
20	Wheeling Symphony.....	90800	59,058
21	Appalachian Children's Chorus.....	91600	<u>54,554</u>



22 Total..... \$ 3,720,523

23 From the above appropriation for Preservation West  
 24 Virginia (fund 3534, appropriation 09200) funding shall be  
 25 provided to the African-American Heritage Family Tree Museum  
 26 (Fayette) \$2,673, Aracoma Story (Logan) \$29,703, Arts  
 27 Monongahela (Monongalia) \$11,881, Barbour County Arts and  
 28 Humanities Council \$891, Beckley Main Street (Raleigh)  
 29 \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall  
 30 (Greenbrier) \$46,899, Ceredo Historical Society (Wayne)  
 31 \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188,  
 32 Ceredo Museum (Wayne) \$720, Children’s Theatre of Charleston  
 33 (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532,  
 34 Collis P. Huntington Railroad Historical Society (Cabell) \$5,941,  
 35 Country Music Hall of Fame and Museum (Marion) \$4,159, First  
 36 Stage Children’s Theater Company \$1,188, Flannigan Murrell  
 37 House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort  
 38 New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970,  
 39 General Adam Stephen Memorial Foundation (Berkeley)  
 40 \$11,006, Grafton Mother’s Day Shrine Committee (Taylor)  
 41 \$5,049, Hardy County Tour and Crafts Association \$11,881,  
 42 Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum  
 43 & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette)  
 44 \$3,267, Historic Middleway Conservancy (Jefferson) \$594,  
 45 Jefferson County Black History Preservation Society \$2,970,  
 46 Jefferson County Historical Landmark Commission \$4,753,  
 47 Maddie Carroll House (Cabell) \$4,455, Marshall County  
 48 Historical Society \$5,049, McCoy Theater (Hardy) \$11,881,  
 49 Morgantown Theater Company (Monongalia) \$11,881,  
 50 Mountaineer Boys’ State (Lewis) \$5,941, Nicholas Old Main  
 51 Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum  
 52 (Berkeley) \$5,941, Old Opera House Theater Company  
 53 (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881,  
 54 Pocahontas Historic Opera House \$3,564, Raleigh County All  
 55 Wars Museum \$5,941, Rhododendron Girl’s State (Ohio)  
 56 \$5,941, Roane County 4-H and FFA Youth Livestock Program  
 57 \$2,970, Scottish Heritage Society/N. Central WV (Harrison)  
 58 \$2,970, Society for the Preservation of McGrew House (Preston)  
 59 \$2,079, Southern West Virginia Veterans’ Museum \$3,393,

60 Summers County Historic Landmark Commission \$2,970, Those  
61 Who Served War Museum (Mercer) \$2,376, Three Rivers Avian  
62 Center (Summers) \$5,311, Tug Valley Arts Council (Mingo)  
63 \$2,970, Tug Valley Chamber of Commerce Coal House (Mingo)  
64 \$1,188, Tunnelton Historical Society (Preston) \$1,188, Veterans  
65 Committee for Civic Improvement of Huntington (Wayne)  
66 \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West  
67 Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp  
68 Horseshoe (Tucker) \$59,406, Youth Museum of Southern West  
69 Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720.

70 From the above appropriation for Fairs and Festivals (fund  
71 3534, appropriation 12200) funding shall be provided to A  
72 Princeton 4th (Mercer) \$1,800, African-American Cultural  
73 Heritage Festival (Jefferson) \$2,970, Alderson 4th of July  
74 Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas)  
75 \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683,  
76 American Civil War (Grant) \$3,127, American Legion Post 8  
77 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle  
78 Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296,  
79 Annual Don Redman Heritage Concert & Awards (Jefferson)  
80 \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique  
81 Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program  
82 (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564,  
83 Arkansas Homemaker's Heritage Weekend (Hardy) \$2,079,  
84 Armed Forces Day-South Charleston (Kanawha) \$1,782,  
85 Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens  
86 Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970,  
87 Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair  
88 \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Bass Festival  
89 (Pleasants) \$1,099, Battelle District Fair (Monongalia) \$2,970,  
90 Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant  
91 Memorial Committee (Mason) \$2,970, Belle Town Fair  
92 (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881,  
93 Bergoo Down Home Days (Webster) \$1,485, Berkeley County  
94 Youth Fair \$10,990, Black Bear 4K Mountain Bike Race  
95 (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564,  
96 Black Walnut Festival (Roane) \$5,940, Blast from the Past  
97 (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone

98 County Fair \$5,940, Boone County Labor Day Celebration  
99 \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville  
100 Heritage Day (Preston) \$1,048, Braxton County Fair \$6,832,  
101 Braxton County Monster Fest / West Virginia Autumn Festival  
102 \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good  
103 Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston)  
104 \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo  
105 October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival  
106 (Mineral) \$17,821, Burlington Pumpkin Harvest Festival  
107 (Raleigh) \$2,970, Burnsville Harvest Festival (Braxton) \$1,407,  
108 Cabell County Fair \$5,940, Calhoun County Wood Festival  
109 \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485,  
110 Cape Coalwood Festival Association (McDowell) \$1,485, Capon  
111 Bridge Founders Day Festival (Hampshire) \$1,188, Capon  
112 Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming  
113 (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684,  
114 Celebration in the Park (Wood) \$2,376, Celebration of America  
115 (Monongalia) \$3,564, Ceredo Freedom Festival (Wayne) \$700,  
116 Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville  
117 Fire Department 4th of July (Logan) \$1,782, Charles Town  
118 Christmas Festival (Jefferson) \$2,970, Charles Town Heritage  
119 Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas)  
120 \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July  
121 Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War  
122 Celebration (Logan) \$4,752, Chilifest West Virginia State Chili  
123 Championship (Cabell) \$1,563, Christmas In Our Town (Marion)  
124 \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376,  
125 Christmas in the Park (Brooke) \$2,970, Christmas in the Park  
126 (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha)  
127 \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New  
128 Martinsville Festival of Memories (Wetzel) \$6,534, Clay County  
129 Golden Delicious Apple Festival \$4,158, Clay District Fair  
130 (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792,  
131 Coalton Days Fair (Randolph) \$4,158, Country Roads Festival  
132 (Fayette) \$1,188, Cowen Railroad Festival (Webster) \$2,079,  
133 Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton  
134 (Mercer) \$2,160, Culturefest World Music & Arts Festival  
135 (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079,  
136 Doddridge County Fair \$4,158, Dorcas Ice Cream Social (Grant)

137 \$3,564, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion  
138 Festival (McDowell) \$891, Elkins Randolph County 4th of July  
139 Car Show (Randolph) \$1,188, Fairview 4th of July Celebration  
140 (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day  
141 Festival (Monroe) \$2,330, Farmers' Day Parade (Wyoming)  
142 \$720, Fenwick Mountain Old Time Community Festival  
143 (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881,  
144 Flatwoods Days (Braxton) \$700, Flemington Day Fair and  
145 Festival (Taylor) \$2,079, Follansbee Community Days (Brooke)  
146 \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort  
147 Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio)  
148 \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison)  
149 \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin  
150 Fishing Derby (Pendleton) \$4,456, Freshwater Folk Festival  
151 (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital  
152 (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Frontier  
153 Fest/Canaan Valley (Taylor) \$2,970, Fund for the Arts-Wine &  
154 All that Jazz Festival (Kanawha) \$1,485, Gassaway Days  
155 Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast  
156 (Mingo) \$2,188, Gilbert Kiwanis Harvest Festival (Mingo)  
157 \$2,376, Gilbert Spring Fling (Mingo) \$3,595, Gilmer County  
158 Farm Show \$2,376, Grant County Arts Council \$1,188, Grape  
159 Stomping Wine Festival (Nicholas) \$1,188, Great Greenbrier  
160 River Race (Pocahontas) \$5,940, Greater Quinwood Days  
161 (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,941,  
162 Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil  
163 War Celebration Days (Hampshire) \$684, Hampshire County 4th  
164 of July Celebration \$11,881, Hampshire County Fair \$5,002,  
165 Hampshire Heritage Days (Hampshire) \$2,376, Hancock County  
166 Oldtime Fair \$2,970, Hardy County Commission - 4th of July  
167 \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo)  
168 \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike  
169 Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln)  
170 \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days  
171 Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop  
172 Festival of Lights (McDowell) \$1,188, Hinton Railroad Days  
173 (Summers) \$4,347, Holly River Festival (Webster) \$891,  
174 Hometown Mountain Heritage Festival (Fayette) \$2,432,  
175 Hundred 4th of July (Wetzel) \$4,307, Hundred American Legion

176 Earl Kiger Post Bluegrass Festival (Wetzel) \$1,188, Hurricane 4th  
177 of July Celebration (Putnam) \$2,970, Jaeger Town Fair  
178 (McDowell) \$891, Irish Heritage Festival of West Virginia  
179 (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian  
180 Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County  
181 Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and  
182 Crafts Fair (Lewis) \$684, Jefferson County Fair Association  
183 \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire)  
184 \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie  
185 Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown  
186 Community Fair (Harrison) \$1,485, Junior Heifer Preview Show  
187 (Lewis) \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July  
188 Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford  
189 (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377,  
190 Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala  
191 (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970,  
192 Kingwood Downtown Street Fair and Heritage Days (Preston)  
193 \$1,188, L.Z. Rainelle West Virginia Veterans Reunion  
194 (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry  
195 Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo)  
196 \$5,940, Larry Joe Harless Community Center Spring Middle  
197 School Event (Mingo) \$2,970, Last Blast of Summer (McDowell)  
198 \$2,970, Lewis County Fair Association \$2,079, Lewisburg  
199 Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival  
200 \$4,752, Lincoln County Winterfest \$2,970, Lindsie Veterans'  
201 Day Parade \$720, Little Levels Heritage Festival (Pocahontas)  
202 \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main  
203 Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg  
204 Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington  
205 District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph)  
206 \$684, Marion County FFA Farm Fest \$1,485, Marmet Labor Day  
207 Celebration (Kanawha) \$3,078, Marshall County Antique Power  
208 Show \$1,485, Marshall County Fair \$4,456, Mason County Fair  
209 \$2,970, Mason Dixon Festival (Monongalia) \$4,158, Matewan  
210 Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair  
211 (Mingo) \$15,932, McARTS-McDowell County \$11,881,  
212 McDowell County Fair \$1,485, McGrew House History Day  
213 (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow  
214 Bridge Hometown Festival (Fayette) \$743, Meadow River Days

215 Festival (Greenbrier) \$1,782, Mercer Bluestone Valley Fair  
216 (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County  
217 Heritage Festival \$3,474, Mid Ohio Valley Antique Engine  
218 Festival (Wood) \$1,782, Milton Christmas in the Park (Cabell)  
219 \$1,485, Milton 4th of July Celebration (Cabell) \$1,485, Mineral  
220 County Fair \$1,040, Mineral County Veterans Day Parade \$891,  
221 Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion)  
222 \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782,  
223 Morgan County Fair-History Wagon \$891, Moundsville Bass  
224 Festival (Marshall) \$2,376, Moundsville July 4th Celebration  
225 (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour)  
226 \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival  
227 (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival  
228 (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485,  
229 Mountain State Apple Harvest Festival (Berkeley) \$4,456,  
230 Mountain State Arts & Crafts Fair Cedar Lakes (Jackson)  
231 \$26,732, Mountaineer Hot Air Balloon Festival (Monongalia)  
232 \$2,376, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-  
233 Cultural Festival of West Virginia (Kanawha) \$11,881, Music and  
234 Barbecue - Banks District VFD (Upshur) \$1,278, New  
235 Cumberland Christmas Parade (Hancock) \$1,782, New  
236 Cumberland 4th of July (Hancock) \$2,970, New River Bridge Day  
237 Festival (Fayette) \$23,762, Newburg Volunteer Fireman's Field  
238 Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas  
239 County Potato Festival \$2,079, Oak Leaf Festival (Fayette)  
240 \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay  
241 City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival  
242 (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River  
243 Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood)  
244 \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old  
245 Central City Fair (Cabell) \$2,970, Old Century City Fair  
246 (Barbour) \$1,250, Old Tyme Christmas (Jefferson) \$1,425,  
247 Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg  
248 Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188,  
249 Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee  
250 (Fayette) \$2,970, Pendleton County 4-H Weekend \$1,188,  
251 Pendleton County Committee for Arts \$8,910, Pendleton County  
252 Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188,  
253 Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg

254 HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street  
255 Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine  
256 Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July  
257 Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564,  
258 Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage  
259 Days (Putnam) \$1,782, Pocahontas County Pioneer Days \$4,159,  
260 Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall  
261 Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer)  
262 \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County  
263 Fair \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall  
264 Festival (Greenbrier) \$3,127, Rand Community Center Festival  
265 (Kanawha) \$1,485, Randolph County Community Arts Council  
266 \$1,782, Randolph County Fair \$4,158, Randolph County Ramp  
267 and Rails \$1,188, Ranson Christmas Festival (Jefferson) \$2,970,  
268 Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival  
269 (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie  
270 County Fair and Exposition \$2,970, Ritchie County Pioneer Days  
271 \$684, River City Festival (Preston) \$684, Roane County  
272 Agriculture Field Day \$1,782, Rock the Park (Kanawha) \$3,240,  
273 Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days  
274 (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier)  
275 \$2,970, Rowlesburg Labor Day Festival (Preston) \$684, Rupert  
276 Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival  
277 (Harrison) \$1,485, Salem Apple Butter Festival (Harrison)  
278 \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the  
279 River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782,  
280 South Charleston Summerfest (Kanawha) \$5,940, Southern  
281 Wayne County Fall Festival \$684, Spirit of Grafton Celebration  
282 (Taylor) \$5,940, Springfield Peach Festival (Hampshire) \$738,  
283 St. Albans City of Lights - December (Kanawha) \$2,970,  
284 Sternwheel Festival (Wood) \$1,782, Stoco Reunion (Raleigh)  
285 \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis)  
286 \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200,  
287 Storytelling Festival (Lewis) \$400, Strawberry Festival (Upshur)  
288 \$17,821, Sylvester Big Coal River Festival \$1,944, Tacy Fair  
289 (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor  
290 County Fair \$3,267, Terra Alta VFD 4th of July Celebration  
291 (Preston) \$684, The Gathering at Sweet Creek (Wood) \$1,782,  
292 Three Rivers Coal Festival (Marion) \$4,604, Thunder on the

293 Tygart - Mothers' Day Celebration (Taylor) \$8,910, Town of  
294 Delbarton 4th of July Celebration (Mingo) \$1,782, Town of  
295 Fayetteville Heritage Festival (Fayette) \$4,456, Town of Matoaka  
296 Hog Roast (Mercer) \$684, Town of Rivesville 4th of July Festival  
297 (Marion) \$3,127, Town of Winfield - Putnam County  
298 Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120,  
299 Treasure Mountain Festival (Pendleton) \$14,851, Tri-County Fair  
300 (Grant) \$22,548, Tucker County Arts Festival and Celebration  
301 \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair  
302 \$1,188, Tunnelton Depot Days (Preston) \$684, Tunnelton  
303 Volunteer Fire Department Festival (Preston) \$684, Turkey  
304 Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Tyler County  
305 4th of July \$400, Tyler County OctoberFest \$720, Union  
306 Community Irish Festival (Barbour) \$648, Uniquely West  
307 Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley  
308 Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian  
309 Festival (Ohio) \$7,128, Upshur County Youth Livestock Show  
310 \$1,440, Valley District Fair (Preston) \$2,079, Veterans Welcome  
311 Home Celebration (Cabell) \$938, Vietnam Veterans of America  
312 # 949 Christmas Party (Cabell) \$684, Volcano Days at  
313 Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival  
314 (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970,  
315 Wayne County Fair \$2,970, Wayne County Fall Festival \$2,970,  
316 Webster County Fair \$3,600, Webster County Wood Chopping  
317 Festival \$8,910, Webster Wild Water Weekend \$1,188, Weirton  
318 July 4th Celebration (Hancock) \$11,881, Welcome Home Family  
319 Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke)  
320 \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West  
321 Virginia Blackberry Festival (Harrison) \$2,970, West Virginia  
322 Chestnut Festival (Preston) \$684, West Virginia Coal Festival  
323 (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563,  
324 West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia  
325 Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the  
326 Railroad Museum (Mercer) \$1,800, West Virginia Fair and  
327 Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo  
328 (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler)  
329 \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West  
330 Virginia Polled Hereford Association (Braxton) \$891, West  
331 Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin



332 Festival (Cabell) \$5,940, West Virginia State Folk Festival  
 333 (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton  
 334 (Summers) \$9,144, Weston VFD 4th of July Firemen Festival  
 335 (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel  
 336 County Town and Country Days \$10,098, Wheeling Celtic  
 337 Festival (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752,  
 338 Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage  
 339 Raceboat Regatta (Ohio) \$11,881, Whipple Community Action  
 340 (Fayette) \$1,485, Wileyville Homecoming (Wetzel) \$2,376,  
 341 Wine Festival and Mountain Music Event (Harrison) \$2,970,  
 342 Winter Festival of the Waters (Berkeley) \$2,970, Wirt County  
 343 Fair \$1,485, Wirt County Pioneer Days \$1,188, Wyoming  
 344 County Civil War Days \$1,296, Youth Stockman Beef Expo  
 345 (Lewis) \$1,188.

346 Any unexpended balances remaining in the appropriations  
 347 for Preservation West Virginia (fund 3534, appropriation 09200),  
 348 Fairs and Festivals (fund 3534, appropriation 12200),  
 349 Archeological Curation/Capital Improvements (fund 3534,  
 350 appropriation 24600), Historic Preservation Grants (fund 3534,  
 351 appropriation 31100), Grants for Competitive Arts Program (fund  
 352 3534, appropriation 62400), and Project ACCESS (fund 3534,  
 353 appropriation 86500) at the close of the fiscal year 2018 are hereby  
 354 reappropriated for expenditure during the fiscal year 2019.

355 Any Fairs & Festivals awards shall be funded in addition  
 356 to, and not in lieu of, individual grant allocations derived from the  
 357 Arts Council and the Cultural Grant Program allocations.

*295 - Library Commission –*

*Lottery Education Fund*

(WV Code Chapter 10)

Fund 3559 FY 2019 Org 0433

1	Books and Films .....	17900	\$	360,784
2	Services to Libraries .....	18000		550,000
3	Grants to Public Libraries .....	18200		9,439,571
4	Digital Resources .....	30900		219,992

5	Infomine Network.....	88400	<u>884,109</u>
6	Total.....		\$ 11,454,456

7 Any unexpended balance remaining in the appropriation  
 8 for Libraries – Special Projects (fund 3559, appropriation 62500)  
 9 at the close of fiscal year 2018 is hereby reappropriated for  
 10 expenditure during the fiscal year 2019.

*296 - Bureau of Senior Services –*

*Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2019 Org 0508

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 198,745
3	Current Expenses .....	13000	332,284
4	Repairs and Alterations.....	06400	1,000
5	Local Programs Service Delivery Costs ....	20000	2,435,250
6	Silver Haired Legislature .....	20200	18,500
7	Transfer to Division of Human		
8	Services for Health Care and Title		
9	XIX Waiver for Senior Citizens ....	53900	4,615,503
10	Roger Tompkins Alzheimer’s		
11	Respite Care.....	64300	2,298,312
12	WV Alzheimer’s Hotline .....	72400	45,000
13	Regional Aged and Disabled		
14	Resource Center.....	76700	425,000
15	Senior Services Medicaid Transfer .....	87100	14,502,312
16	Legislative Initiatives for the Elderly.....	90400	9,671,239
17	Long Term Care Ombudsman.....	90500	297,226
18	BRIM Premium.....	91300	7,718
19	In-Home Services and		
20	Nutrition for Senior Citizens .....	91700	<u>4,320,941</u>
21	Total.....		\$ 39,169,030

22 Any unexpended balance remaining in the appropriation  
 23 for Senior Citizen Centers and Programs (fund 5405, appropriation

24 46200) at the close of the fiscal year 2018 is hereby reappropriated  
25 for expenditure during the fiscal year 2019.

26 Included in the above appropriation for Current Expenses  
27 (fund 5405, appropriation 13000), is funding to support an in-home  
28 direct care workforce registry.

29 The above appropriation for Transfer to Division of Human  
30 Services for Health Care and Title XIX Waiver for Senior Citizens  
31 (appropriation 53900) along with the federal moneys generated  
32 thereby shall be used for reimbursement for services provided  
33 under the program.

*297 - Higher Education Policy Commission –*

*Lottery Education –*

*Higher Education Policy Commission –*

*Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2019 Org 0441

1	RHI Program and Site Support (R).....03600	\$	1,912,491
2	RHI Program and Site Support –		
3	RHEP Program Administration .....03700		146,653
4	RHI Program and Site Support –		
5	Grad Med Ed and Fiscal Oversight (R) .....03800		87,777
6	Minority Doctoral Fellowship (R) .....16600		129,604
7	Health Sciences Scholarship (R).....17600		222,417
8	Vice Chancellor for Health Sciences –		
9	Rural Health Residency Program (R) ..60100		62,725
10	WV Engineering, Science, and		
11	Technology Scholarship Program.....86800		<u>452,831</u>
12	Total.....	\$	<u>3,014,498</u>

13 Any unexpended balances remaining in the appropriations  
14 for RHI Program and Site Support (fund 4925, appropriation  
15 03600), RHI Program and Site Support – Grad Med Ed and Fiscal

16 Oversight (fund 4925, appropriation 03800), Minority Doctoral  
 17 Fellowship (fund 4925, appropriation 16600), Health Sciences  
 18 Scholarship (fund 4925, appropriation 17600), and Vice  
 19 Chancellor for Health Sciences – Rural Health Residency Program  
 20 (fund 4925, appropriation 60100) at the close of fiscal year 2018  
 21 are hereby reappropriated for expenditure during the fiscal year  
 22 2019.

23 The above appropriation for WV Engineering, Science, and  
 24 Technology Scholarship Program (appropriation 86800) shall be  
 25 transferred to the West Virginia Engineering, Science and  
 26 Technology Scholarship Fund (fund 4928, org 0441) established  
 27 by W.Va. Code §18C-6-1.

*298 - Community and Technical College –*

*Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2019 Org 0442

1 Debt Service – Total .....31000 \$ 5,000,000

2 Any unexpended balance remaining in the appropriation  
 3 for Capital Outlay and Improvements – Total (fund 4908,  
 4 appropriation 84700) at the close of fiscal year 2018 is hereby  
 5 reappropriated for expenditure during the fiscal year 2019.

*299 - Higher Education Policy Commission –*

*Lottery Education –*

*West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2019 Org 0463

1 WVU Health Sciences –  
 2 RHI Program and Site Support (R).....03500 \$ 1,132,812  
 3 MA Public Health Program and

4	Health Science Technology (R).....	62300	52,445
5	Health Sciences Career Opportunities		
6	Program (R) .....	86900	325,138
7	HSTA Program (R) .....	87000	1,680,240
8	Center for Excellence in Disabilities (R) ...	96700	<u>303,739</u>
9	Total.....		\$ 3,494,374

10 Any unexpended balances remaining in the appropriations  
 11 for WVU Health Sciences – RHI Program and Site Support (fund  
 12 4185, appropriation 03500), MA Public Health Program and  
 13 Health Science Technology (fund 4185, appropriation 62300),  
 14 Health Sciences Career Opportunities Program (fund 4185,  
 15 appropriation 86900), HSTA Program (fund 4185, appropriation  
 16 87000), and Center for Excellence in Disabilities (fund 4185,  
 17 appropriation 96700) at the close of fiscal year 2018 are hereby  
 18 reappropriated for expenditure during the fiscal year 2019.

*300 - Higher Education Policy Commission –*

*Lottery Education –*

*Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2019 Org 0471

1	Marshall Medical School –		
2	RHI Program and Site Support (R).....	03300	\$ 408,216
3	Vice Chancellor for Health Sciences –		
4	Rural Health Residency Program (R) ..	60100	<u>166,770</u>
5	Total.....		\$ <u>574,986</u>

6 Any unexpended balances remaining in the appropriations  
 7 for Marshall Medical School – RHI Program and Site Support  
 8 (fund 4896, appropriation 03300) and Vice Chancellor for Health  
 9 Sciences – Rural Health Residency Program (fund 4896,  
 10 appropriation 60100) at the close of fiscal year 2018 are hereby  
 11 reappropriated for expenditure during the fiscal year 2019.

12 Total TITLE II, Section 4 –

13	Lottery Revenue.....		<u>\$ 123,308,000</u>
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1           **Sec. 5. Appropriations from state excess lottery revenue**  
 2 **fund.** — In accordance with W.Va. Code §29-22-18a, §29-22A-  
 3 10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following  
 4 appropriations shall be deposited and disbursed by the Director of  
 5 the Lottery to the following accounts in this section in the amounts  
 6 indicated.

7           After first funding the appropriations required by W.Va.  
 8 Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and  
 9 §29-25-22b, the Director of the Lottery shall provide funding from  
 10 the State Excess Lottery Revenue Fund for the remaining  
 11 appropriations in this section to the extent that funds are available.  
 12 In the event that revenues to the State Excess Lottery Revenue  
 13 Fund are sufficient to meet all the appropriations required made  
 14 pursuant to this section, then the Director of the Lottery shall then  
 15 provide the funds available for fund 5365, appropriation 18900.

*301 - Lottery Commission –*

*Refundable Credit*

Fund 7207 FY 2019 Org 0705

	<b>Appro- piation</b>	<b>Excess Lottery Funds</b>
1   Directed Transfer .....	70000	\$ 10,000,000

2           The above appropriation shall be transferred to the General  
 3 Revenue Fund to provide reimbursement for the refundable credit  
 4 allowable under W.Va. Code §11-21-21. The amount of the  
 5 required transfer shall be determined solely by the State Tax  
 6 Commissioner and shall be completed by the Director of the  
 7 Lottery upon the commissioner’s request.

*302 - Lottery Commission –*

*General Purpose Account*

Fund 7206 FY 2019 Org 0705

1 General Revenue Fund – Transfer .....70011 \$ 65,000,000

2 The above appropriation shall be transferred to the General  
3 Revenue Fund as determined by the Director of the Lottery in  
4 accordance with W.Va. Code §29-22-18a.

*303 - Higher Education Policy Commission –*

*Education Improvement Fund*

Fund 4295 FY 2019 Org 0441

1 PROMISE Scholarship – Transfer .....80000 \$ 29,000,000

2 The above appropriation shall be transferred to the  
3 PROMISE Scholarship Fund (fund 4296, org 0441) established by  
4 W.Va. Code §18C-7-7.

5 The Legislature has explicitly set a finite amount of  
6 available appropriations and directed the administrators of the  
7 Program to provide for the award of scholarships within the limits  
8 of available appropriations.

*304 - Economic Development Authority –*

*Economic Development Project Fund*

Fund 9065 FY 2019 Org 0944

1 Debt Service – Total .....31000 \$ 19,000,000

2 Pursuant to W.Va. Code §29-22-18a, subsection (f), excess  
3 lottery revenues are authorized to be transferred to the lottery fund  
4 as reimbursement of amounts transferred to the economic  
5 development project fund pursuant to section four of this title and  
6 W.Va. Code §29-22-18, subsection (f).

*305 - Department of Education –*

*School Building Authority*

Fund 3514 FY 2019 Org 0402

1 Debt Service – Total .....31000 \$ 19,000,000

*306 - West Virginia Infrastructure Council –*

*West Virginia Infrastructure Transfer Fund*

Fund 3390 FY 2019 Org 0316

1 Directed Transfer .....70000 \$ 46,000,000

2 The above appropriation shall be allocated pursuant to  
3 W.Va. Code §29-22-18d and §31-15-9.

*307 - Higher Education Policy Commission –*

*Higher Education Improvement Fund*

Fund 4297 FY 2019 Org 0441

1 Directed Transfer .....70000 \$ 15,000,000

2 The above appropriation shall be transferred to fund 4903,  
3 org 0442 as authorized by Senate Concurrent Resolution No. 41.

*308 - Division of Natural Resources –*

*State Park Improvement Fund*

Fund 3277 FY 2019 Org 0310

1	Current Expenses (R).....	13000	\$	2,438,300
2	Repairs and Alterations (R) .....	06400		2,161,200
3	Equipment (R).....	07000		200,000
4	Buildings (R).....	25800		100,000
5	Other Assets (R).....	69000		<u>100,500</u>
6	Total.....		\$	5,000,000

7 Any unexpended balances remaining in the above  
8 appropriations for Repairs and Alterations (fund 3277,  
9 appropriation 06400), Equipment (fund 3277, appropriation  
10 07000), Unclassified – Total (fund 3277, appropriation 09600),  
11 Unclassified (fund 3277, appropriation 09900), Current Expenses  
12 (fund 3277, appropriation 13000), Buildings (fund 3277,



13 appropriation 25800), and Other Assets (fund 3277, appropriation  
 14 69000) at the close of the fiscal year 2018 are hereby  
 15 reappropriated for expenditure during the fiscal year 2019.

*309 - Economic Development Authority –*

*Cacapon and Beech Fork State Parks –*

*Lottery Revenue Debt Service*

Fund 9067 FY 2019 Org 0944

1 Debt Service.....04000 \$ 2,032,000

*310 - Racing Commission –*

Fund 7308 FY 2019 Org 0707

1 Special Breeders Compensation

2 (WVC §29-22-18a, subsection (l)) .....21800 \$ 2,000,000

*311 - Lottery Commission –*

*Distributions to Statutory Funds and Purposes*

Fund 7213 FY 2019 Org 0705

1	Parking Garage Fund – Transfer.....	70001	\$	500,000
2	2004 Capitol Complex			
3	Parking Garage Fund – Transfer.....	70002		216,478
4	Capitol Dome and Improvements			
5	Fund – Transfer.....	70003		1,796,256
6	Capitol Renovation and Improvement			
7	Fund – Transfer.....	70004		2,381,252
8	Development Office Promotion			
9	Fund – Transfer.....	70005		1,298,864
10	Research Challenge Fund – Transfer.....	70006		1,731,820
11	Tourism Promotion Fund – Transfer .....	70007		4,808,142
12	Cultural Facilities and Capitol			
13	Resources Matching Grant			
14	Program Fund – Transfer.....	70008		1,250,535

15	State Debt Reduction Fund – Transfer.....	70010	20,000,000
16	General Revenue Fund – Transfer .....	70011	1,167,799
17	West Virginia Racing Commission		
18	Racetrack Video Lottery Account.....	70012	3,463,637
19	Historic Resort Hotel Fund .....	70013	24,010
20	Licensed Racetrack Regular Purse Fund ...	70014	<u>11,383,247</u>
21	Total.....		\$ 50,022,040

*312 - Governor's Office*

(WV Code Chapter 5)

Fund 1046 FY 2019 Org 0100

1 Any unexpended balance remaining in the appropriation  
 2 for Publication of Papers and Transition Expenses – Lottery  
 3 Surplus (fund 1046, appropriation 06600) at the close of the fiscal  
 4 year 2018 is hereby reappropriated for expenditure during the fiscal  
 5 year 2019.

*313 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 3170 FY 2019 Org 0307

1 Any unexpended balances remaining in the appropriations  
 2 for Unclassified – Total (fund 3170, appropriation 09600),  
 3 Recreational Grants or Economic Development Loans (fund 3170,  
 4 appropriation 25300), and Connectivity Research and  
 5 Development – Lottery Surplus (fund 3170, appropriation 92300)  
 6 at the close of the fiscal year 2018 are hereby reappropriated for  
 7 expenditure during the fiscal year 2019.

*314 - Higher Education Policy Commission –*

*Administration –*

*Control Account*

(WV Code Chapter 18B)

Fund 4932 FY 2019 Org 0441

1 Any unexpended balance remaining in the appropriation  
2 for Advanced Technology Centers (fund 4932, appropriation  
3 02800) at the close of the fiscal year 2018 is hereby reappropriated  
4 for expenditure during the fiscal year 2019.

*315 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2019 Org 0511

1 Medical Services.....18900 \$ 28,202,960

*316 - Division of Corrections –*

*Correctional Units*

(WV Code Chapters 25, 28, 49 and 62)

Fund 6283 FY 2019 Org 0608

1 Any unexpended balance remaining in the appropriation  
2 for Capital Outlay and Maintenance (fund 6283, appropriation  
3 75500) at the close of the fiscal year 2018 is hereby  
4 reappropriated for expenditure during the fiscal year 2019.

5 Total TITLE II, Section 5 –

6 Excess Lottery Funds..... \$ 290,257,000

1 **Sec. 6. Appropriations of federal funds.** — In accordance  
2 with Article 11, Chapter 4 of the Code from federal funds there are  
3 hereby appropriated conditionally upon the fulfillment of the  
4 provisions set forth in Article 2, Chapter 11B of the Code the  
5 following amounts, as itemized, for expenditure during the fiscal  
6 year 2019.

**LEGISLATIVE**

*317 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2019 Org 2300

	<b>Appropriation</b>		<b>Federal Funds</b>
1	Economic Loss Claim Payment Fund.....	33400	\$ 2,360,125

**JUDICIAL**

*318 - Supreme Court*

Fund 8867 FY 2019 Org 2400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,008,000
3	Current Expenses .....	13000	<u>1,992,000</u>
4	Total.....		\$ 4,000,000

**EXECUTIVE**

*319 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,563,760
3	Unclassified.....	09900	50,534
4	Current Expenses .....	13000	3,828,661
5	Repairs and Alterations.....	06400	650,000
6	Equipment.....	07000	910,500
7	Buildings .....	25800	1,000,000
8	Other Assets .....	69000	<u>50,000</u>
9	Total.....		\$ 9,053,455

*320 - Department of Agriculture –*

*Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 610,830
3	Unclassified.....	09900	8,755
4	Current Expenses .....	13000	136,012
5	Repairs and Alterations.....	06400	5,500
6	Equipment.....	07000	<u>114,478</u>
7	Total.....		\$ 875,575

*321 - Department of Agriculture –*

*State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 97,250
3	Current Expenses .....	13000	<u>15,599,974</u>
4	Total.....		\$ 15,697,224

*322 - Department of Agriculture –*

*Land Protection Authority*

Fund 8896 FY 2019 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 46,526
3	Unclassified.....	09900	5,004
4	Current Expenses .....	13000	<u>448,920</u>
5	Total.....		\$ 500,450

*323 - Secretary of State –*

*State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2019 Org 1600

1	Personal Services and		
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2	Employee Benefits.....00100	\$	210,240
3	Unclassified.....09900		7,484
4	Current Expenses .....13000		415,727
5	Repairs and Alterations.....06400		15,000
6	Other Assets .....69000		<u>100,000</u>
7	Total.....	\$	748,451

## DEPARTMENT OF COMMERCE

### *324 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2019 Org 0305

1	Personal Services and		
2	Employee Benefits.....00100	\$	1,578,347
3	Unclassified.....09900		51,050
4	Current Expenses .....13000		5,232,560
5	Repairs and Alterations.....06400		155,795
6	Equipment.....07000		100,000
7	Other Assets .....69000		<u>1,808,300</u>
8	Total.....	\$	8,926,052

### *325 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 8704 FY 2019 Org 0306

1	Personal Services and		
2	Employee Benefits.....00100	\$	54,432
3	Unclassified.....09900		2,803
4	Current Expenses .....13000		195,639
5	Repairs and Alterations.....06400		5,000
6	Equipment.....07000		7,500
7	Other Assets .....69000		<u>15,000</u>
8	Total.....	\$	280,374

### *326 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 8705 FY 2019 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 745,981
3	Unclassified.....	09900	50,000
4	Current Expenses .....	13000	<u>4,504,019</u>
5	Total.....		\$ 5,300,000

*327 - West Virginia Development Office –**Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8901 FY 2019 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 497,289
3	Repairs and Alterations.....	06400	250
4	Equipment .....	07000	6,000
5	Unclassified.....	09900	106,795
6	Current Expenses .....	13000	<u>10,069,166</u>
7	Total.....		\$ 10,679,500

*328 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 8706 FY 2019 Org 0308

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 384,072
3	Unclassified.....	09900	5,572
4	Current Expenses .....	13000	167,098
5	Repairs and Alterations.....	06400	<u>500</u>
6	Total.....		\$ 557,242

*329 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 8707 FY 2019 Org 0310

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 7,912,218
3	Unclassified.....	09900	107,693
4	Current Expenses .....	13000	5,556,594
5	Repairs and Alterations.....	06400	289,400
6	Equipment.....	07000	1,815,182
7	Buildings.....	25800	951,000
8	Other Assets.....	69000	6,951,000
9	Land.....	73000	<u>6,001,000</u>
10	Total.....		\$ 29,584,087

*330 - Division of Miners' Health,*

*Safety and Training*

(WV Code Chapter 22)

Fund 8709 FY 2019 Org 0314

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 613,177
3	Current Expenses .....	13000	<u>150,000</u>
4	Total.....		\$ 763,177

*331 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 8835 FY 2019 Org 0323

1	Unclassified.....	09900	\$ 5,127
2	Current Expenses .....	13000	507,530
3	Reed Act 2002 –		
4	Unemployment Compensation .....	62200	2,850,000
5	Reed Act 2002 – Employment Services ....	63000	<u>1,650,000</u>
6	Total.....		\$ 5,012,657

7 Pursuant to the requirements of 42 U.S.C. 1103, Section  
8 903 of the Social Security Act, as amended, and the provisions of  
9 W.Va. Code §21A-9-9, the above appropriation to Unclassified  
10 and Current Expenses shall be used by WorkForce West Virginia



11 for the specific purpose of administration of the state's  
 12 unemployment insurance program or job service activities, subject  
 13 to each and every restriction, limitation or obligation imposed on  
 14 the use of the funds by those federal and state statutes.

*332 - Office of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2019 Org 0328

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 411,574
3	Unclassified.....	09900	7,350
4	Current Expenses .....	13000	<u>2,816,076</u>
5	Total.....		\$ 3,235,000

**DEPARTMENT OF EDUCATION**

*333 - State Board of Education –*

*State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2019 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 5,628,855
3	Unclassified.....	09900	2,000,000
4	Current Expenses .....	13000	212,367,820
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	<u>10,000</u>
8	Total.....		\$ 220,026,675

*334 - State Board of Education –*

*School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2019 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,812,648
3	Unclassified.....	09900	1,150,500
4	Current Expenses .....	13000	148,281,265
5	Repairs and Alterations.....	06400	20,000
6	Equipment.....	07000	100,000
7	Other Assets.....	69000	<u>25,000</u>
8	Total.....		\$ 151,389,413

*335 - State Board of Education –**Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2019 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,819,972
3	Unclassified.....	09900	155,000
4	Current Expenses .....	13000	14,320,081
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	<u>10,000</u>
8	Total.....		\$ 16,325,053

*336 - State Board of Education –**Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2019 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,344,940
3	Unclassified.....	09900	1,000,000
4	Current Expenses .....	13000	108,346,390
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000

7	Other Assets .....	69000		<u>10,000</u>
8	Total .....			\$ 112,721,330

***DEPARTMENT OF EDUCATION AND THE ARTS***

*337 - Department of Education and the Arts –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 8841 FY 2019 Org 0431

1	Personal Services and			
2	Employee Benefits .....	00100	\$	416,675
3	Current Expenses .....	13000		5,587,325
4	Repairs and Alterations .....	06400		<u>1,000</u>
5	Total .....		\$	6,005,000

*338 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2019 Org 0432

1	Personal Services and			
2	Employee Benefits .....	00100	\$	743,046
3	Current Expenses .....	13000		1,947,372
4	Repairs and Alterations .....	06400		1,000
5	Equipment .....	07000		1,000
6	Buildings .....	25800		1,000
7	Other Assets .....	69000		1,000
8	Land .....	73000		<u>360</u>
9	Total .....		\$	2,694,778

*339 - Library Commission*

(WV Code Chapter 10)

Fund 8720 FY 2019 Org 0433

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 333,648
3	Current Expenses .....	13000	1,076,162
4	Equipment .....	07000	<u>543,406</u>
5	Total .....		\$ 1,953,216

*340 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 8721 FY 2019 Org 0439

1	Equipment .....	07000	\$ 200,000
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*341 - State Board of Rehabilitation –*

*Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2019 Org 0932

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 11,248,930
3	Current Expenses .....	13000	39,440,940
4	Repairs and Alterations .....	06400	350,400
5	Equipment .....	07000	<u>1,275,870</u>
6	Total .....		\$ 52,316,140

*342 - State Board of Rehabilitation –*

*Division of Rehabilitation Services –*

*Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2019 Org 0932

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 13,730,634
3	Current Expenses .....	13000	11,383,206
4	Repairs and Alterations .....	06400	1,100

5	Equipment .....	07000	<u>83,350</u>
6	Total .....		\$ 25,198,290

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### *343 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2019 Org 0313

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 30,084,598
3	Current Expenses .....	13000	169,448,731
4	Repairs and Alterations .....	06400	738,283
5	Equipment .....	07000	1,712,238
6	Unclassified .....	09900	2,062,978
7	Other Assets .....	69000	2,151,011
8	Land .....	73000	<u>100,000</u>
9	Total .....		\$ 206,297,839

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

### *344 - Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 8723 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 750,876
3	Unclassified .....	09900	73,307
4	Current Expenses .....	13000	<u>17,330,086</u>
5	Total .....		\$ 18,154,269

### *345 - Division of Health –*

*Central Office*

(WV Code Chapter 16)

Fund 8802 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 13,744,404
3	Unclassified.....	09900	947,948
4	Current Expenses .....	13000	79,110,551
5	Equipment .....	07000	456,972
6	Buildings.....	25800	155,000
7	Other Assets .....	69000	<u>380,000</u>
8	Total.....		\$ 94,794,875

*346 - Division of Health –*

*West Virginia Safe Drinking Water Treatment*

(WV Code Chapter 16)

Fund 8824 FY 2019 Org 0506

1	West Virginia Drinking Water Treatment		
2	Revolving Fund – Transfer.....	68900	\$ 16,000,000

*347 - Human Rights Commission*

(WV Code Chapter 5)

Fund 8725 FY 2019 Org 0510

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 625,349
3	Unclassified.....	09900	5,482
4	Current Expenses .....	13000	<u>140,389</u>
5	Total.....		\$ 771,220

*348 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2019 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 69,213,619
3	Unclassified.....	09900	22,855,833

4	Current Expenses .....	13000	112,085,005
5	Medical Services .....	18900	3,404,265,405
6	Medical Services Administrative Costs .....	78900	132,045,119
7	CHIP Administrative Costs.....	85601	4,500,000
8	CHIP Services .....	85602	47,422,974
9	Federal Economic Stimulus .....	89100	<u>5,000,000</u>
10	Total.....		\$ 3,797,387,955

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC  
SAFETY**

*349 - Office of the Secretary*

(WV Code Chapter 5F)

Fund 8876 FY 2019 Org 0601

1	Unclassified.....	09900	\$ 47,800
2	Current Expenses .....	13000	4,727,200
3	Repairs and Alterations .....	06400	<u>5,000</u>
4	Total.....		\$ 4,780,000

*350 - Adjutant General –*

*State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2019 Org 0603

1	Unclassified.....	09900	\$ 982,705
2	Mountaineer ChalleNGe Academy .....	70900	4,550,000
3	Martinsburg Starbase .....	74200	410,000
4	Charleston Starbase.....	74300	400,000
5	Military Authority .....	74800	<u>91,927,900</u>
6	Total.....		\$ 98,270,605

7           The Adjutant General shall have the authority to transfer  
8 between appropriations.

*351 - Adjutant General –**West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2019 Org 0603

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,350,000
3	Current Expenses .....	13000	300,000
4	Equipment.....	07000	<u>350,000</u>
5	Total.....		\$ 2,000,000

*352 - Division of Homeland Security and**Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2019 Org 0606

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 721,650
3	Current Expenses .....	13000	20,429,281
4	Repairs and Alterations.....	06400	5,000
5	Equipment.....	07000	<u>100,000</u>
6	Total.....		\$ 21,255,931

*353 - Division of Corrections*

(WV Code Chapters 25, 28, 49 and 62)

Fund 8836 FY 2019 Org 0608

1	Unclassified.....	09900	\$ 1,100
2	Current Expenses .....	13000	<u>108,900</u>
3	Total.....		\$ 110,000

*354 - West Virginia State Police*

(WV Code Chapter 15)



Fund 8741 FY 2019 Org 0612

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 2,461,129
3	Current Expenses .....	13000	2,125,971
4	Repairs and Alterations .....	06400	42,000
5	Equipment .....	07000	2,502,285
6	Buildings .....	25800	750,500
7	Other Assets .....	69000	144,500
8	Land .....	73000	500
9	Total .....		\$ 8,026,885

*355 - Fire Commission*

(WV Code Chapter 29)

Fund 8819 FY 2019 Org 0619

1	Current Expenses .....	13000	\$ 80,000
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*356 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 8803 FY 2019 Org 0620

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 1,058,570
3	Unclassified .....	09900	25,185
4	Current Expenses .....	13000	18,771,973
5	Repairs and Alterations .....	06400	1,750
6	Total .....		\$ 19,857,478

**DEPARTMENT OF REVENUE***357 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2019 Org 0704

1	Current Expenses .....	13000	\$ 3,000,000
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**DEPARTMENT OF TRANSPORTATION***358 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2019 Org 0802

1	Personal Services and		
2	Employee Benefits.....00100	\$	501,394
3	Current Expenses .....13000		10,498,106
4	Repairs and Alterations.....06400		<u>500</u>
5	Total.....	\$	11,000,000

*359 - Division of Public Transit*

(WV Code Chapter 17)

Fund 8745 FY 2019 Org 0805

1	Personal Services and		
2	Employee Benefits.....00100	\$	702,637
3	Current Expenses .....13000		9,163,149
4	Repairs and Alterations.....06400		2,500
5	Equipment.....07000		2,801,714
6	Buildings.....25800		650,000
7	Other Assets.....69000		<u>200,000</u>
8	Total.....	\$	13,520,000

**DEPARTMENT OF VETERANS' ASSISTANCE***360 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2019 Org 0613

1	Personal Services and		
2	Employee Benefits.....00100	\$	2,751,100
3	Current Expenses .....13000		3,925,900
4	Repairs and Alterations.....06400		50,000
5	Equipment.....07000		200,000

6	Buildings .....	25800	600,000
7	Other Assets .....	69000	100,000
8	Land .....	73000	<u>100,000</u>
9	Total .....		\$ 7,727,000

*361 - Department of Veterans' Assistance –*

*Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2019 Org 0618

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 877,915
3	Current Expenses .....	13000	844,092
4	Repairs and Alterations .....	06400	220,000
5	Equipment .....	07000	198,000
6	Buildings .....	25800	296,000
7	Other Assets .....	69000	20,000
8	Land .....	73000	<u>10,000</u>
9	Total .....		\$ 2,466,007

**BUREAU OF SENIOR SERVICES**

*362 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2019 Org 0508

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 721,393
3	Current Expenses .....	13000	13,811,853
4	Repairs and Alterations .....	06400	<u>3,000</u>
5	Total .....		\$ 14,536,246

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*363 - Public Service Commission –*

*Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2019 Org 0926

1	Personal Services and		
2	Employee Benefits.....00100	\$	1,286,913
3	Current Expenses .....13000		368,953
4	Repairs and Alterations.....06400		<u>40,000</u>
5	Total.....	\$	<u>1,695,866</u>

*364 - Public Service Commission –**Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2019 Org 0926

1	Personal Services and		
2	Employee Benefits.....00100	\$	596,600
3	Current Expenses .....13000		124,628
4	Equipment .....07000		3,000
5	Unclassified.....09900		<u>4,072</u>
6	Total.....	\$	<u>728,300</u>

*365 - National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2019 Org 0941

1	Personal Services and		
2	Employee Benefits.....00100	\$	159,235
3	Current Expenses .....13000		631,365
4	Repairs and Alterations.....06400		5,000
5	Equipment.....07000		3,000
6	Other Assets.....69000		<u>2,000</u>
7	Total.....	\$	<u>800,600</u>
8	Total TITLE II, Section 6 –		
9	Federal Funds.....		<u>\$ 5,029,664,340</u>

1           **Sec. 7. Appropriations from federal block grants.** —  
 2           The following items are hereby appropriated from federal block  
 3           grants to be available for expenditure during the fiscal year 2019.

366 - *West Virginia Development Office* –

*Community Development*

Fund 8746 FY 2019 Org 0307

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 10,648,117
3	Unclassified.....	09900	2,375,000
4	Current Expenses .....	13000	<u>224,476,883</u>
5	Total.....		\$ 237,500,000

367 - *Department of Commerce*

*West Virginia Development Office* –

*Office of Economic Opportunity* –

*Community Services*

Fund 8902 FY 2019 Org 0307

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 362,389
3	Unclassified.....	09900	125,000
4	Current Expenses .....	13000	12,002,111
5	Repairs and Alterations.....	06400	1,500
6	Equipment .....	07000	<u>9,000</u>
7	Total.....		\$ 12,500,000

368 - *WorkForce West Virginia* –

*Workforce Investment Act*

Fund 8749 FY 2019 Org 0323

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 2,912,606

3	Unclassified.....	09900	23,023
4	Current Expenses .....	13000	39,263,511
5	Repairs and Alterations.....	06400	1,600
6	Equipment.....	07000	500
7	Buildings.....	25800	<u>1,100</u>
8	Total.....		\$ 42,202,340

*369 - Division of Health –*

*Maternal and Child Health*

Fund 8750 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,124,294
3	Unclassified.....	09900	110,017
4	Current Expenses .....	13000	<u>8,767,420</u>
5	Total.....		\$ 11,001,731

*370 - Division of Health –*

*Preventive Health*

Fund 8753 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 265,868
3	Unclassified.....	09900	22,457
4	Current Expenses .....	13000	1,895,366
5	Equipment.....	07000	<u>165,642</u>
6	Total.....		\$ 2,349,333

*371 - Division of Health –*

*Substance Abuse Prevention and Treatment*

Fund 8793 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 822,766
3	Unclassified.....	09900	115,924
4	Current Expenses .....	13000	<u>10,653,740</u>

5 Total..... \$ 11,592,430

*372 - Division of Health –*

*Community Mental Health Services*

Fund 8794 FY 2019 Org 0506

1	Personal Services and		
2	Employee Benefits.....00100	\$	936,557
3	Unclassified.....09900		33,533
4	Current Expenses .....13000		<u>3,083,307</u>
5	Total.....	\$	4,053,397

*373 - Division of Human Services –*

*Energy Assistance*

Fund 8755 FY 2019 Org 0511

1	Personal Services and		
2	Employee Benefits.....00100	\$	1,514,312
3	Unclassified.....09900		350,000
4	Current Expenses .....13000		<u>33,181,300</u>
5	Total.....	\$	35,045,612

*374 - Division of Human Services –*

*Social Services*

Fund 8757 FY 2019 Org 0511

1	Personal Services and		
2	Employee Benefits.....00100	\$	14,231,684
3	Unclassified.....09900		171,982
4	Current Expenses .....13000		<u>2,870,508</u>
5	Total.....	\$	17,274,174

*375 - Division of Human Services –*

*Temporary Assistance for Needy Families*

Fund 8816 FY 2019 Org 0511

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 18,371,875
3	Unclassified.....	09900	1,250,000
4	Current Expenses .....	13000	<u>105,847,136</u>
5	Total.....		\$ 125,469,011

*376 - Division of Human Services –*

*Child Care and Development*

Fund 8817 FY 2019 Org 0511

1	Personal Services and		
2	Employee Benefits .....	00100	\$ 4,682,166
3	Unclassified.....	09900	350,000
4	Current Expenses .....	13000	<u>31,999,456</u>
5	Total.....		<u>\$ 37,031,622</u>
6	Total TITLE II, Section 7 –		
7	Federal Block Grants .....		<u>\$ 536,019,650</u>

1           **Sec. 8. Awards for claims against the state.** — There are  
2 hereby appropriated for fiscal year 2018, from the fund as  
3 designated, in the amounts as specified, general revenue funds in  
4 the amount of \$1,753,740 special revenue funds in the amount of  
5 \$226,619 and state road funds in the amount of \$408,830 for  
6 payment of claims against the state.

1           **Sec. 9. Appropriations from general revenue surplus**  
2 **accrued.** — The following item is hereby appropriated from the  
3 state fund, general revenue, and is to be available for expenditure  
4 during the fiscal year 2019 out of surplus funds only, accrued from  
5 the fiscal year ending June 30, 2018, subject to the terms and  
6 conditions set forth in this section.

7           It is the intent and mandate of the Legislature that the  
8 following appropriation be payable only from surplus as of July 31,  
9 2018 from the fiscal year ending June 30, 2018, only after first  
10 meeting requirements of W.Va. Code §11B-2-20(b).

11           In the event that surplus revenues available on July 31,  
12 2018, are not sufficient to meet the appropriation made pursuant to



13 this section, then the appropriation shall be made to the extent that  
 14 surplus funds are available as of the date mandated to meet the  
 15 appropriation in this section and shall be allocated first to provide  
 16 the necessary funds to meet the first appropriation of this section  
 17 and each subsequent appropriation in the order listed in this  
 18 section.

*377 - Division of Health –*

*Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2019 Org 0506

1	Office of Drug Control Policy - Surplus ....#####	\$	5,000,000
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*378 - Division of Homeland Security and*

*Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2019 Org 0606

1	West Virginia Water Gaging		
2	Council - Surplus .....#####	\$	765,000

*379 - West Virginia Tourism Office*

*(WV Code Chapter 5B)*

Fund 0246 FY 2019 Org 0304

1	Tourism – Marketing – Surplus .....#####	\$	2,500,000
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*380 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 0256 FY 2019 Org 0307

1	Sales and Marketing		
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2 Enhancement - Surplus .....##### \$ 2,500,000

381 - Auditor's Office

General Administration

(WV Code Chapter 12)

Fund 0116 FY 2019 Org 1200

1 VFD Workers' Compensation

2 Subsidy – Surplus .....##### \$ 2,000,000

382 - Public Port Authority

(WV Code Chapter 17)

Fund 0581 FY 2019 Org 0806

1 Port Authority – Surplus .....44399 \$ 1,000,000

2 The above appropriation to Port Authority - Surplus (fund  
3 0581, appropriation 44399) shall serve as reimbursement for  
4 expenses incurred by the State Road Fund related construction  
5 and operation of the Heartland Intermodal Gateway in Wayne  
6 County.

7 Total TITLE II, Section 9 –

8 General Revenue Surplus Accrued..... \$ 13,765,000

1 **Sec. 10. Appropriations from lottery net profits surplus**  
2 **accrued.** — The following item is hereby appropriated from the  
3 lottery net profits, and is to be available for expenditure during the  
4 fiscal year 2019 out of surplus funds only, as determined by the  
5 director of lottery, accrued from the fiscal year ending June 30,  
6 2018, subject to the terms and conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the  
8 following appropriation be payable only from surplus accrued from  
9 the fiscal year ending June 30, 2018.

10            In the event that surplus revenues available from the fiscal  
 11 year ending June 30, 2018, are not sufficient to meet the  
 12 appropriation made pursuant to this section, then the appropriation  
 13 shall be made to the extent that surplus funds are available.

*383 - Bureau of Senior Services –*

*Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2019 Org 0508

1	Senior Services Medicaid Transfer –		
2	Lottery Surplus .....	68199	\$ 6,000,000
3	Total TITLE II, Section 10 –		
4	Surplus Accrued.....		<u>\$ 6,000,000</u>

1            **Sec. 11. Appropriations from state excess lottery**  
 2 **revenue surplus accrued.** — The following item is hereby  
 3 appropriated from the state excess lottery revenue fund, and is to  
 4 be available for expenditure during the fiscal year 2019 out of  
 5 surplus funds only, as determined by the director of lottery, accrued  
 6 from the fiscal year ending June 30, 2018, subject to the terms and  
 7 conditions set forth in this section.

8            It is the intent and mandate of the Legislature that the  
 9 following appropriation be payable only from surplus accrued from  
 10 the fiscal year ending June 30, 2018.

11            In the event that surplus revenues available from the fiscal  
 12 year ending June 30, 2018, are not sufficient to meet the  
 13 appropriation made pursuant to this section, then the  
 14 appropriation shall be made to the extent that surplus funds are  
 15 available.

*384 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2019 Org 0511

1	Medical Services – Lottery Surplus .....	68100	\$	8,000,000
2	Total TITLE II, Section 11 –			
3	Surplus Accrued.....		\$	<u>8,000,000</u>

1           **Sec. 12. Special revenue appropriations.** — There are  
2 hereby appropriated for expenditure during the fiscal year 2019  
3 appropriations made by general law from special revenues which  
4 are not paid into the state fund as general revenue under the  
5 provisions of W.Va. Code §12-2-2: *Provided*, That none of the  
6 money so appropriated by this section shall be available for  
7 expenditure except in compliance with the provisions of W.Va.  
8 Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending  
9 unit has filed with the director of the budget and the legislative  
10 auditor prior to the beginning of each fiscal year:

11           (a) An estimate of the amount and sources of all revenues  
12 accruing to such fund; and

13           (b) A detailed expenditure schedule showing for what  
14 purposes the fund is to be expended.

15           **Sec. 13. State improvement fund appropriations.** —  
16 Bequests or donations of nonpublic funds, received by the  
17 Governor on behalf of the state during the fiscal year 2019, for the  
18 purpose of making studies and recommendations relative to  
19 improvements of the administration and management of spending  
20 units in the executive branch of state government, shall be  
21 deposited in the state treasury in a separate account therein  
22 designated state improvement fund.

23           There are hereby appropriated all moneys so deposited  
24 during the fiscal year 2019 to be expended as authorized by the  
25 Governor, for such studies and recommendations which may  
26 encompass any problems of organization, procedures, systems,  
27 functions, powers or duties of a state spending unit in the executive  
28 branch, or the betterment of the economic, social, educational,  
29 health and general welfare of the state or its citizens.

1           **Sec. 14. Specific funds and collection accounts.** — A  
2 fund or collection account which by law is dedicated to a specific

3 use is hereby appropriated in sufficient amount to meet all lawful  
4 demands upon the fund or collection account and shall be expended  
5 according to the provisions of Article 3, Chapter 12 of the Code.

1       **Sec. 15. Appropriations for refunding erroneous**  
2 **payment.** — Money that has been erroneously paid into the state  
3 treasury is hereby appropriated out of the fund into which it was  
4 paid, for refund to the proper person.

5       When the officer authorized by law to collect money for  
6 the state finds that a sum has been erroneously paid, he or she shall  
7 issue his or her requisition upon the Auditor for the refunding of  
8 the proper amount. The Auditor shall issue his or her warrant to the  
9 Treasurer and the Treasurer shall pay the warrant out of the fund  
10 into which the amount was originally paid.

1       **Sec. 16. Sinking fund deficiencies.** — There is hereby  
2 appropriated to the Governor a sufficient amount to meet any  
3 deficiencies that may arise in the mortgage finance bond insurance  
4 fund of the West Virginia housing development fund which is  
5 under the supervision and control of the municipal bond  
6 commission as provided by W.Va. Code §31-18-20b, or in the  
7 funds of the municipal bond commission because of the failure of  
8 any state agency for either general obligation or revenue bonds or  
9 any local taxing district for general obligation bonds to remit funds  
10 necessary for the payment of interest and sinking fund  
11 requirements. The Governor is authorized to transfer from time to  
12 time such amounts to the municipal bond commission as may be  
13 necessary for these purposes.

14       The municipal bond commission shall reimburse the state  
15 of West Virginia through the Governor from the first remittance  
16 collected from the West Virginia housing development fund or  
17 from any state agency or local taxing district for which the  
18 Governor advanced funds, with interest at the rate carried by the  
19 bonds for security or payment of which the advance was made.

1       **Sec. 17. Appropriations for local governments.** — There  
2 are hereby appropriated for payment to counties, districts and  
3 municipal corporations such amounts as will be necessary to pay

4 taxes due counties, districts and municipal corporations and which  
5 have been paid into the treasury:

6 (a) For redemption of lands;

7 (b) By public service corporations;

8 (c) For tax forfeitures.

1 **Sec. 18. Total appropriations.** — Where only a total sum  
2 is appropriated to a spending unit, the total sum shall include  
3 personal services and employee benefits, annual increment, current  
4 expenses, repairs and alterations, buildings, equipment, other  
5 assets, land, and capital outlay, where not otherwise specifically  
6 provided and except as otherwise provided in TITLE I –  
7 GENERAL PROVISIONS, Sec. 3.

1 **Sec. 19. General school fund.** — The balance of the  
2 proceeds of the general school fund remaining after the payment of  
3 the appropriations made by this act is appropriated for expenditure  
4 in accordance with W.Va. Code §18-9A-16.

### TITLE III – ADMINISTRATION

1 **Sec. 1. Appropriations conditional.** — The expenditure  
2 of the appropriations made by this act, except those appropriations  
3 made to the legislative and judicial branches of the state  
4 government, are conditioned upon the compliance by the spending  
5 unit with the requirements of Article 2, Chapter 11B of the Code.

6 Where spending units or parts of spending units have been  
7 absorbed by or combined with other spending units, it is the intent  
8 of this act that appropriations and reappropriations shall be to the  
9 succeeding or later spending unit created, unless otherwise  
10 indicated.

1 **Sec. 2. Constitutionality.** — If any part of this act is  
2 declared unconstitutional by a court of competent jurisdiction, its  
3 decision shall not affect any portion of this act which remains, but  
4 the remaining portion shall be in full force and effect as if the  
5 portion declared unconstitutional had never been a part of the act.”

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 485**), and there were—yeas 63, nays 35, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

**Com. Sub. for S. B. 336**, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance; on second reading, coming up in regular order, was read a second time and ordered to third reading.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

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

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 54. STATE ADVISORY COALITION ON PALLIATIVE CARE.**

**§16-54-1. Purpose.**

The purpose of the coalition created under this article is to improve quality and delivery of patient centered and family focused palliative care in West Virginia.

**§16-54-2. Definitions**

As used in this article:

‘Appropriate’ means consistent with applicable legal, health, and professional standards; the patient’s clinical and other circumstances; and the patient’s reasonably known wishes and beliefs.

‘Medical care’ means services provided, requested, or supervised by a physician or advanced practice nurse.

‘Palliative care’ means patient and family centered medical care that optimizes quality of life by anticipating, preventing, and treating suffering caused by serious illness throughout the continuum of illness, involves addressing physical, emotional, social, and spiritual needs, and facilitates patient autonomy, access to information, and choice.

‘Serious Illness’ means any medical illness or physical injury or condition that substantially impacts quality of life for more than a short time.

**§16-54-3. Creation of the State Advisory Coalition on Palliative Care.**

There is created the State Advisory Coalition on Palliative Care. The administrative functions of the coalition are the responsibility of staff assigned to the Joint Committee on Health.

**§16-54-4. Members of the Advisory Coalition on Palliative Care.**



(a) The Advisory Coalition on Palliative Care consists of the individuals appointed by the President of the Senate and the Speaker of the House of Delegates who are health professionals having palliative care work experience and/or expertise in palliative care delivery models in a variety of inpatient, outpatient, and community settings and with a variety of populations, including pediatric, youth, and adults.

(b) The members include:

(1) A physician who practices palliative care in this state and is licensed pursuant to the provisions of §30-3-1 *et seq.* of this code, who shall serve as chair of the coalition for the first meeting until a chairman is selected by the Advisory Coalition;

(2) A physician;

(3) A registered professional nurse;

(4) A social worker;

(5) A pharmacist;

(6) A spiritual advisor;

(7) A patient advocate;

(8) A family caregiver advocate;

(9) One additional palliative care practitioner; and

(10) The Executive Director of the Center for End of Life Care, or his or her designee.

(c) The co-chairs of the Joint Committee on Health serve as nonvoting members, ex-officio.

(d) Membership on the coalition shall be distributed among the congressional districts of the state, and each congressional district shall be represented in the membership of the coalition.

**§16-54-5. Powers and duties.**

(a) The coalition shall consult with and advise the Legislature on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in the state. The coalition may:

(1) Meet at least quarterly or at the call of the chairman. A quorum is a simple majority of the coalition;

(2) Keep accurate records of the actions of the coalition;

(3) Make recommendations to the Legislature as required by this article;

(4) Provide guidance to the Legislature on potential statutory solutions relative to regulation of palliative care;

(5) Establish workgroups and clinical advisory committees as the coalition considers necessary to address pertinent issues related to palliative care and to provide consistency in the development of further regulation;

(6) Consult with entities and persons with expertise as the coalition considers necessary in the fulfillment of its duties. This can include public and private sector partnerships;

(7) Establish a system for identifying patients or residents who could benefit from palliative care;

(8) Provide information about and facilitate access to appropriate palliative care; and

(9) Offer any additional guidance to the Legislature which the coalition sees is within its scope which would further enhance the palliative care.

(b) The coalition shall report its findings to the Joint Committee on Health by December 31, 2019, and annually after that until the coalition terminates pursuant to the provisions of this article. The report shall include, at a minimum, the following:

(1) Conclusions and recommendations to promote a better means for palliative care;

(2) Recommendations for statutory and regulatory modifications;

(3) Identification of any action which may be taken by the Legislature to better foster awareness of palliative care issues in this state;

(4) A means to raise palliative care awareness; and

(5) Any other ancillary issues relative to palliative care.

**§16-54-6. Cooperation with the coalition.**

The Department of Health and Human Resources, the West Virginia Insurance Commission, the Public Employees Insurance Agency, the Center for End of Life Care, and all other entities of state government shall cooperate with the coalition in the exchange of data, information, and expertise if so requested by the coalition, including, but not limited to:

(1) Providing the entity's plans to improve palliative care in West Virginia;

(2) Sharing information on the financial impact of palliative care on the State of West Virginia;

(3) Providing an assessment of the benefits of implemented programs and activities aimed at bettering palliative care;

(4) Assisting in the development or revision of detailed action plans to improve palliative care; and

(5) Providing resources required to implement the plan.

**§16-54-7. Sunset.**

The coalition terminates on December 31, 2021, unless continued by act of the Legislature.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4035** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, and §16-54-7, all relating to palliative care; creating a state advisory coalition to improve palliative care in West Virginia; providing definitions; designating members of the coalition; providing for the powers and duties of the coalition; establishing that certain and other state agencies shall cooperate with the coalition; and establishing a termination date for the coalition.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 486**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4035) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4042**, Redefining school zone to facilitate placement of school zone signs.

On motion of Delegate Foster, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section one, line sixteen, after the word “zone”, by inserting the words “established by an engineering study conducted by the Division of Highways”.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 487**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4042) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4079**, Promulgating administrative rules by various executive or administrative agencies of the state.

On motion of Delegate Foster, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page three, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.**

**§64-9-1. Board of Accountancy.**

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-9-5 of this code, modified by the Board of Accountancy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2017, relating to the Board of Accountancy

(board rules and rules of professional conduct, 1 CSR 1), is authorized.

**§64-9-2. Commissioner of Agriculture.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §19-9-2 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2017, relating to the Commissioner of Agriculture (animal disease control, 61 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §19-2C-3(a) of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2017, relating to the Commissioner of Agriculture (auctioneers, 61 CSR 11B), is authorized with the following amendment:

On page one, subsection 4.1, by striking out “ten thousand dollars (\$10,000)” and inserting in lieu thereof “twenty-five thousand dollars (\$25,000)”.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §19-12D-4 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2017, relating to the Commissioner of Agriculture (noxious weeds, 61 CSR 14A), is authorized.

(d) The legislative rule filed in the State Register on July 17, 2017, authorized under the authority of §19-2B-3 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2017, relating to the Commissioner of Agriculture (inspection of meat and poultry, 61 CSR 16), is authorized.

(e) The legislative rule filed in the State Register on July 18, 2017, authorized under the authority of §19-13-3 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2017, relating to the Commissioner of Agriculture (West Virginia apiary law, 61 CSR 2), is authorized.

(f) The legislative rule filed in the State Register on July 17, 2017, authorized under the authority of §19-29-4 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2017, relating to the Commissioner of Agriculture (inspection of nontraditional, domesticated animals, 61 CSR 23D), is authorized.

(g) The legislative rule filed in the State Register on December 1, 2017, authorized under the authority of §19-2-5 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2017, relating to the Commissioner of Agriculture (schedule of charges for inspection services: fruit, 61 CSR 8B), is authorized.

### **§64-9-3. Athletic Commission.**

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §29-5A-24 of this code, modified by the Athletic Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 3, 2017, relating to the Athletic Commission (administrative rules of the West Virginia State Athletic Commission, 177 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §29-5A-24 of this code, modified by the Athletic Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 3, 2017, relating to the Athletic

Commission (regulation of mixed martial arts, 177 CSR 2), is authorized.

#### **§64-9-4. Board of Licensed Dietitians.**

The legislative rule filed in the State Register on July 24, 2017, authorized under the authority of §30-35-4 of this code, modified by the Board of Licensed Dietitians to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2017, relating to the Board of Licensed Dietitians (licensure and renewal requirements, 31 CSR 1), is authorized with the following amendments:

On page two, subsection 6.3, following the words “provisional permit renewal fee” by striking the words “as stated in 4.1.2.3.” and inserting in lieu thereof the words “\$50.”;

On page three, subsection 7.5, following the words “professional license reinstatement fee” by striking the words “as stated in 4.1.2.5.” and inserting in lieu thereof the words “as stated in paragraph 4.1.2.3. of this rule”;

On page three, paragraph 8.1.1.3, following the words “professional license reinstatement fee” by striking the words “as stated in 4.1.2.5.” and inserting in lieu thereof the words “as stated in paragraph 4.1.2.3. of this rule”;

On page three, subdivision 8.1.2, by renumbering the incorrectly numbered subsections of that section to 8.1.2.1, 8.1.2.2, and 8.1.2.3, respectively;

And,

On page three, in the incorrectly numbered section 8.1.1.3, following the words “reinstatement fee as stated” by striking the words “in 4.1.2.5.” and inserting in lieu thereof the words “in paragraph 4.1.2.3. of this rule.”

#### **§64-9-5. Board of Hearing Aid Dealers.**

The legislative rule filed in the State Register on July 26, 2017, authorized under the authority of §30-26-3 of this code, relating to



the Board of Hearing Aid Dealers (rules governing the West Virginia Board of Hearing Aid Dealers, 8 CSR 1), is authorized.

#### **§64-9-6. Board of Medicine.**

(a) The legislative rule filed in the State Register on August 29, 2017, authorized under the authority of §30-3E-3 of this code, modified by the Board of Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 6, 2017, relating to the Board of Medicine (licensure, disciplinary and complaint procedures, continuing education, physician assistants, 11 CSR 1B), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2017, authorized under the authority of §30-3-7 of this code, relating to the Board of Medicine (continuing education for physicians and podiatric physicians, 11 CSR 6), is authorized with the amendment set forth below:

On page one, subsection 1.2 by striking out the words, “§30-3-12 and §30-1-7a” and inserting in lieu thereof “§30-3-7”.

(c) The Legislature directs the Board of Medicine, pursuant to the authority given to the board in §30-3-7 of this code, to promulgate the legislative rule filed in the State Register by the Board on June 5, 2017, relating to the Board (licensing and disciplinary procedures: physicians; podiatrists, 11 CSR 1A) with the following amendment:

On page 18, by striking out all of paragraph 12.1.ii.B. and re-lettering the remaining paragraphs.

#### **§64-9-7. Board of Optometry.**

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-8-6 of this code, relating to the Board of Optometry (rules of the West Virginia Board of Optometry, 14 CSR 1), is authorized.

**§64-9-8. Board of Osteopathic Medicine.**

The legislative rule filed in the State Register on October 17, 2017, authorized under the authority of §30-3E-3 of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 6, 2017, relating to the Board of Osteopathic Medicine (osteopathic physician assistants, 24 CSR 2), is authorized.

**§64-9-9. Board of Pharmacy.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 1), is authorized with the following amendments:

On page fifteen, subdivision 6.5.1 after the words, “submit a fee of”, by striking out “\$125)” and inserting in lieu thereof “\$250”.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2017, relating to the Board of Pharmacy (pharmacist recovery networks, 15 CSR 10), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 6, 2017, relating to the Board of Pharmacy (immunizations administered by pharmacists and pharmacy interns, 15 CSR 12), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the

Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2017, relating to the Board of Pharmacy (centralized prescription processing, 15 CSR 14), is authorized.

(e) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §60A-3-301 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 6, 2017, relating to the Board of Pharmacy (uniform controlled substances act, 15 CSR 2), is authorized.

(f) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2017, relating to the Board of Pharmacy (registration of pharmacy technicians, 15 CSR 7), is authorized.

(g) The legislative rule filed in the State Register on September 19, 2017, authorized under the authority of §60A-9-6 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2017, relating to the Board of Pharmacy (controlled substances monitoring program, 15 CSR 8), is authorized.

#### **§64-9-10. Board of Examiners of Psychologists.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-21-6 of this code, modified by the Board of Examiners of Psychologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 13, 2017, relating to the Board of Psychologists (fees, 17 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-21-6 of this code,

modified by the Board of Examiners of Psychologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 15, 2017, relating to the Board of Examiners of Psychologists (requirements for licensure as a psychologist and/or a school psychologist, 17 CSR 3), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-21-6 of this code, relating to the Board of Examiners of Psychologists (code of conduct, 17 CSR 6), is authorized.

#### **§64-9-11. Real Estate Appraiser Licensing and Certification Board.**

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-38-9 of this code, relating to the Real Estate Appraiser Licensing and Certification Board (requirements for licensure and certification, 190 CSR 2), is authorized.

#### **§64-9-12. Real Estate Commission.**

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §30-40-8 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 6, 2017, relating to the Real Estate Commission (licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business, 174 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §30-40-8 of this code, relating to the Real Estate Commission (schedule of fees, 174 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §30-40-8 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the

State Register on December 6, 2017, relating to the Real Estate Commission (requirements for real estate courses, course providers and instructors, 174 CSR 3), is authorized with the amendment set forth below:

On page six, by striking out all of subsection 3.9. and inserting in lieu thereof a new subsection 3.9. to read as follows:

3.9. All approved pre-license and continuing education instructors shall complete annual instructor development workshops when offered by the Commission, unless the attendance is waived by the Commission or the individual is an out-of-state instructor who a) is approved by the National Association of Realtors (NAR) or b) holds a Distinguished Real Estate Instructor (DREI) designation.

#### **§64-9-13 Board of Examiners for Registered Professional Nurses.**

The Legislature directs the Board of Examiners of Registered Professional Nurses, pursuant to the authority given to the Board in §30-7-4 of this code, to promulgate the legislative rule filed in the State Register by the Board on July 9, 2009, relating to the Board (policies, standards and criteria for the evaluation and accreditation of colleges, departments or schools of nursing, 19 CSR 1), with the following amendments:

On page three, by striking out all of subdivision 4.1.b. and renumbering the remaining subdivisions;

On page six, by striking out all of subsection 8.3. and renumbering the remaining subsections;

And,

On page nine, by striking out all of subsection 13.3 and renumbering the remaining subsections.

#### **§64-9-14. Division of Rehabilitation Services.**

(a) The legislative rule effective on May 1, 2007, authorized under the authority of §18-10A-1 of this code, relating to the

Division of Rehabilitation Services (case services, 130 CSR 1), is repealed.

(b) The legislative rule effective on May 1, 2007, authorized under the authority of §18-10A-1 of this code, relating to the Division of Rehabilitation Services (resources manual, 130 CSR 2), is repealed.

**§64-9-15. Secretary of State.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §3-1A-6 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 12, 2017, relating to the Secretary of State (procedures for canvassing elections, 153 CSR 18), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §3-1A-6 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 12, 2017, relating to the Secretary of State (procedures for handling ballots and counting write-in votes in counties using optical scan ballots, 153 CSR 27), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §3-3A-3 of this code, relating to the Secretary of State (vote by mail pilot project phase 2: voting by mail, 153 CSR 39), is authorized.

**§64-9-16. Board of Veterinary Medicine.**

(a) The legislative rule filed in the State Register on July 18, 2017, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 29, 2017, relating to the Board of Veterinary Medicine

(organization and operation and licensing of veterinarians, 26 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 18, 2017, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 20, 2017, relating to the Board of Veterinary Medicine (certified animal euthanasia technicians, 26 CSR 5), is authorized with the following amendments:

On page two, after subdivision 2.1.e., by adding the following new subdivisions:

“2.1.f. Verification of the status of the applicant’s certification in each state or jurisdiction where he or she currently holds or ever held a certificate;

2.1.g. Verification that the applicant has never been denied a certification in another state or jurisdiction, had his or her certification restricted, suspended or revoked or been disciplined in any manner;”

And,

By renumbering the remaining subdivisions.

(c) The legislative rule filed in the State Register on July 18, 2017, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 29, 2017, relating to the Board of Veterinary Medicine (schedule of fees, 26 CSR 6), is authorized.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4079** – “A Bill to amend and reenact §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7, §64-9-8, §64-9-9, §64-9-10, §64-9-11, §64-9-12, §64-9-13, §64-9-14, §64-9-15, and §64-9-16 of the Code of West Virginia, 1931, as amended, all relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislature; directing various agencies to amend and promulgate certain legislative rules; repealing certain legislative rules; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to noxious weeds; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia apiary law; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services; fruit; authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission; authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts; authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements;



authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rules governing the West Virginia Board of Hearing Aid Dealers; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education and physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; directing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures: physicians; podiatrists; authorizing the Board of Optometry to promulgate a legislative rule relating to rules of the West Virginia Board of Optometry; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to pharmacist recovery networks; authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing; authorizing the Board of Pharmacy to promulgate a legislative rule relating to uniform controlled substances act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the controlled substances monitoring program; authorizing the Board of Psychologists to promulgate a legislative rule relating to fees; authorizing the Board of Psychologists to promulgate a legislative rule relating to requirements for licensure as a psychologist and/or a school psychologist; authorizing the Board of Psychologists to promulgate a legislative rule relating to code of conduct; authorizing the Board of Real Estate Appraiser Licensing and Certification to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Real Estate Commission to promulgate a legislative rule relating to schedule of

fees; authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers and instructors; directing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to policies, standards and criteria for the evaluation and accreditation of colleges, departments or schools of nursing; repealing a Division of Rehabilitation Services rule relating to case services; repealing a Division of Rehabilitation Services rule relating to a resources manual; authorizing the Secretary of State to promulgate a legislative rule relating to procedures for canvassing elections; authorizing the Secretary of State to promulgate a legislative rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots; authorizing the Secretary of State to promulgate a legislative rule relating to vote by mail pilot project phase 2: Voting by Mail; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians; and authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 488**), and there were—yeas 88, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Byrd, E. Evans, Fluharty, Folk, Gearheart, Marcum, McGeehan, Paynter and Sponaule.

Absent and Not Voting: Deem and Isner.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4079) passed.

Delegate Foster moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 489**), and there were—yeas 90, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fluharty, Folk, Gearheart, Marcum, McGeehan, Paynter and Sponaugle.

Absent and Not Voting: Deem and Isner.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4079) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 4276**, Allowing magistrates to grant work release privileges.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4336**, Updating the schedule of controlled substances.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate title amendment:

**Com. Sub. for H. B. 4336** - “A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-210, and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to updating schedules of controlled substances; reorganizing each schedule by removing numbering and lettering for subparts; by providing that the drugs listed in each schedule include not just the drug’s chemical substance but also any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the existence of the such

compounds are possible within the chemical designation; and by adding specific chemical compounds to three of the schedules.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 490**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Isner.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4336) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 4376**, Expiring funds to the balance of the Department of Health and Human Resources.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 4379**, Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**H. B. 4529**, Relating to oath by municipal official certifying list of delinquent business and occupation taxes.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4618**, Relating to the authority of the Division of Protective Services.

On motion of Delegate Foster, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 6. CRIMES AGAINST THE PEACE.**

**§61-6-1. Suppression of riots and unlawful assemblages.**

All members of the ~~Department of Public Safety~~ West Virginia State Police, the Division of Protective Services, all sheriffs within their respective counties and all mayors within their respective jurisdiction, may suppress riots, routs and unlawful assemblages. It shall be the duty of each of them to go among, or as near as may be with safety, to persons riotously, tumultuously, or unlawfully assembled, and in the name of the law command them to disperse; and if they shall not thereupon immediately and peaceably disperse, such member of the ~~Department of Public Safety~~ West Virginia State Police, or of the Division of Protective Services, sheriff or mayor giving the command, and any other present, shall command the assistance of all persons present, and of all or any part of other law-enforcement personnel available to him or her, as need be, in arresting and securing those so assembled. If any person

present, on being required to give his or her assistance, depart, or fail to obey, he or she shall be deemed a rioter.

**§61-6-1a. Control of riots and unlawful assemblages.**

Members of the ~~Department of Public Safety~~ West Virginia State Police, the Division of Protective Services, sheriffs and mayors, and those acting under their order, may, when engaged in suppressing a riot, rout or unlawful assemblage, cordon off any area or areas threatened by such riot, rout or unlawful assemblage, and may take all actions which are necessary and reasonable under the emergency to restore law and order, and such actions may be, but are not limited to, the following:

(a) Prohibit the sale, offering for sale, dispensing, furnishing, or transportation of firearms or other dangerous weapons, ammunition, dynamite, or other dangerous explosives in, to or from such areas.

(b) Prohibit the sale, offering for sale, dispensing, furnishing, or consumption of alcoholic beverages or nonintoxicating beer in a public place in such areas, and prohibit the transportation of alcoholic beverages or nonintoxicating beer in, to, or from such areas.

(c) Impose curfews, as required, to control movement of persons in, to, and from such areas.

(d) Enter a private dwelling or other building or other private place in such areas when in fresh pursuit of a rioter, when in search of a sniper who has fired upon a person from such a dwelling or other building or place or when in search of firearms, other dangerous weapons, ammunition, dynamite, or other dangerous explosives when there is reason to believe that such items are stored in the said dwelling, building, or place and that they will be removed therefrom before a search warrant could be obtained.

No person shall willfully fail to obey a lawful order of any mayor, sheriff, deputy sheriff, municipal police officer, member of the ~~Department of Public Safety~~ West Virginia State Police, or the

Division of Protective Services, or other officer, given pursuant to this section.

Any person who violates an order given pursuant to the authority of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$500, or imprisoned in the county jail not more than six months, or both fined and imprisoned.

**§61-6-3. Failure of member of ~~department of public safety West Virginia State Police~~ officer, officer of the Division of Protective Services, mayor, or sheriff to exercise powers at riots and unlawful assemblages; penalty.**

If any member of the ~~Department of Public Safety West Virginia State Police~~, the Division of Protective Services, sheriff, or mayor have notice of a riotous, tumultuous, or unlawful assemblage in his or her respective jurisdiction as provided in section one of this article, and fail to proceed immediately to the place of such assemblage, or as near as he or she may safely go, or fail to exercise his or her authority for suppressing it and arresting the offenders, he or she shall be fined not to exceed \$100.

**§61-6-4. Summoning of persons to aid in suppressing riots and unlawful assemblages.**

If any person engaged in such assemblage, being commanded, as hereinbefore provided, to disperse or to peaceably leave the scene of such assemblage, fail to do so without delay, any such member of the ~~Department of Public Safety West Virginia State Police~~, the Division of Protective Services, sheriff or mayor may require the aid of a sufficient number of persons, in arms or otherwise, and proceed, in such manner as he or she may deem expedient, to disperse and suppress such assemblage, and arrest and secure those engaged in it.

**§61-6-5. Death of person in suppression of riots and unlawful assemblages.**

If, by any means taken under the authority of this article to disperse any such assemblage or arrest those engaged in it, any

person present, as spectator or otherwise, be killed or wounded, and neither malice, nor premeditation be present, any member of the ~~Department of Public Safety~~ West Virginia State Police, the Division of Protective Services, sheriff, or mayor exercising such authority, and everyone acting under his or her order, shall be held guiltless.; and if the member of the ~~Department of Public Safety~~ sheriff or mayor, or any person acting under the order of either of them, be killed or wounded in taking such means, or by the rioters, all persons engaged in such assemblage shall be deemed guilty of such killing or wounding.”

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4618** – “A Bill to amend and reenact §61-6-1, §61-6-1a, §61-6-3, §61-6-4, and §61-6-5 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Protective Services to compel dispersal of a riot or unlawful assemblage; to the authority of the Division of Protective Services to control riots and unlawful assemblages; to include officers of the Division of Protective Services among those officers on whom the penalty for failure to exercise power at riots and unlawful assemblages may be imposed; allowing Division of Protective Services officers to summon persons to suppress unlawful assemblages; to hold harmless Division of Protective Services officers from liability for the death of persons in riots and unlawful assemblages; correcting references to the State Police; removing language making all persons unlawfully assembled criminally liable for deaths of persons quelling unlawful assembly or riot; and to make technical corrections.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 491**), and there were—yeas 75, nays 22, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Brewer, Byrd, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hornbuckle, Iaquina, R.



Miller, Paynter, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Storch, Thompson and Williams.

Absent and Not Voting: Deem and Isner.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4618) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 19**, World Moyamoya Awareness Day.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**Com. Sub. for H. C. R. 40**, U. S. Air Force SMSgt Billie E. ‘Bunky’ Hodge Bridge.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**S. B. 298**, Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**S. B. 299**, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 347**, Relating to operation of motorboats.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 461**, Extending time to file petition for motor fuel excise tax refund.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 575**, Approving additional beds for intermediate care facilities.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**S. B. 576**, Relating to Patient Injury Compensation Fund.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**S. B. 584**, Finding certain claims against state to be moral obligations of state.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 616**, Establishing maximum gross weight for certain wood-bearing trucks.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**S. B. 626**, Relating generally to coal mining.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 634** - “A Bill supplementing and amending by adding, increasing, and decreasing the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, and to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2018, organization 0506, by supplementing, amending, adding, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 54** - “Requesting the Joint Committee on Government and Finance study the effect of new vehicle and load configurations and vehicles with increased gross weights and sizes on roads and related infrastructure in West Virginia.”

Whereas, The increased capacity and ability of modern vehicles to transport commodities and products, together with increased economic pressures to reduce industry transportation costs and increased environmental pressures to lower carbon dioxide emissions, create economic incentives to increase the loads vehicles may transport; and

Whereas, Increasing the types of vehicles, weight of vehicles, and types of loading and trucking configurations permitted on roads would increase economic development opportunities in West Virginia; and

Whereas, Excessive weights of vehicles can result in the deterioration of roads and bridges, creating significant costs in lost road and bridge use and life; and

Whereas, Certain vehicle types, vehicle configurations, load configurations, and other factors can alleviate or avoid damaging effect on infrastructure from increased vehicle and load weights; and

Whereas, The West Virginia Department of Transportation and Division of Highways, the West Virginia Department of Commerce, private industry, including manufacturers of commodities or products, and the engineering community, including the College of Information Technology and Engineering at Marshall University and the Statler College of Engineering and Mineral Resources at West Virginia University, should be encouraged to cooperate and to study the effect various trucking configurations and weights have on West Virginia's road system; and

Whereas, Such study should include an analysis of which vehicle and load configurations and weights may be utilized with minimal consequence to West Virginia's infrastructure while permitting industry to transport commodities and products in the most economical ways; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the effect of new vehicle and load configurations and vehicles with increased gross weights and sizes on roads and related infrastructure in West Virginia; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance enlist the assistance of the West Virginia Department of Transportation and Division of Highways, private industry, the West Virginia Department of Commerce, and West Virginia schools with engineering programs; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

**S. C. R. 55** - “Urging the Congress of the United States to pass a law permitting West Virginia to increase the weight of vehicles permitted to operate on interstate highways so that West Virginia may implement a pilot program to study various vehicle configurations and weights.”

Whereas, Federal law currently imposes vehicle weight limitations on vehicles that operate on the National System of Interstate and Defense Highways, The Dwight D. Eisenhower System of Interstate and Defense Highways, hereafter “Interstate Highways”; and

Whereas, The maximum gross weight typically allowed by any State for vehicles using the Interstate Highways is twenty thousand pounds carried on one axle, a tandem axle weight of thirty-four thousand pounds, and an overall maximum gross weight by formula; and

Whereas, Federal law also contains many exceptions to such weight limits; and

Whereas, The increased capacity and ability of modern vehicles to transport commodities and products, together with increased economic pressures to reduce industry transportation costs and increased environmental pressures to lower carbon dioxide emissions, create economic incentives to increase the loads vehicles may transport; and

Whereas, Increasing the types of vehicles, weight of vehicles, and types of loading and trucking configurations permitted on roads would increase economic efficiencies; and

Whereas, Excessive weights of vehicles can result in the deterioration of roads and bridges, creating significant costs in lost road and bridge use and life; and

Whereas, Certain vehicle types, vehicle configurations, load configurations, and other factors can alleviate or avoid damaging effect on infrastructure from increased vehicle and load weights; and

Whereas, The West Virginia Legislature is directing the West Virginia Department of Transportation and Division of Highways, the West Virginia Department of Commerce, private industry, including manufacturers of commodities or products, and the engineering community, including the College of Information Technology and Engineering at Marshall University and the Statler College of Engineering and Mineral Resources at West Virginia University, to cooperate and study the effect various trucking configurations and weights have on West Virginia's entire road system, including Interstate Highways; and

Whereas, Such study would include an analysis of which vehicle and load configurations and weights may be utilized with minimal consequence to West Virginia's infrastructure, including Interstate Highways, while permitting industry to transport commodities and products in the most economical ways; and

Whereas, In order to complete such a study and pilot program, West Virginia needs permission from the Congress of the United States to increase the weight of vehicles permitted to operate on Interstate Highways; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature urges the Congress of the United States to pass legislation permitting West Virginia to increase the weight of vehicles permitted to operate on Interstate Highways so that West Virginia may implement a pilot program to study various vehicle configurations and weights; and, be it

*Further Resolved,* That the Legislature urges the President of the United States to sign such legislation; and, be it

*Further Resolved,* That the Clerk of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the United States Senate, and to each Senator and Representative from West Virginia in the Congress of the United States.

### **Conference Committee Report Availability**

At 7:08 p. m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. B. 51**, Relating to domestic relations, shall be available in the Clerk's Office.

### **Conference Committee Reports**

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

**H. B. 4013**, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

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 4013 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

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

## **CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.**

### **ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.**

#### **§6-9A-6. Enforcement by injunctions; actions in violation of article voidable; voidability of bond issues.**

The circuit court in the county where the public agency regularly meets has jurisdiction and is a proper venue to enforce this article upon civil action commenced by any citizen of this state within 120 days after the action complained of was taken or the decision complained of was made. Where the action seeks injunctive relief, no bond may be required unless the petition appears to be without merit or made with the sole intent of harassing or delaying or avoiding return by the governing body.

The court is empowered to compel compliance or enjoin noncompliance with the provisions of this article and to annul a decision made in violation of this article. An injunction may also order that subsequent actions be taken or decisions be made in conformity with the provisions of this article: *Provided*, That no bond issue that has been passed or approved by any governing body in this state may be annulled under this section if notice of the meeting at which the bond issue was finally considered was given at least 10 days prior to the meeting by a Class I legal advertisement



published in accordance with the provisions of §59-3-1 *et seq.* of this code in a qualified newspaper having a general circulation in the geographic area represented by that governing body.

In addition to or in conjunction with any other acts or omissions which may be determined to be in violation of this article, it is a violation of this article for a governing body to hold a private meeting with the intention of transacting public business, thwarting public scrutiny and making decisions that eventually become official action.

Any order which compels compliance or enjoins noncompliance with the provisions of this article, or which annuls a decision made in violation of this article shall include findings of fact and conclusions of law and shall be recorded in the minutes of the governing body.

## **CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.**

### **ARTICLE 2. CLAIMS AGAINST THE STATE.**

#### **§14-2-2a. Venue for suits and actions involving ~~West Virginia University and Marshall University~~ state institutions of higher education.**

(a) Notwithstanding the provisions of §14-2-2 of this code, any civil action in which ~~the West Virginia University board of Governors, West Virginia University, the West Virginia University Medical School~~ the governing board of any state institution of higher education, any state institution of higher education, or any department or office of any of those entities, or any officer, employee, agent, intern or resident of any of those entities, acting within the scope of his or her employment, is made a party defendant, shall be brought in the circuit court of any county wherein the cause of action arose, unless otherwise agreed by the parties.

~~(b) Notwithstanding the provisions of section two of this article, any civil action in which Marshall University board of Governors, Marshall University, the Marshall University School of~~

~~Medicine or any department or office of any of those entities, or any officer, employee, agent, intern or resident of any of those entities, acting within the scope of his or her employment, is made a party defendant, shall be brought in the circuit court of any county wherein the cause of action arose, unless otherwise agreed by the parties.~~

~~(e)~~ (b) The exclusive venue provisions of this section are not applicable to:

(1) An action involving an entity or person named in subsections (a) ~~or (b)~~ of this section as garnishee or suggestee; and

(2) A proceeding for injunctive or mandamus relief involving the taking, title, or collection for or prevention of damage to real property, and where general laws or court rules provide that proper venue is in the county in which the real property affected is situate.

~~(d)~~ (c) This section ~~shall apply~~ applies only to ~~such~~ proceedings ~~as are~~ not prohibited by the constitutional immunity of the state from suit under section thirty-five, article VI of the Constitution of the State.

## **CHAPTER 56. PLEADING AND PRACTICE.**

### **ARTICLE 1. VENUE.**

#### **§56-1-1. Venue generally.**

(a) Any civil action or other proceeding, except where it is otherwise specially provided, may hereafter be brought in the circuit court of any county:

(1) Wherein any of the defendants may reside or the cause of action arose, except that an action of ejectment or unlawful detainer must be brought in the county wherein the land sought to be recovered, or some part thereof, is;

(2) If a corporation or other corporate entity ~~be~~ is a defendant, wherein its principal office is or wherein its mayor, president or other chief officer resides; or if its principal office be not in this state, and its mayor, president or other chief officer do not reside

therein, wherein it does business; or if it ~~be~~ is a corporation or other corporate entity organized under the laws of this state which has its principal office located outside of this state and which has no office or place of business within the state, the circuit court of the county in which the plaintiff resides or the circuit court of the county in which the seat of state government is located ~~shall have~~ has jurisdiction of all actions at law or suits in equity against the corporation or other corporate entity, where the cause of action arose in this state or grew out of the rights of stockholders with respect to corporate management;

(3) If it ~~be~~ is to recover land or subject it to a debt, where the land or any part may be;

(4) If it ~~be~~ is against one or more nonresidents of the state, where any one of them may be found and served with process or may have estate or debts due him, her, or them;

(5) If it ~~be~~ is to recover a loss under any policy of insurance upon either property, life or health or against injury to a person, where the property insured was situated either at the date of the policy or at the time when the right of action accrued or the person insured had a legal residence at the date of his or her death or at the time when the right of action accrued;

(6) If it ~~be~~ is on behalf of the state in the name of the Attorney General or otherwise, where the seat of government is; or

(7) If a judge of a circuit ~~be~~ is interested in a case which, but for such interest, would be proper for the jurisdiction of his or her court, the action or suit may be brought in any county in an adjoining circuit.

(b) Whenever a civil action or proceeding is brought in the county where the cause of action arose under the provisions of subsection (a) of this section, if no defendant resides in the county, a defendant to the action or proceeding may move the court before which the action is pending for a change of venue to a county where one or more of the defendants resides and upon a showing by the moving defendant that the county to which the proposed change of

venue would be made would better afford convenience to the parties litigant and the witnesses likely to be called, and if the ends of justice would be better served by the change of venue, the court may grant the motion.

(c) For all civil actions filed on or after July 1, 2018, a nonresident of the state may not bring an action in a court of this state unless all or a substantial part of the acts or omissions giving rise to the claim asserted occurred in this state: *Provided*, That unless barred by the statute of limitations or otherwise time barred in the state where the action arose, a nonresident of this state may file an action in state court in this state if the nonresident cannot obtain jurisdiction in either federal or state court against the defendant in the state where the action arose. A nonresident bringing such an action in this state shall be required to establish, by filing an affidavit with the complaint for consideration by the court, that the action cannot be maintained in the state where the action arose due to lack of any legal basis to obtain personal jurisdiction over the defendant: *Provided, however*, That the provisions of this subsection do not apply to civil actions filed against West Virginia citizens, residents, corporations, or other corporate entities.

In a civil action where more than one plaintiff is joined, each plaintiff must independently establish proper venue. A person may not intervene or join in a pending civil action as a plaintiff unless the person independently establishes proper venue. If venue is not proper as to any such nonresident plaintiff in any court of this state, the court shall dismiss the claims of such plaintiff without prejudice to refile in a court in any other state or jurisdiction. When venue is proper as to one defendant, it is also proper as to any other defendant with respect to all actions arising out of the same transaction or occurrence.

For purposes of this subsection, “nonresident” means any person, whether a citizen of this state or another state, who was domiciled outside the State of West Virginia at the time of the acts or omissions giving rise to the claim asserted: *Provided*, That a member of the armed forces of the United States who is stationed beyond the territorial limits of this state, but who was a resident of

this state at the time of his or her entry into such service, and any full-time student of any college or university of this state, even though he or she is paying nonresident tuition, is considered a resident under this subsection.

And,

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

**H. B. 4013** - “A Bill to amend and reenact §6-9A-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §14-2-2a of said code; and to amend and reenact §56-1-1 of said code, all relating to venue in West Virginia state courts; providing that the circuit court in the county where the public agency regularly meets is a proper venue for certain claims; providing that any civil action in which the governing board of any state institution of higher education or any state institution of higher education is made a party defendant shall be brought in the circuit court of the county wherein the cause of action arose, unless otherwise agreed upon; providing that nonresidents may not bring actions in the courts of this state unless all or a substantial part of the acts or omissions giving rise to the claim occurred in the state; providing an effective date; providing that nonresidents may file actions in the state courts if they cannot otherwise obtain jurisdiction in the state where the action arose, unless barred by the statute of limitations in the state the action arose; requiring the filing of an affidavit; providing that the provisions do not apply to actions filed against West Virginia citizens, residents, corporations, or other corporate entities; providing that each plaintiff must establish venue; providing that persons may not intervene or join in a pending action as plaintiff unless they independently establish venue; providing that courts shall dismiss claims without prejudice if venue is not proper as to a nonresident plaintiff; providing that venue is proper as to other defendants if venue is proper as to one defendant with respect to all actions arising out of the same transaction or occurrence; providing a definition of “nonresident”; and providing exceptions for members of the armed forces of the United States and students of any college or university of this state.”

Respectfully submitted,

Roger Hanshaw, *Chair*  
Riley Moore,  
*Did not Sign*

Charles S. Trump, IV,  
Ryan Weld,

Chad Lovejoy,  
*Conferees on the part of the  
House of Delegates*

Stephen Baldwin,  
*Conferees on the part of the  
Senate*

On motion of Delegate Hanshaw, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 492**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Isner.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4013) passed.

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

Delegate Hamrick, from the committee of conference on matters of disagreement between the two houses, as to

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

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for House Bill 2995 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:

## **ARTICLE 10. VETERINARIANS.**

### **§30-10-12. Requirements to be a certified animal euthanasia technician.**

(a) To be eligible to be a certified animal euthanasia technician a person must:

(1) Apply at least thirty days prior to the date the next written examinations are scheduled, using a form prescribed by the board;

(2) Have a high school diploma or GED;

(3) Pay application and examination fees;

(4) Complete the certified animal euthanasia technician's program established by the board;

(5) Pass the written and practical skills examinations;

(6) Pass the prescribed background check; and

(7) Complete all the other requirements established by the board.

(b) A certified animal euthanasia technician may practice animal euthanasia at a legally operated animal control facility.

(c) A person certified as an animal euthanasia technician by the board prior to July 1, 2010, shall for all purposes be considered certified under this article and may renew pursuant to the provisions of this article.

(d) A person certified by another state or jurisdiction with certification requirements equivalent to, or exceeding, the

certification standards of this state may be issued a certification under this section upon the submission of a completed application and the appropriate fees, as established by the board in legislative rules.;

And,

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

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

Respectfully submitted,

Danny Hamrick, *Chair*  
Terri Sypolt,  
Dana Lynch,

Randy Smith, *Chair*  
Mark Maynard,  
Stephen Baldwin,

*Conferees on the part of the  
House of Delegates*

*Conferees on the part of the  
Senate.*

On motion of Delegate Hamrick, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 493**), and there were—yeas 92, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Byrd, Folk, McGeehan and Pushkin.

Absent and Not Voting: Deem, Hicks and Isner.



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

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

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Deem.

### **Miscellaneous Business**

Delegate R. Miller announced that he was absent on today when the votes were taken on Roll Nos. 440 and 441, and that had he been present, he would have voted “Yea” thereon.

Delegate Byrd noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 435, 436 and 437, and had he been present he would have voted “Yea” thereon.

Delegate Lovejoy noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 449 and 450, and had he been present he would have voted “Yea” thereon.

Delegate White noted to the Clerk that he was absent on today when the votes were taken on Roll Nos. 449 and 450, and had he been present he would have voted “Yea” thereon.

Delegate Espinosa announced that he was absent on today when the votes were taken on Roll Nos. 449, 450, 451 and 452, and that had he been present, he would have voted “Yea” thereon.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- All Delegates during the debate regarding Com. Sub. for S. B. 244

- Delegate Adkins during the debate regarding Com. Sub. for S. B. 313

At 7:17 p.m., the House of Delegates adjourned until 10:00 a.m., Saturday, March 10, 2018.

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Saturday, March 10, 2018

**SIXTIETH DAY**

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 10:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Friday, March 9, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 9<sup>th</sup> day of March, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for H. B. 2483**, Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday,

**Com. Sub. for H. B. 4169**, Requiring certain establishments and facilities to post human trafficking assistance notices,

**Com. Sub. for H. B. 4238**, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan,

**H. B. 4410**, Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids,

**H. B. 4436**, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department,

**H. B. 4402**, Relating to the prevention of sexual abuse of children,

**Com. Sub. for H. B. 4444**, Clarifying the authority of the State Fire Commission in adopting a State Building Code,

And,

**H. B. 4624**, Relating to West Virginia coordinate systems.

### **Messages from the Executive**

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on March 9, 2018, he approved **H. B. 2889**, **H. B. 4268**, **H. B. 4385**, and **Com. Sub. for S. B. 360**.

### **Resolutions Introduced**

Mr. Speaker, Mr. Armstead, and Delegates Ambler, Anderson, Bates, Boggs, Butler, Cooper, Cowles, Dean, Ellington, Espinosa, Frich, Gearheart, Harshbarger, Hartman, Householder, Kelly, Lane, Maynard, McGeehan, C. Miller, Moye, Nelson, Paynter, Pethel, Shott, Sobonya, Westfall, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 115** - "Requesting the Joint Committee on Government and Finance study the issue of retirement security and the state taxation of Social Security benefits."

Whereas, 460,494 West Virginians receive Social Security benefits, with the average annual benefit approximately \$15,672; and

Whereas, The majority of West Virginians (57 percent) rely on Social Security for 50 percent or more of their household income, while nearly one-third (30 percent) of state residents rely on Social Security for 90 percent or more of their household income; and

Whereas, West Virginia is one of only four states – along with Vermont, North Dakota and New Mexico – that tax retiree Social Security benefits the same way they are taxed on the federal level; and

Whereas, When a state's tax system is tied to the federal income tax, as is often the case, any additional federal taxation of Social Security benefits automatically translates into an additional state tax burden for individuals as well; and

Whereas, Financial security in retirement requires a strong Social Security system, protection of pension promises, effective retirement plans and savings vehicles, and freedom from employment discrimination; and

Whereas, Measures to increase individuals' retirement savings should be encouraged and such savings should be in addition to, not instead of, the guaranteed benefits provided by Social Security; now, therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is requested to study the issue of retirement security and the state taxation of Social Security benefits; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Delegates Nelson, Ambler, Butler, Cooper, Dean, Ellington, Espinosa, Frich, Gearheart, Harshbarger, Hartman, Householder, Kelly, Maynard, McGeehan, C. Miller, Moye, Paynter, Shott, Sobonya, Westfall, Wilson, and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 116** - “Requesting that the Joint Committee on Government and Finance study the impact on states that require a legislative supermajority to enact tax increases or impose new taxes.”

Whereas, The West Virginia Constitution does not require a legislative supermajority vote to pass tax increases or to impose new taxes; and

Whereas, Some other states do require a legislative supermajority vote to pass tax increases or to impose new taxes; and

Whereas, Among the several states that require a legislative supermajority vote to pass tax increases or to impose new taxes, there is an array of unique approaches to the requirement. For example, requirements among the states may dictate either a three-fifths, two-thirds or three-fourths majority vote in both chambers to pass tax increases or impose new taxes; they may limit the requirement to only certain types of taxes, or only to certain sessions of their legislatures; or they may include related provisions requiring statewide votes or sunset provisions; and

Whereas, Legislation proposing to amend the West Virginia Constitution to require a legislative supermajority vote to pass tax increases or to impose new taxes has been introduced for this Legislature’s consideration during its current and recent sessions; and

Whereas, During its consideration of these proposed resolutions, the Legislature would benefit from information about the impact of supermajority limitations in the states that impose them, about whether there is a best practice among the states that

take differing approaches to imposing the restriction, and other germane matters; now, therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the form, conditions and impact of legislative supermajority requirements on votes to pass tax increases or to impose new taxes in place in other the states; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Delegates Nelson, Mr. Speaker, Mr. Armstead, Ambler, Butler, Cooper, Cowles, Dean, Ellington, Espinosa, Foster, Frich, Gearheart, Harshbarger, Hartman, Householder, Kelly, Maynard, McGeehan, C. Miller, Paynter, Shott, Sobonya, Westfall, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 117** - “Requesting that the Joint Committee on Government and Finance study the impact on states that impose tax and expenditure limitations to restrain the growth of state budgets.”

Whereas, The West Virginia Constitution does not impose the tax and expenditure limitations to restrain the growth of state budgets that are imposed in several other states; and

Whereas, Among the several states that impose the tax and expenditure limitations to restrain the growth of state budgets, there is an array of unique approaches to the requirement. For example, some states limit the growth of their budgets on the tax side, some

on the spending side, some on both. Some limit the growth on the collections of a specific tax. Some limit growth in expenditures from year to year, and some of those states tie the limitation to an economic or other growth index. Some states require refunds in the event revenues or expenditures are exceeded. Some states allow the limitations to be exceeded with voter approval or a supermajority of votes cast in both chambers; and

Whereas, Legislation proposing to amend the West Virginia Constitution to impose the tax and expenditure limitations to restrain the growth of this state's budgets has been introduced for this Legislature's consideration during its current and recent sessions; and

Whereas, During its consideration of these proposed resolutions, the Legislature would benefit from information about the impact of imposing tax and expenditure limitations, about whether there is a best practice among the states that take differing approaches to imposing the limitations, and other germane matters; now, therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the form, conditions and impact of laws that impose tax and expenditure limitations to restrain the growth of state budgets in place in other the states; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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



Delegates Nelson, Westfall and Ellington offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 118** - "Requesting the Joint Committee on Finance to study the fiscal effects of the discretionary use of a video link between a physician and a patient during telemedicine calls regarding non-emergent acute illnesses."

Whereas, It is believed that there may be many West Virginians who experience a non-emergent acute illness, including, but not limited to, allergies, respiratory infections, bronchitis, colds, ear infections, gastroenteritis, and urinary tract infections; and

Whereas, It is believed that many West Virginians may be elderly, disabled, homebound, at work, live far from the nearest primary care physician, do not have immediate access to transportation, and/or in other circumstances which may render it difficult or otherwise inconvenient for them to visit a primary care physician for treatment of such illness; and

Whereas, It is believed that such West Virginians may benefit from the expanded use of telemedicine to allow them to more conveniently obtain treatment for such illness; and

Whereas, Costs to such West Virginians and costs to the State may be significantly reduced through expanded use of telemedicine to obtain treatment for such illness; and

Whereas, W.Va. Code §30-3-13a currently imposes certain video link requirements on the practice of telemedicine; and

Whereas, It is unknown whether such video link is always necessary to meet the standard of care and whether having no video link may be appropriate for a particular patient presentation in the practice of telemedicine; and

Whereas, It may be beneficial for physicians practicing telemedicine to be given the discretion as to whether a video link must be used to meet the standard of care and appropriate for a particular patient presentation; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Finance is requested to study the fiscal effects of the discretionary use of a video link between a physician and patient in telemedicine calls regarding non-emergent acute illnesses.

*Further Resolved*, That the Joint Committee on Finance report to the regular session of the Legislature, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

### **Conference Committee Report Availability**

At 10:41 a.m., the Clerk announced that the report of the Committee of Conference on **S. B. 545**, Relating to driving privileges and requirements for persons under 18, shall be available in the Clerk's Office.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for S. B. 152**, Budget Bill; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 494**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 152) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 495**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 152) takes effect from its passage.

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

**Com. Sub. for S. B. 336**, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 496**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 336) passed.

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 2869**, Providing for paid leave for certain state officers and employees during a declared state of emergency.

On motion of Delegate Cowles, the House of Delegates refused to concur in the following amendment of the bill by the Senate and requested the Senate to recede therefrom:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.**

**§15-5-15a. Paid leave for ~~disaster service volunteers~~ certain state officers and employees during a declared state of emergency.**

~~Any state employee who is a certified disaster service volunteer of the American Red Cross may be granted leave from his or her state employment with pay, for not more than fifteen work days in each year, to participate in specialized disaster relief services for the American Red Cross. Leave shall be granted under this section upon the request of the American Red Cross for the services of that employee and only upon the approval of that employee's immediate supervisor. Leave shall be granted without loss of pay, annual leave, sick leave, earned overtime compensation, seniority or compensatory time. The state shall compensate an employee granted leave under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from his or her state employment. Any supervisor granting leave to an employee for purposes of participating in specialized disaster relief shall make a report to the Governor which includes the name of the employee and the cost of salary and benefits of that employee during the period of the leave. The Governor shall keep a record of the total cost of the salary and benefits of employees who have been granted leave and in no event shall the total cost for all state agencies exceed \$100,000: *Provided*, That upon approval of the Governor and repayment of the cost to the employing agency, from the civil contingent fund, leave may be granted in an~~

~~excess of a total cost of \$100,000 if a state of emergency has been proclaimed pursuant to section six of this article.~~

(a) Any state employee who is designated an essential member of an emergency aid provider may be granted leave from his or her state employment with pay, for not more than 15 work days in each year, to provide disaster relief or emergency services in areas of the state in which a state of emergency has been declared.

(b) Leave shall be granted under this section upon designation of the employee as an essential member by the chief executive officer or other officer or agent of the emergency aid provider who has authority to act on its behalf, and upon approval of that leave by the employee's immediate supervisor and the head of the state agency for which the employee works: *Provided*, That the state agency head shall, prior to granting leave, first confirm that the total cost ceiling set forth in subsection (c) of this section has not yet been exceeded, and that granting leave to the employee will not adversely impact the ability of the state agency to perform its required duties. Leave shall be granted without loss of pay, annual leave, sick leave, earned overtime compensation, seniority, or compensatory time. The state shall compensate an employee granted leave under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from his or her state employment.

(c) Any supervisor granting leave to an employee for purposes of participating in disaster relief or emergency services pursuant to this section shall make a report to the Governor which includes the name of the employee and the total cost, if any, to the employing agency attributable to the temporary replacement of the employee granted leave in the circumstance where replacement is necessary. The Governor shall keep a record of the total cost reported, and in no event may the total cost for all state agencies exceed \$300,000 in any fiscal year: *Provided*, That upon approval of the Governor and repayment of the cost to the employing agency, from the Civil Contingent Fund, leave may be granted in an excess of a total cost of \$300,000 in any fiscal year: *Provided, however*, That the total cost of all leave, excluding any repayments from the Civil

Contingent Fund, may not exceed a total cost of \$300,000 in any fiscal year.

(d) Notwithstanding the provisions of this section to the contrary, no person may be designated an essential member of an emergency aid provider for purposes of this section, if the person is employed by an emergency aid provider located in, or that customarily serves, an area included within the state of emergency declaration.

(e) As used in this section:

(1) ‘Emergency aid provider’ means a local organization for emergency services as defined by §15-5-2 of this code or a volunteer fire department that is providing emergency services during a state of emergency as a result of the circumstances that resulted in the declaration of the state of emergency;

(2) ‘Essential member’ means a person designated by an emergency aid provider whose services are needed to provide emergency services due to the circumstances that resulted in the declaration of the state of emergency;

(3) ‘State of emergency’ means the situation existing after the occurrence of a disaster or circumstance in which a state of emergency has been declared by the Governor or by the Legislature pursuant to the provisions of §15-5-6 of this code, or in which a major disaster declaration or emergency declaration has been issued by the President of the United States.”

And,

By amending the title of the bill to read as follows:

**H. B. 2869** – “A Bill to amend and reenact §15-5-15a of the Code of West Virginia, 1931, as amended, relating to providing paid leave for certain state employees during a declared state of emergency; authorizing state employees designated as essential members of an emergency aid provider be granted leave from state employment with pay to provide disaster relief or emergency services in areas of the state in which a state of emergency has been

declared; capping available leave at fifteen work days in each year; setting manner of calculating employee compensation during leave; requiring reporting to Governor; directing Governor to keep record of total cost; setting limit on available leave based on cost to the state; authorizing supplement from Civil Contingent Fund; providing exceptions for availability of leave; and defining terms.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4001**, Relating to eligibility and fraud requirements for public assistance.

Delegate Cowles moved that the House of Delegates refuse to concur in the following amendment of the bill by the Senate and request the Senate to recede therefrom:

On page two, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 9. HUMAN SERVICES.**

**ARTICLE 2. COMMISSIONER OF HUMAN SERVICES;  
POWERS, DUTIES AND RESPONSIBILITIES  
GENERALLY.**

**§9-2-6. Powers of secretary.**

Within limits of state appropriations and federal grants and subject to provisions of state and federal laws and regulations, the secretary, in addition to all other powers, duties, and responsibilities granted and assigned to that office in this chapter and elsewhere by law, is authorized to:

(1) Promulgate, amend, revise and rescind department rules respecting the organization and government of the department and

the execution and administration of those powers, duties, and responsibilities granted and assigned by this chapter and elsewhere by law to the department and the secretary.

(2) Promulgate, amend, revise, and rescind department rules and regulations respecting qualifications for receiving the different classes of welfare assistance consistent with or permitted by federal laws, rules and policies, but not inconsistent with state law: *Provided*, That rules and policies respecting qualifications shall permit the expenditure of state funds to pay for care rendered in any birthing center licensed under the provisions of §16-2e-1, *et seq.* of this code by a licensed nurse midwife or midwife as this occupation is defined in §30-15-7 of this code and which care is within the scope of duties for such licensed nurse midwife or midwife as permitted by the provisions of section seven of said article.

(3) Obtain by purchase or lease grounds, buildings, office or other space, equipment, facilities and services as may be necessary for the execution and administration of those powers, duties, and responsibilities granted and assigned by this chapter and elsewhere by law to the department and the secretary.

(4) Sign and execute in the name of the state by the State Department of Health and Human Resources any contract or agreement with the federal government or its agencies, other states, political subdivisions of this state, corporations, associations, partnerships, or individuals: *Provided*, That the provisions of §5A-3-1 *et seq.* of this code are followed.

(5) Sign and execute a contract to implement professional health care, managed care, actuarial and health care-related monitoring, quality review/utilization, claims processing, and independent professional consultant contracts for the Medicaid program: *Provided*, That the provisions of §5A-3-1 *et seq.* of this code are followed: *Provided, however*, That a contract awarded under the agency purchasing process from April 1, 2009, to January 2, 2013, remains in full force and effect and the secretary retains sole authority to review, approve, and issue changes to contracts issued under the former purchasing process, and is responsible for



challenges, disputes, protests, and legal actions related to such contracts.

(6) Establish such special funds as may be required by the federal Social Security Act, as amended, or by any other Act or Acts of Congress, in order for this state to take full advantage of the benefits and provisions thereof relating to the federal-state assistance and federal assistance programs administered by the department and to make payments into and disbursements out of any such special fund or funds in accordance with the requirements of the federal Social Security Act, as amended, or any other Act or Acts of Congress, and in accordance with applicable state law and the objects and purposes of this chapter. In addition, the State Department of Health and Human Resources, through the secretary, is hereby authorized to accept any and all gifts or grants, whether in money, land, services or materials, which gift or gifts, if in the form of moneys, shall be placed in a separate fund and expended solely for the purpose of public assistance programs. No part of this special fund shall revert to the General Revenue Funds of this state. No expenses incurred pursuant to this special fund shall be a charge against the General Funds of this state.

(7) Establish within the department an Office of Inspector General for the purpose of conducting and supervising investigations, performing inspections, evaluations, and review, and ~~for the purpose of~~ providing quality control for the programs of the department. The Office of Inspector General shall be headed by the Inspector General who shall report directly to the secretary. Neither the secretary nor any employee of the department may prevent, inhibit, or prohibit the Inspector General or his or her employees from initiating, carrying out, or completing any investigation, ~~quality control~~ inspection, evaluation, review or other activity oversight of public integrity by the Office of the Inspector General. The secretary shall place within the Office of Inspector General any function he or she deems necessary. Qualification, compensation, and personnel practice relating to the employees of the Office of the Inspector General, including that of the position of Inspector General, shall be governed by the classified service provisions of §29-6-1 *et seq.* of this code and

rules promulgated thereunder. The Inspector General shall supervise all personnel of the Office of Inspector General.

(8) Provide at department expense a program of continuing professional, technical, and specialized instruction for the personnel of the department.

(9) Pay from available funds all or part of the reasonable expenses incurred by a person newly employed by the department in moving his household furniture, effects, and immediate family from his or her place of residence in this state to his or her place of employment in this state; and to pay from available funds all or part of the reasonable expenses incurred by a department employee in moving his or her household furniture, effects, and immediate family as a result of a reassignment of the employee which is considered desirable, advantageous to and in the best interests of the state, but no part of the moving expenses of any one such employee shall be paid more frequently than once in 12 months or for any movement other than from one place of employment in this state to another place of employment in this state.

(10) Establish a program to provide reimbursement to employees of the department whose items of personal property, as defined by the department by policy, are damaged during the course of employment or other work-related activity as a result of aggressive behavior by a client or patient receiving services from the department: *Provided*, That such reimbursement is limited to a maximum amount of \$250 per claim.

(11) Establish and maintain such institutions as are necessary for the temporary care, maintenance, and training of children and other persons.

(12) Prepare and submit state plans which will meet the requirements of federal laws, rules governing federal-state assistance and federal assistance and which are not inconsistent with state law.

(13) Organize within the department a Board of Review, consisting of a chairman appointed by the secretary and as many

assistants or employees of the department as may be determined by the secretary and as may be required by federal laws and rules respecting state assistance, federal-state assistance, and federal assistance, such Board of Review to have such powers of a review nature and such additional powers as may be granted to it by the secretary and as may be required by federal laws and rules respecting federal-state assistance and federal assistance.

(14) Provide by rules review and appeal procedures within the Department of Health and Human Resources as may be required by applicable federal laws and rules respecting state assistance, federal-state assistance, and federal assistance and as will provide applicants for, and recipients of, all classes of welfare assistance an opportunity to be heard by the Board of Review, a member thereof or individuals designated by the board, upon claims involving denial, reduction, closure, delay, or other action or inaction pertaining to public assistance.

(15) Provide by rules, consistent with requirements of applicable federal laws and rules, application forms and application procedures for the various classes of public assistance.

(16) Provide locations for making applications for the various classes of public assistance.

(17) Provide a citizen or group of citizens an opportunity to file objections and to be heard upon objections to the grant of any class of public assistance.

(18) Delegate to the personnel of the department all powers and duties vested in the secretary, except the power and authority to sign contracts and agreements.

(19) Make such reports in such form and containing such information as may be required by applicable federal laws and rules respecting federal-state assistance and federal assistance.

(20) Invoke any legal, equitable, or special remedies for the enforcement of the provisions of this chapter.

(21) Require a provider, subgrantee, or other entity performing services on behalf of the department to comply with all applicable laws, rules, and written procedures pertaining to the program for which the entity is providing or coordinating services, including, but not limited to, policy manuals, statements of work, program instructions, or other similar agreements. When submitting a claim for payment, the entity shall certify that it has complied with all material conditions for payment. Knowingly and intentionally submitting a claim or billing for services performed in material violation of any law, rule, policy, or other written agreement shall constitute fraud and the agreement for provision of services shall terminate. The entity shall be required to repay the department for any payment under the program for which the provider was not entitled, regardless of whether the incorrect payment was the result of department error, fraud, or other cause. A demand for repayment or termination of agreement for provision of services shall be subject to the due process procedures pursuant to §29A-5-1 *et seq.* of this code. The provisions of this subsection do not apply to fraud in the Medicaid program.

(22) Develop a data analytics pilot program to identify potential fraud and help guide policy objectives to eliminate future fraud. The Secretary shall submit a report containing the pilot program's results and recommendations to the Joint Committee on Government and Finance no later than December 31, 2020.

### **§9-7-2. Definitions.**

For the purposes of this article:

(1) 'Assistance' means money payments, medical care, transportation and other goods and services necessary for the health or welfare of individuals, including guidance, counseling, and other welfare services and shall include all items of any nature contained within the definition of 'welfare assistance' in §9-1-2 of this ~~chapter~~ code.

(2) 'Benefits' means money payments, goods, services, or any other thing of value.

(3) 'Board and Care Facility' means a residential setting where two or more unrelated adults receive nursing services or personal care services.

(4) 'Claim' means an application for payment for goods or services provided under the medical programs of the Department of Health and Human Resources.

(5) 'Entity' means any corporation, association, partnership, limited liability company, or other legal entity.

(6) 'Financial Exploitation' means the intentional misappropriation or misuse of funds or assets of another.

'Fraud' means a knowing misrepresentation, knowing concealment, or reckless statement of a material fact.

(7) 'Medicaid' means that assistance provided under a state plan implemented pursuant to the provisions of subchapter nineteen, chapter seven, Title 42, United States Code, as that chapter has been and may hereafter be amended.

(8) 'Person' means any individual, corporation, association, partnership, proprietor, agent, assignee, or entity.

(9) 'Provider' means any individual or entity furnishing goods or services under the medical programs of the Department of Health and Human Resources.

(10) 'Unit' means the Medicaid Fraud Control Unit established under §9-7-1 of this ~~article~~ code.

**§9-7-5. Bribery; false claims; conspiracy; criminal penalties; failure to maintain records.**

(a) A person shall not solicit, offer, pay, or receive any unlawful remuneration, including any kickback, rebate or bribe, directly or indirectly, with the intent of causing an expenditure of moneys from the medical services fund established pursuant to §9-4-2 of this ~~chapter~~ code, which is not authorized by applicable laws or rules and regulations.

(b) A person shall not make or present or cause to be made or presented to the Department of Health and Human Resources a claim under the medical programs of the Department of Health and Human Resources knowing the claim to be false, fraudulent, or fictitious.

(c) A person shall not enter into an agreement, combination or conspiracy to obtain or aid another to obtain the payment or allowance of a false, fraudulent, or fictitious claim under the medical programs of the Department of Health and Human Resources.

(d) Any person found to be in violation of §9-7-5 (a), §9-7-5(b) or §9-7-5(c) of this ~~section~~ code is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than one nor more than 10 years or shall be fined not to exceed \$10,000, or both fined and imprisoned.

(e) Any person who, having submitted a claim for or received a benefit, payment, or allowance under the medical programs of the Department of Health and Human Resources, knowingly fails to maintain such records as are necessary to disclose fully the nature of a good or service for which a claim was submitted or benefit, payment, or allowance was received, or such records as are necessary to disclose fully all income and expenditures upon which rate of payment were based, for a period of at least five years following the date on which payment was received, shall be guilty of a misdemeanor and, upon conviction, may be imprisoned in a state correctional facility not to exceed one year or may be fined up to \$1,000, or both fined and imprisoned. Any person who knowingly destroys such records within five years from the date the benefit, payment, or allowance was received, shall be guilty of a felony, and may be imprisoned in a state correctional facility not less than one nor more than 10 years or may be fined not to exceed \$10,000, or both fined and imprisoned.

**§9-7-6. Civil remedies; statute of limitations.**

(a) Any person, firm, corporation, or other entity which ~~willfully, by means of a false statement or representation, or by~~

~~concealment of any material fact, or by other fraudulent scheme, devise or artifice on behalf of himself, herself, itself, or others, obtains or attempts to obtain benefits or payments or allowances under the medical programs of the Department of Health and Human Resources to which he or she or it is not entitled, or, in a greater amount than that to which he or she or it is entitled, makes or attempts to make, or causes to be made, a claim for benefits, payments, or allowances under the medical programs of the Department of Health and Human Resources, when such person, firm, corporation, or entity knows, or reasonably should have known, such claim to be false, fictitious, or fraudulent, or fails to maintain such records as are necessary shall be liable to the Department of Health and Human Resources in an amount equal to three times the amount of such benefits, payments, or allowances to which he or she or it is not entitled, and shall be liable for the payment of reasonable attorney fees and all other fees and costs of litigation.~~

(b) No criminal action or indictment need be brought against any person, firm, corporation or other entity as a condition for establishing civil liability hereunder.

(c) A civil action under this section may be prosecuted and maintained on behalf of the Department of Health and Human Resources by the Attorney General and the Attorney General's assistants or a prosecuting attorney and the prosecuting attorney's assistants or by any attorney in contract with or employed by the Department of Health and Human Resources to provide such representation.

(d) Any civil action brought under this section shall be brought within five years from the time the false, fraudulent, or fictitious claim was made. Claims will be judged based on the Medicaid or program rules in existence at the time of the claim submission.

**ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS  
FOR PUBLIC ASSISTANCE.**

**§9-8-1. Definitions.**

As used in this article:

‘Able bodied adult’ means a person between the ages of 18 and 49 years of age without dependents and who does not meet any of the exemptions set forth in §9-8-2(a) of this code.

‘Applicant’ or ‘recipient’ means a person who is applying for, or currently receiving, public assistance in the State of West Virginia from the department.

‘Department’ means the West Virginia Department of Health and Human Resources.

‘Electronic benefit transfer’ or ‘EBT’ means any electronic system which allows the department to issue and track benefits via a magnetically encoded payment card.

‘Good cause’ means circumstances beyond the household’s control, including, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, natural disaster, a declared state of emergency due to inclement weather, or the unavailability of transportation.

‘Public assistance’ means government benefits provided to qualifying individuals on the basis of need to provide basic necessities to individuals and their families. These shall include, but are not limited to, the following:

(A) Supplemental Nutrition Assistance Program, or SNAP;

(B) Medicaid; and

(C) Temporary Assistance to Needy Families, or TANF.

‘Secretary’ means the Secretary of the West Virginia Department of Health and Human Resources.

‘Work’ or ‘working’ means:

(A) Work in exchange for money;



(B) Work in exchange for goods or services ('in kind' work);

(C) Unpaid work, verified under standards established by the department in rule; or

(D) Any combination thereof.

**§9-8-2. Work requirements.**

(a) All able bodied adults may receive Supplemental Nutrition Assistance benefits for only three months in each 36-month period. Recipients are exempt from the time limit if they are disabled, pregnant, responsible for the care of a child, or an incapacitated adult as defined in §61-2-29 of this code, participating regularly in a drug or alcohol treatment program, are receiving unemployment compensation, have been medically certified as unfit for work, are employed or are participating and complying with the requirements of a work, education, or volunteer program for at least 20 hours per week, or are veterans receiving disability compensation from the U.S. Department of Veterans Affairs.

(b) Beginning October 1, 2018, the department shall discontinue and shall not seek federal waivers granted pursuant to 7 U.S.C. §2015(o) for Able Bodied Adults Without Dependents (ABAWD) for any county that cannot be demonstrated to have, through data in conformance with U.S. Bureau of Labor Statistics methodology as specified in 7 CFR §273.24(f)(2), a recent 12-month average unemployment rate above 10 percent; a recent 24-month average unemployment rate 20 percent above the national average for the same 24-month period; qualification for extended unemployment benefits; or designation as a 'labor surplus area' by the U.S. Department of Labor. These waivers exempt able bodied adults with no children from work requirements for receipt of SNAP benefits.

(c) The department shall submit a report to the Legislative Oversight Committee on Health and Human Resources Accountability, no later than October 1, 2020, on the employment impact of ABAWD requirements in those counties where they were implemented as of October 1, 2018. The report shall include,

on a county-by-county basis, information on the number of SNAP recipients subject to work requirements; the number exempted from work requirements and the reasons for exemption; the number of applicants denied benefits due to non-compliance with work requirements; the dollar amount of benefits withheld due to non-compliance; the estimated fiscal impact on SNAP retailers of withholding those benefits; the number of recipients who engaged in work, education, or volunteerism in order to maintain benefits; the efforts made to assist recipients with meeting work requirements in order to maintain benefits; and any such recommendations pertaining to work requirements as the department deems advisable.

(d) If a recipient resides in a county subject to the provisions of this article, an applicant shall be deemed as complying with the requirements of a work, education, or volunteer program if any of the following requirements are satisfied:

(1) Working at least 20 hours per week, averaged monthly, or 80 hours a month;

(2) Participating in, and complying with, the requirements of a work force training program of 20 hours per week, as determined by the department in rule;

(3) Volunteering 20 hours a week, as determined by the department in rule;

(4) Any combination of working, volunteering and/or participating in a work program for a total of 20 hours per week, as determined by the department in legislative rule; or

(5) Participating in, and complying with, a workfare program as set out in 7 C.F.R. 273.24(a)(3).

(e) As determined by the department, if a recipient would have worked an average of 20 hours per week but missed some work for good cause, the recipient shall be considered to have met the work requirement if the absence from work is temporary and the recipient retains his or her job. Good cause includes circumstances beyond the household's control, such as, but not limited to, illness,

illness of another household member requiring the presence of the member, a household emergency, natural disaster, a declared state of emergency due to inclement weather, or the unavailability of transportation.

(f) If the department determines that a waiver, or an amendment to a waiver, is necessary to implement a policy that complies with 7 C.F.R. 273.24, it shall request the waiver or the amendment to the waiver from the United States Department of Agriculture.

(g) The department shall propose legislative rules in accordance with the provisions of this code for a plan for implementation of the requirements set forth in this section in counties that are subject to the requirements set forth in §9-8-2 (d) of this section code.

### **§9-8-3. Income and identity verification.**

(a) By December 31, 2018, the department shall redesign an existing system or establish a new computerized income, asset, and identity eligibility verification system or contract with a third-party vendor to verify eligibility, eliminate the duplication of assistance, and deter waste, fraud, and abuse in each public assistance program which it administers.

(b) The department may contract with a third-party vendor to develop a system to provide a service or verify income, assets, and identity eligibility of applicants to prevent fraud, misrepresentation, and inadequate documentation when determining eligibility for public assistance. This system or service shall be accessed prior to determining eligibility, periodically between eligibility redeterminations, and during eligibility redeterminations and reviews. The department may contract with a vendor to provide information to facilitate reviews of recipient eligibility conducted by the department.

(c) A contract made pursuant to this section may not include a provision that provides the vendor with a monetary incentive for reducing the number of recipients.

(d) Nothing in this article precludes the department from continuing to conduct additional eligibility verification processes currently in practice.

#### **§9-8-4. Eligibility verification.**

All applications for benefits must be processed through a system as set forth in this article. Complete applications, including the interview, shall be processed within 10 days of receipt or the maximum period required by federal law. Prior to determining eligibility, the department shall access information for every applicant from federal, state, and other sources: *Provided*, That such access does not violate any federal law.

#### **§9-8-5. Identity authentication.**

(a) Prior to awarding public assistance, applicants for benefits must complete a computerized identity authentication process to confirm the identity of the applicant. This shall be done with a knowledge-based questionnaire consisting of financial and/or personal questions. The questionnaire must contain questions tailored to assist persons without a bank account or those who have poor access to financial and banking services or who do not have an established credit history. The questionnaire may be submitted online, in-person, or via telephone.

(b) The department shall submit a report to the Legislative Oversight Committee on Health and Human Resources Accountability regarding the feasibility of implementing the photo EBT card option under 7 U.S.C. § 2016(h)(9). The study shall address certain operational issues to ensure that state implementation would be consistent with all federal requirements, and that program access is protected for participating households, including, but not limited to, allowing the recipient to designate permitted users for purposes of utilizing the photo EBT card.

#### **§9-8-6. Case review.**

(a) If the information obtained from the review provided in this article does not result in the department finding a discrepancy or change in an applicant's or recipient's circumstances affecting

eligibility, the department shall not take any further action and shall continue processing the application.

(b) If the review results in a discrepancy, the department shall promptly redetermine eligibility.

**§9-8-7. Notice and right to be heard.**

(a) An applicant shall be given written notice and the opportunity to explain any issues with the application or redetermination as set forth in §9-8-6 of this code. Self-declarations by applicants or recipients shall be accepted as verification of categorical and financial eligibility if no other verification source is available. In cases requiring expedited services an applicant's statement may be temporarily accepted until such time as verification is possible.

(b) The notice given to the applicant or recipient is required to describe the circumstances of the issue, the manner in which the applicant or recipient may respond, and the consequences of failing to take action. If the applicant does not respond timely as required by federal law, the department shall take appropriate action. The department may request additional information as it finds necessary to reach a decision.

(c) An individual may respond in writing, electronically, or verbally. If an individual responds verbally, staff shall note the time and contents of the response in the individual's file. The response by the individual may:

(1) Disagree with the findings of the department. The department shall reinvestigate the matter if the applicant or recipient disagrees. If the department finds that there has been an error, the department shall take immediate action to correct it. If the department determines that there is no error, the department shall determine the effect of the response on the applicant's or recipient's case and take appropriate action. Written notice of the department's action shall be given to the applicant or recipient; or

(2) Agree with the findings of the department. The department shall determine the effect on the applicant's or recipient's case and

take appropriate action. Written notice of the department's action shall be given to the applicant or recipient.

(d) If the applicant fails to respond to the notice, the department shall deny or discontinue assistance for failure to verify information. Eligibility for assistance may not be established or reestablished until the issue has been resolved.

#### **§9-8-8. Referrals for fraud, misrepresentation or inadequate documentation.**

(a) After the case review as set forth in §9-8-6 of this code, the department shall refer cases of suspected fraud to the Office of Inspector General within the department. That office shall take appropriate action, including civil penalties or referral to an appropriate prosecuting attorney for criminal prosecution.

(b) In cases of substantiated fraud, upon conviction, the state shall review all appropriate legal options. These may include, but are not limited to, removal from other public assistance programs and garnishment of wages or state income tax refunds until the department recovers an equal amount of benefits fraudulently claimed.

(c) The department may refer suspected cases of fraud, misrepresentation, or inadequate documentation to appropriate agencies, divisions, or departments for review of eligibility issues in other public assistance programs. This should also include cases in which an individual is determined to be no longer eligible for the original program.

#### **§9-8-9. Reporting to the Governor and Legislature.**

The department shall prepare an annual report by January 15 each year to the Governor and Legislative Oversight Commission on Health and Human Resources Accountability. The report shall contain information on the effectiveness and general findings of the eligibility verification system, including the number of cases reviewed, the number of case closures, the number of referrals for criminal prosecution, recovery of improper payment, collection of civil penalties, the outcomes of cases referred to the Office of

Inspector General, and any savings that have resulted from the system.

**§9-8-10. Prohibitions on use of electronic benefit transfer cards.**

(a) To ensure that public assistance program funds are used for their intended purposes, funds available on electronic benefit transfer cards may not be used to purchase alcohol, liquor or imitation liquor, cigarettes, tobacco products, bail, gambling activities, lottery tickets, tattoos, travel services provided by a travel agent, money transmission to locations abroad, sexually oriented adult materials, concert tickets, professional or collegiate sporting event tickets, or tickets for other entertainment events intended for the general public.

(b) Electronic benefit transfer card transactions are prohibited at all casinos, gaming establishments, tattoo parlors, massage parlors, body piercing parlors, spas, nail salons, lingerie shops, vapor cigarette stores, psychic or fortune-telling businesses, bail bond companies, video arcades, movie theaters, swimming pools, cruise ships, theme parks, dog or horse racing facilities, pari-mutuel facilities, sexually oriented businesses, retail establishments which provide adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, and businesses or retail establishments where minors under age 18 are not permitted.

(c) Upon enrollment, the department shall provide all applicants with an itemized list of prohibited purchases, including those specified in this section, and make such list available on the department's website.

(d) If a recipient is found to have violated the provisions of this section, the department shall issue a warning in writing to the recipient. The recipient is subject to disqualification of benefits for up to three months following the first offense, for up to one year following the second offense, and a permanent termination of benefits following the third offense, unless expressly prohibited by federal law.

**§9-8-11. Tracking out-of-state spending.**

(a) The department shall post on its website and provide to the Joint Committee on Government and Finance a report of Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families benefit spending on or before January 15 of each year.

(b) The report required by this section shall include:

(1) The dollar amount and number of transactions of Supplemental Nutrition Assistance Program benefits that are accessed or spent out-of-state, by state;

(2) The dollar amount and number of transactions of Temporary Assistance for Needy Families benefits that are accessed or spent out-of-state, by state;

(3) The dollar amount, number of transactions and times of transactions of Supplemental Nutrition Assistance Program benefits that are accessed or spent in-state, by retailer, institution or location; and

(4) The dollar amount, number of transactions and times of Temporary Assistance for Needy Families transactions of benefits that are accessed or spent in-state, disaggregated by retailer, institution, or location.

(c) The report required pursuant to this section shall not identify individual recipients.

**§9-8-12. Rulemaking.**

The secretary may promulgate rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code which he or she finds necessary to effectuate the provisions of this article.

**CHAPTER 61. CRIMES AND PUNISHMENT.****ARTICLE 3. CRIMES AGAINST PROPERTY.**



**§61-3-54. Taking identity of another person; penalty.**

Any person who knowingly takes the name, birth date, social security number, or other identifying information of another person, without the consent of that other person, with the intent to fraudulently represent that he or she is the other person for the purpose of making financial or credit transactions in the other person's name, or for the purpose of gaining employment, is guilty of a felony and, upon conviction, shall be punished by confinement in the penitentiary not more than five years, or fined not more than \$1,000, or both: *Provided*, That the provisions of this section do not apply to any person who obtains another person's drivers license or other form of identification for the sole purpose of misrepresenting his or her age."

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4001** - "A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-7-2, §9-7-5, and §9-7-6 of said code; to amend said code by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, and §9-8-12; and to amend and reenact §61-3-54 of said code, all relating to investigations, inspections, evaluations, and review conducted by the Department of Health and Human Resources to prevent fraud and abuse; disenrolling providers who commit fraud and requiring repayment; defining fraud as it relates to Medicaid; authorizing penalties against providers for failure to keep medical records for a specific time period; authorizing a civil cause of action for fraud when a person or entity knew or should have known a claim to be false; enlarging the statute of limitations to file health care fraud civil actions; requiring a data analytics pilot program; requiring a report on the pilot project to the Legislature; defining terms relating to public assistance; requiring the Department of Health and Human Resources to implement work requirements for applicants of Supplemental Nutrition Assistance Program (SNAP); to limit recipients to 3 months of benefits in any 36-month period unless the recipient is working or participating in

a work, educational, or volunteer program for at least 20 hours a week; requiring discontinuance of a federal waiver in certain counties; requiring a study of the impact of the SNAP work requirements in those counties where they were implemented; eliminating the federal waiver statewide within a certain time-period; requiring a report to the Legislature; establishing work requirements; authorizing rulemaking; requiring a design or establishment of a computerized income, asset, and identity verification system for each public assistance program administered by the Department of Health and Human Resources; allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state, and miscellaneous sources for eligibility verification; requiring identity authentication as a condition to receive public assistance; requiring the department to study the feasibility of requiring photos on EBT cards; specifying procedures for case review of public assistance benefits; setting forth notice requirements and right to a hearing; requiring referrals for fraud, misrepresentation, and inadequate documentation; authorizing referrals of suspected cases of fraud for criminal prosecution; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; providing for rulemaking; and providing a penalty for taking the identity of another person for the purpose of gaining employment.”

On this motion, Delegate Longstreth demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 497**), and there were—yeas 62, nays 36, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the motion by Delegate Cowles prevailed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4447**, Providing for a uniform and efficient system of broadband conduit installation.

On motion of Delegate Cowles, the House of Delegates refused to concur in the following amendment of the bill by the Senate and requested the Senate to recede therefrom:

On page two, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 2E. DIG ONCE POLICY.**

**§17-2E-1. Legislative findings.**

(a) The Legislature finds that it is in the public interest to accommodate telecommunications facilities on Division of Highways’ right-of-way when the use of the right-of-way does not adversely affect the safety of the traveling public or impair the highway or its aesthetic quality or conflict with any federal, state, or local laws, rules, regulations, or policies.

(b) The Legislature further finds that a broadband connection is an essential part of developing the state and local economies, enhancing the transportation system and creating a safer and more secure environment for our citizens.

(c) The Legislature further finds that expanding telecommunication facilities will allow the state to participate in

the E-Rate Program of funding for digital education in America to provide reliable services opportunities for education and training.

(d) The Legislature further finds that fast, reliable broadband connections enhance telemedical opportunities for our rural doctors and hospitals, linking them to our major medical centers. Thereby overcoming distance barriers, and improving access to medical services that often are not consistently available in rural communities.

(e) The Legislature further finds that instituting a dig once policy encourages telecommunications carriers to coordinate installation of broadband conduit to minimize costs to the carriers and minimize disruption and inconvenience to the traveling public.

#### **§17-2E-2. Definitions.**

For the purposes of this article:

‘Broadband conduit’ or ‘conduit’ means a conduit, innerduct, or microduct for fiber optic cables that support facilities for broadband service.

‘Longitudinal access’ means access to or the use of any part of a right-of-way that extends generally parallel to the traveled way.

‘Permit’ means an encroachment permit issued by the West Virginia Division of Highways that specifies the requirements and conditions for performing work in a right-of-way.

‘Right-of-way’ means land, property, or any interest therein acquired or controlled by the West Virginia Division of Highways for transportation facilities or other transportation purposes or specifically acquired for utility accommodation.

‘Telecommunications facility’ means any cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment, or other equipment, system, or device that is used to transmit, receive, produce, or distribute a signal for

telecommunications purposes via wireless, wireline, electronic, or optical means.

‘Telecommunications carrier’ means a telecommunications provider as determined by the Public Service Commission of West Virginia or that meets the definition of telecommunications carrier with respect to the Federal Communications Commission, as contained in 47 U.S.C. §153.

‘Utility facility’ has the meaning ascribed to it in §17-2A-17a of this code.

‘Wireless access’ means access to and use of a right-of-way for the purpose of constructing, installing, maintaining, using, or operating telecommunications facilities for wireless telecommunications.

### **§17-2E-3. Use of rights-of-way.**

(a) Before granting longitudinal access or wireless access to a right-of-way, the Division of Highways shall first enter into an agreement with a telecommunications carrier that is competitively neutral and nondiscriminatory as to other telecommunications carriers. Upon receipt of any required approval or concurrence by the Federal Highway Administration the division may issue a permit granting access under this section: *Provided*, That the Division of Highways shall comply with all applicable federal regulations with respect to approval of an agreement, including, but not limited to, 23 C.F.R. §710.403 and 23 C.F.R. §710.405. The agreement shall be approved by the Commissioner of Highways in order to be effective and, without limitation:

(1) Specify the terms and conditions for renegotiation of the agreement;

(2) Set forth the maintenance requirements for each telecommunications facility;

(3) Be nonexclusive; and

(4) Be for a term of not more than 30 years.

(b) Unless specifically provided for in an agreement entered into pursuant to §17-2E-3(a) of this code, the Division of Highways may not grant a property interest in a right-of-way pursuant to this article.

(c) A telecommunications carrier shall compensate the Division of Highways for access to a right-of-way for the construction, installation, and maintenance of telecommunication facilities, the use of spare conduit or related facilities of the Division of Highways as part of any longitudinal access or wireless access granted to a right-of-way pursuant to this section. The compensation must be, without limitation:

(1) At fair market value;

(2) Competitively neutral;

(3) Nondiscriminatory;

(4) Open to public inspection;

(5) Calculated based on the geographic region of this state, taking into account the population and the impact on private right-of-way users in the region;

(6) Paid in cash or with in-kind compensation, or a combination of cash and in-kind compensation; and

(7) Paid in a lump-sum payment or in annual installments, as agreed to by the telecommunications carrier and the Division of Highways.

(d) The division may consider the value and benefits expanding broadband service to the unserved and underserved areas of the state has on economic development and expansion of digital education and telemedical opportunities in the area.

(e) For the purpose of determining the amount of compensation a telecommunications carrier must pay the Division of Highways for the use of spare conduit or excess conduit or related facilities of the Division of Highways as part of any longitudinal access or

wireless access granted to a right-of-way pursuant to this section, the division shall:

(1) Conduct an analysis once every five years, in accordance with the rules, policies, or guidelines of the Division of Highways, to determine the fair market value of a right-of-way to which access has been granted pursuant to this section; and

(2) If compensation is paid in-kind, determine the fair market value of the in-kind compensation based on the incremental costs for the installation of conduit and related facilities.

(f) The value of in-kind compensation, or a combination of money and in-kind compensation, must be equal to or greater than the amount of monetary compensation that the Division of Highways would charge if the compensation were paid solely with money.

(g) The provisions of this article shall not apply to the relocation or modification of existing telecommunication facilities in a right-of-way, nor shall these provisions apply to aerial telecommunications facilities or associated apparatus or equipment in a right-of-way. Relocation of telecommunications facilities within rights-of-way for state highways shall be in accordance with the provisions of §17-4-17b of this code.

#### **§17-2E-4. Highway safety.**

(a) The Division of Highways, in its sole discretion, may deny any longitudinal access or wireless access if such access would compromise the safe, efficient, and convenient use of any road, route, highway, or interstate in this state for the traveling public.

(b) Any longitudinal access or wireless access to a right-of-way granted by the Division of Highways pursuant to this article does not abrogate, limit, supersede, or otherwise affect access granted or authorized pursuant to the division's rules, policies, and guidelines related to accommodation of utilities on highways' rights-of-way and adjustment and relocation of utility facilities on highway projects.

**§17-2E-5. Joint use.**

(a) The Division of Highways shall provide for the proportionate sharing of costs between telecommunications carriers for joint trenching or trench sharing based on the amount of conduit innerduct space or excess conduit that is authorized in the agreements entered into pursuant to this article. If the division plans to use the trench it shall pay its proportional share unless it is utilizing the trench as in-kind payment for use of the right-of-way.

(b) Upon application for a permit, the carrier will notify, by email, the West Virginia Broadband Enhancement Council and all other carriers on record with the West Virginia Broadband Enhancement Council of the application. Other carriers have 30 calendar days to notify the applicant if they wish to share the applicant's trench. This requirement extends to all underground construction technologies.

(c) The carrier shall also meet the following conditions for a permit:

(1) The telecommunications carrier will be required to place, at its sole expense, a Class II legal advertisement, in accordance with §59-3-2(a) of this code, and of a form and content approved by the Division of Highways, in the local project area newspaper, in the Charleston newspaper, on industry and the Division of Highways' websites, and within other pertinent media, announcing the general scope of the proposed installation within the right-of-way and providing competing telecommunications carriers the opportunity to timely express an interest in installing additional telecommunication facilities during the initial installation. The legal advertisement is to run at least two consecutive weeks, and the telecommunications carrier is to notify the division of any interest of other parties received.

(2) If a competing telecommunications carrier expresses interest in participating in the project, an agreement between the two (or more) telecommunications carriers will be executed by those entities, outlining the responsibilities and financial obligations of each, with respect to the installation within the right-



of-way. A copy of the executed agreement shall be provided to the Division of Highways.

(3) The telecommunications carrier that placed the legal advertisement is responsible for resolving in good faith all disputes between any competing telecommunications carriers that timely responded to the advertisement and that wishes to install facilities within the same portion of the rights-of-way to be occupied. Should a dispute arise between the initial telecommunications carrier and a competing telecommunications carrier, the initial telecommunications carrier will attempt to mediate the dispute. Any dispute that is not resolved by the telecommunications carriers shall be adjudicated by the Public Service Commission.

(d) If two or more telecommunications carriers are required or authorized to share a single trench, each carrier in the trench must share the cost and benefits of the trench in a fair, reasonable, competitively neutral, and nondiscriminatory manner. This requirement extends to all underground construction technologies.

#### **§17-2E-6. Monetary and in-kind compensation.**

(a) All monetary compensation collected by the Division of Highways pursuant to this article shall be deposited in the State Road Fund.

(b) In-kind compensation paid to the Division of Highways under an agreement entered into pursuant to this article may include, without limitation:

(1) Conduit or excess conduit;

(2) Innerduct;

(3) Dark fiber;

(4) Access points;

(5) Telecommunications equipment or services;

(6) Bandwidth; and

(7) Other telecommunications facilities as a component of the present value of the trenching.

(c) The Division of Highways shall value any in-kind compensation based on fair market value at the time of installation or review.

(d) In-kind compensation paid to the Division of Highways may be disposed of if both of the following conditions are met:

(1) The telecommunications facility received as in-kind payment has not been used within 10 years of its installation; and

(2) The Commissioner of the Division of Highways determines that the division does not have an immediately foreseeable need for the telecommunications facility.

(e) Upon determining that it is appropriate to dispose of the telecommunications facility, the division shall determine its current fair market value. The division shall offer the provider or providers who made the in-kind payment the option to purchase any telecommunications facility obtained from such provider. If the provider or providers do not purchase the telecommunications facility, it shall be offered for public auction in the same manner as the division auctions excess rights-of-way.

**§17-2E-7. Multiple carriers in a single trench.**

(a) If the Division of Highways enters into an agreement with two or more telecommunications carriers, a consortium or other entity whose members, partners or other participants are two or more telecommunications carriers, or, if the division requires or allows two or more telecommunications carriers to share a single trench, the agreements entered into pursuant to this article shall require that the telecommunications carriers share the obligation of compensating the Division of Highways on a fair, reasonable and equitable basis, taking into consideration the proportionate uses and benefits to be derived by each telecommunications carrier from the trench, conduits, and other telecommunications facilities installed under the agreements.

(b) The provisions of §17-2E-7(a) of this code do not prevent the Division of Highways from requiring every participating telecommunications carrier to bear joint and several liability for the obligations owed to the Division of Highways under the agreements.

(c) Any agreement requiring two or more telecommunications carriers to share the obligation of compensating the Division of Highways shall provide the division the right to review and audit the records and contracts of and among the participating carriers to ensure compliance with §17-2E-7(a) of this code.

**§17-2E-8. Existing policies.**

(a) The requirements set forth in this article do not alter existing rules, policies, and procedures relating to other utility facilities within a right-of-way or for accommodating utility facilities or other facilities under the control of the Division of Highways.

(b) The Division of Highways may consider the financial and technical qualifications of a telecommunications carrier when determining specific insurance requirements for contractors authorized to enter a right-of-way to construct, install, inspect, test, maintain, or repair telecommunications facilities with longitudinal access or wireless access to the right-of-way.

(c) If the Division of Highways authorizes longitudinal access, wireless access, or the use of, and access to, conduit or related facilities of the division for construction and installation of a telecommunications facility, the division may require an approved telecommunications carrier to install the telecommunications facility in the same general location as similar facilities already in place, coordinate their planning and work with other contractors performing work in the same geographic area, install in a joint trench when two or more telecommunications carriers are performing installations at the same time and equitably share costs between such carriers.

(d) The placement, installation, maintenance, repair, use, operation, replacement, and removal of telecommunications

facilities with longitudinal access or wireless access to a right-of-way or that use or access conduit or related facilities of the division shall be accommodated only when in compliance with this code and Division of Highways rules, policies and guidelines.

(e) Access to a right-of-way must be administered in compliance with the Telecommunications Act of 1996, 47 U.S.C. §151, et seq., as amended.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4447** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2E-1, §17-2E-2, §17-2E-3, §17-2E-4, §17-2E-5, §17-2E-6, §17-2E-7, and §17-2E-8, all relating to providing a uniform and efficient system of broadband conduit installation coinciding with the construction, maintenance, or improvement of highways and rights-of-way under the oversight of the Division of Highways; making legislative findings; defining terms; providing procedures for broadband conduit installation in rights-of-way; providing for highway safety guidelines; establishing a procedure for joint use between telecommunications carriers; setting forth a procedure for monetary and in-kind compensation; setting forth standards to be utilized in agreements entered into by the Division of Highways and two or more telecommunications carriers in a single trench; and providing that existing rules, policies, and procedures of the Division of Highways and United States Code shall control.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**H. B. 4629**, Relating to broadband enhancement and expansion policies generally.

On motion of Delegate Cowles, the House of Delegates refused to concur in the following amendment of the bill by the Senate and requested the Senate to recede therefrom:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

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

**ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.**

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

[Repealed].

**ARTICLE 2. COOPERATIVE ASSOCIATIONS.**

**§31G-2-1. Definitions.**

As used in this article:

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

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

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

(4) ‘Qualified person’ means a person who is engaged in the use of internet services, either in an individual capacity, as a political subdivision of this state, or as a business.

(5) ‘Qualified activity’ means using internet services.

#### **ARTICLE 4. MAKE-READY POLE ACCESS.**

##### **§31G-4-4. Public Service Commission jurisdiction; rulemaking; enforcement.**

(a) The Public Service Commission shall possess and exercise regulatory jurisdiction over the provisions of this article. The Commission shall administer and adjudicate disputes relating to the issues and procedures provided for under this article.

(b) The Commission shall promulgate rules and regulations necessary to effectuate the provisions of the article.

(c) The Commission shall certify to the Federal Communications Commission that this state, as evidenced by the enactment of this article, hereby exercises jurisdiction over the regulation of pole attachments. The certification shall include notice that the State of West Virginia hereby:

(1) Regulates the rates, terms, and conditions related to pole attachments, and

(2) In so regulating such rates, terms, and conditions, the State has the authority to consider and does consider the interests of the subscribers of the services offered via such attachments, as well as the interests of the consumers of the services.”

And,

By amending the title of the bill to read as follows:

**H. B. 4629** - “A Bill to repeal §31G-1-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §31G-2-1 of said code; and to amend said code by adding thereto a new section, designated §31G-4-4, all relating to broadband enhancement and expansion policies generally; repealing language relating to pilot

project for cooperative associations by political subdivisions; providing that a political subdivision of this state may be a qualified person for the purposes of forming a cooperative association; and establishing Public Service Commission jurisdiction over make-ready pole access within the state.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

**Com. Sub. for S. B. 392**, Reconfiguring membership of Emergency Medical Services Advisory Council.

On motion of Delegate Cowles, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Criss, Martin and Williams.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 2008**, Relating to the Dealer Recovery Program.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 3089**, Relating to the adoption of instructional resources for use in the public schools.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 4036**, Increasing the maximum salaries of family case coordinators and secretary-clerks.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 4157**, Eliminating the refundable exemption for road construction contractors.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 4166**, Establishing a special revenue fund to be known as the “Capital Improvements Fund — Department of Agriculture Facilities”.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**H. B. 4486**, Relating to persons required to obtain a license to engage in the business of currency exchange.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of



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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 4558**, Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**H. B. 4628**, Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 100**, Morgantown High School Veterans Bridge.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 273**, Reducing use of certain prescription drugs.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 548**, Authorizing county commissions to pay election officials.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**S. B. 585**, Altering boundary line between Doddridge and Harrison counties.

## Special Calendar

### Third Reading

**S. B. 633**, Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund, still being in possession of the Clerk, was taken up for further consideration.

On motion of Delegate Cowles, the House of Delegates then reconsidered the action taken on the effective date.

On motion of Delegate Cowles, the House then reconsidered the passage of the bill.

Delegate Cowles asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Nelson, the bill was amended on page two, line two, following the words “be supplemented and amended by”, by inserting the words “increasing an existing item of appropriation and by”.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 498**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Hanshaw.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 633) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 499**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Hanshaw.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 633) takes effect from its passage.

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

### **Conference Committee Report**

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

**Com. Sub. for H. B. 4186**, Relating generally to guaranteed asset protection waivers.

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 4186 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:

**ARTICLE 4. GENERAL PROVISIONS.****§33-4-22. Guaranteed Asset Protection Waivers.**

(a) *Short title.* – This section may be cited as the “Guaranteed Asset Protection Waiver Act”.

(b) *Purpose.* – The purpose of this section is to provide a framework within which guaranteed asset protection waivers are defined and may be offered within this state.

(c) *Legislative intent.* – The Legislature finds that guaranteed asset protection waivers are not insurance and are not subject to the provisions of this chapter, except as provided in this section. Guaranteed asset protection waivers issued after the effective date of this section may not be construed as insurance and persons marketing, administering, selling or offering to sell guaranteed asset protection waivers are not required to comply with insurance licensing requirements.

(d) *Applicability.* – This section does not apply to:

(1) An insurance policy offered by an insurer under the insurance laws of this state; or

(2) A debt cancellation or debt suspension contract being offered in compliance with 12 C.F.R. §37.1, *et seq.*, 12 C.F.R. §721.1, *et seq.*, or other federal law.

(e) *Waivers not insurance; exemption from licensing requirement.* – Guaranteed asset protection waivers governed by, and issued after the effective date of this section, are not insurance and are exempt from the insurance laws of this state. Persons marketing, administering, selling or offering to sell guaranteed asset protection waivers to borrowers that comply with this section are exempt from this state’s insurance licensing requirement with regard to the marketing, selling or offering to sell guaranteed asset protection waivers.

(f) Definitions. – The following terms are defined for purposes of this section. These terms are not intended to be used or required in guaranteed asset protection waivers.

(1) “Administrator” means a person, other than an insurer or creditor, who performs administrative or operational functions pursuant to guaranteed asset protection waiver programs. Administrative or operational functions may include, but are not limited to:

(A) Document development, processing, and support;

(B) Compliance Services;

(C) Waiver fee processing;

(D) Benefit determination and processing;

(E) Procurement and administration of the contractual liability or other insurance policy;

(F) Technology support; or

(G) Personnel support.

(2) “Borrower” means a debtor, retail buyer, or lessee under a finance agreement.

(3) “Contractual liability” means a contract or other agreement that obligates a third party to indemnify a creditor under (g)(4) of this section and is insurance under the insurance laws of this state.

(4) “Creditor” means:

(A) The lender in a loan or credit transaction;

(B) The lessor in a lease transaction;

(C) A retail dealer of motor vehicles licensed under §17A-6-1 et seq. of this code, that provides credit to buyers as part of a retail sale, provided the dealer complies with the requirements of this section;

(D) The seller in a commercial retail installment transaction; or

(E) The assignees of any of the foregoing persons to whom the credit obligation is payable.

(5) “Finance agreement” means a loan, lease or retail installment sales contract for the purchase or lease of a motor vehicle.

(6) “Free look period” means the period of time from the effective date of the guaranteed asset protection waiver until the date the borrower may cancel the contract without penalty, fees or costs to the borrower. This period of time may not be less than thirty days.

(7) “Guaranteed asset protection waiver” means a contractual agreement that is part of or a separate addendum to the finance agreement in which a creditor agrees, upon payment of a separate charge, to cancel or waive all or part of amounts due to it on a borrower’s finance agreement if there is a total physical damage loss or unrecovered theft of a motor vehicle. A guaranteed asset protection waiver is not insurance due to the purchase, administration or operation of the contractual liability or other insurance policy authorized under subdivision (g)(4) of this section.

(8) “Insurer” means an insurance company required to be licensed, registered, or otherwise authorized to do business under the insurance laws of this state.

(9) “Motor vehicle” means a self-propelled or towed vehicle designed for personal or commercial use, including, but not limited to, an automobile, truck, motorcycle, recreational vehicle, all-terrain vehicle, snowmobile, camper, boat or personal watercraft, and the trailer used to transport a motorcycle, boat, camper or personal watercraft.

(10) “Person” includes an individual, company, association, organization, partnership, limited liability company, business trust, corporation and every form of legal entity.

(g) Requirements for offering guaranteed asset protection waivers. –

(1) Guaranteed asset protection waivers may be offered, sold or provided to borrowers in this state in compliance with this section.

(2) Guaranteed asset protection waivers may, at the option of the creditor, be sold for a single payment or may be offered with a monthly or periodic payment option.

(3) Notwithstanding any other provision of law, any cost to the borrower for a guaranteed asset protection waiver entered into in compliance with the Truth in Lending Act, 15 U.S.C. §1601, et seq., must be separately stated and may not be considered a finance charge or interest.

(4) A retail dealer of motor vehicles shall insure its guaranteed asset protection waiver obligations under a contractual liability or other insurance policy issued by an insurer. A creditor, other than a retail dealer of motor vehicles, may insure its guaranteed asset protection waiver obligations under a contractual liability policy or similar policy issued by an insurer. The insurance policy may be directly obtained by a creditor, a retail dealer of motor vehicles or may be procured by an administrator to cover a creditor's or retail dealer's obligations: *Provided*, That retail dealers of motor vehicles that are lessors of motor vehicles are not required to insure obligations related to guaranteed asset protection waivers on leased vehicles.

(5) The guaranteed asset protection waiver remains a part of the finance agreement upon the assignment, sale, or transfer of the finance agreement by the creditor.

(6) The extension of credit, the terms of credit or the terms of the related motor vehicle sale or lease may not be conditioned upon the purchase of a guaranteed asset protection waiver.

(7) A creditor that offers a guaranteed asset protection waiver shall report the sale of and forward funds received on all guaranteed asset protection waivers to the designated party, if any.

as prescribed in any applicable administrative services agreement, contractual liability policy, other insurance policy or other specified program document.

(8) Funds received or held by a creditor or administrator and belonging to an insurer, creditor or administrator, pursuant to the terms of a written agreement must be held by the creditor or administrator in a fiduciary capacity.

(h) Contractual liability or other insurance policies. –

(1) Contractual liability or other insurance policies insuring guaranteed asset protection waivers must state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under the guaranteed asset protection waivers issued by the creditor and purchased or held by the borrower.

(2) Coverage under a contractual liability or other insurance policy insuring a guaranteed asset protection waiver must also cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.

(3) Coverage under a contractual liability or other insurance policy insuring a guaranteed asset protection waiver must remain in effect unless canceled or terminated in compliance with applicable insurance laws of this state.

(4) The cancellation or termination of a contractual liability or other insurance policy may not reduce the insurer's responsibility for guaranteed asset protection waivers issued by the creditor prior to the date of cancellation or termination and for which premiums have been received by the insurer.

(i) Disclosures. –

Guaranteed asset protection waivers must disclose, as applicable, in writing and in clear, understandable language, the following:



(A) The name and address of the initial creditor and the borrower at the time of sale and the identity of any administrator if different from the creditor;

(B) The purchase price and the terms of the guaranteed asset protection waiver, including without limitation the requirements for protection, conditions or exclusions associated with the guaranteed asset protection waiver;

(C) That the borrower may cancel the guaranteed asset protection waiver within a free look period as specified in the waiver, and may receive a full refund of the purchase price, so long as no benefits have been provided under the waiver; or if benefits have been provided, the borrower may receive a full or partial refund pursuant to the terms of the guaranteed asset protection waiver;

(D) The procedure a borrower must follow, to obtain guaranteed asset protection waiver benefits under the terms and conditions of the waiver, including a telephone number and address where the borrower may initiate activation of waiver benefits. Once activation of waiver benefits has been initiated, and until such time as the request for a benefit under the GAP waiver is resolved, the GAP waiver shall not be terminated or cancelled, nor shall a request for a benefit under the GAP waiver be denied, by the creditor, administrator or other designated party, solely due to the borrower's failure to make monthly payments owed for the GAP waiver purchase price.

(E) Whether the guaranteed asset protection waiver may be canceled after the free look period and the conditions under which it may be canceled or terminated, including the procedures for requesting any refund due;

(F) That in order to receive any refund due if a borrower cancels the guaranteed asset protection waiver agreement or early termination of the finance agreement after the free look period of the guaranteed asset protection waiver, the borrower, in accordance with terms of the waiver, shall provide a written request to cancel to the creditor, administrator or other party as specified in the

guaranteed asset protection waiver. If a borrower is canceling the guaranteed asset protection waiver due to early termination of the finance agreement, the borrower shall provide a written request to the creditor, administrator or other party within ninety days of the occurrence of the event terminating the finance agreement;

(G) The methodology for calculating any refund of the unearned purchase price of the guaranteed asset protection waiver due if there is cancellation of the guaranteed asset protection waiver or early termination of the finance agreement; and

(H) That neither the extension of credit, the terms of the credit, nor the terms of the related motor vehicle sale or lease, may be conditioned upon the purchase of the guaranteed asset protection waiver.

(j) Cancellation. –

(1) Guaranteed asset protection waiver agreements may be cancellable or non-cancellable after the free look period. Guaranteed asset protection waivers must provide that if a borrower cancels a guaranteed asset protection waiver within the free look period, so long as no benefits have been provided, the borrower is entitled to a full refund of the purchase price. If benefits have been provided, the borrower may receive a full or partial refund pursuant to the terms of the guaranteed asset protection waiver;

(2) If the borrower cancels the guaranteed asset protection waiver or terminates the finance agreement early but after the agreement has been in effect beyond the free look period, the borrower may receive a refund of any unearned portion of the purchase price of the guaranteed asset protection waiver unless the guaranteed asset protection waiver provides otherwise. In order to receive a refund, the borrower, in accordance with any applicable terms of the waiver, shall provide a written request to the creditor, administrator or other party. If the borrower is canceling the guaranteed asset protection waiver due to the early termination of the finance agreement, the borrower shall provide a written request within ninety days of the event terminating the finance agreement;

(3) If the cancellation of a guaranteed asset protection waiver occurs as a result of a default under the finance agreement, or the repossession of the motor vehicle associated with the finance agreement, or any other termination of the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as set forth in subdivision (4) of this subsection (i), below;

(4) A cancellation or termination refund under subdivision (1), (2) or (3) of this subsection (i) may be applied by the creditor as a reduction of the amount owed under the finance agreement, unless the borrower can show that the finance agreement has been paid in full.

(k) *Commercial transaction exempted.* – Subsections (g), (h) and (i) of this section do not apply to a guaranteed asset protection waiver offered in connection with a lease or retail installment sale associated with a ‘commercial transaction’.

(l) *Exemption.* – This section does not apply to guaranteed asset protection waivers sold and/or issued by a federally regulated depository institution.

(m) *Effective date.* — This section shall apply to all guaranteed asset protection waivers which become effective on or after July 1, 2018.

And,

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

**Com. Sub. for H. B. 4186** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, purpose, legislative intent, and applicability of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; providing that guaranteed asset protection waivers are not insurance and are exempt from the insurance laws of this state; providing further exemptions; defining certain terms; providing requirements for offering guaranteed asset protection waivers;

requiring contractual liability or other insurance policies on guaranteed asset protection waivers in certain circumstances; requiring certain disclosures; providing for cancellation or non-cancellation; specifying requirements upon cancellation in certain circumstances; exempting certain requirements in commercial transactions; exempting guaranteed asset protection waivers sold and/or issued by a federally regulated depository institution; and providing an effective date.”

Respectfully submitted,

Tom Fast, *Chair*  
John Overington,  
Chad Lovejoy,

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

Patricia Rucker, *Chair*  
Michael Azinger,  
Mike Woefel,

*Conferees on the part  
of the Senate.*

On motion of Delegate Fast, the report of the Committee of Conference was adopted.

Delegate C. Miller requested to be excused from voting on the passage of Com. Sub. for H. B. 4186 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 500**), and there were—yeas 92, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Cowles, Marcum, Pushkin, Robinson and Rowe.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4186) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

Delegate Cowles then asked and obtained unanimous consent to withdraw the motion.

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

At 11:42 a.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:00 p.m.

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### **Afternoon Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### **Conference Committee Report Availability**

At 1:35 p.m., the Clerk announced that the report of the Committee of Conference on **S. B. 282**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery, shall be available in the Clerk's Office.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page three, section three, lines nineteen and twenty, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

“(c) The superintendent of schools may not require a physical examination to be included in the application for a work permit.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 501**), and there were—yeas 89, nays 1, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Blair, Deem, E. Evans, Ferro, Fluharty, Hicks, Hornbuckle, Storch and Upson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2799) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4002**, Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020.

On motion of Delegate Overington, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 2. APPORTIONMENT OF REPRESENTATION.****§1-2-2c. Redistricting.**

Upon the reapportionment and redistricting of the Legislature following the United States Census in 2020 and in each subsequent reapportionment and redistricting, the House of Delegates shall be composed of one hundred single member districts, with apportionment to meet constitutional standards.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 502**), and there were—yeas 70, nays 22, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Brewer, Campbell, Canestraro, Caputo, Criss, Diserio, Eldridge, E. Evans, Fleischauer, Hartman, Longstreth, Lynch, Miley, R. Miller, Pyles, Robinson, Rodighiero, Rowe, Sponaule, Thompson, Ward and Williams.

Absent and Not Voting: Blair, Deem, Ferro, Fluharty, Hicks, Hornbuckle and Upson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4002) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4187**, Business Liability Protection Act.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 7. DANGEROUS WEAPONS.**

**§61-7-14. Right of certain persons to limit possession of firearms on premises.**

This section may be referred to as ‘The Business Liability Protection Act’.

(a) As used in this section:

(1) ‘Parking lot’ means any property that is used for parking motor vehicles and is available to customers, employees, or invitees for temporary or long- term parking or storage of motor vehicles: *Provided*, That for purposes of this section, parking lot does not include the private parking area at a business located at the primary residence of the property owner.

(2) ‘Motor vehicle’ means any privately-owned automobile, truck, minivan, sports utility vehicle, motor home, recreational vehicle, motorcycle, motor scooter, or any other vehicle operated on the roads of this state and, which is required to be registered under state law: *Provided*, That for purposes of this section, motor vehicle does not mean vehicles owned, rented, or leased by an employer and used by the employee in the course of employment.

(3) ‘Employee’ means any person, who is over 18 years of age, not prohibited from possessing firearms by the provisions of this code or federal law; and

(A) Works for salary, wages, or other remuneration;

(B) Is an independent contractor; or

(C) Is a volunteer, intern, or other similar individual for an employer.

(4) ‘Employer’ means any business that is a sole proprietorship, partnership, corporation, limited liability company,



professional association, cooperative, joint venture, trust, firm, institution, association, or public-sector entity, that has employees.

(5) ‘Invitee’ means any business invitee, including a customer or visitor, who is lawfully on the premises of a public or private employer.

(6) ‘Locked inside or locked to’ means:

(A) The vehicle is locked; or

(B) The firearm is in a locked trunk, glove box, or other interior compartment; or

(C) The firearm is in a locked container securely fixed to the vehicle; or

(D) The firearm is secured and locked to the vehicle itself by the use of some form of attachment and lock.

(b) Notwithstanding the provisions of this article, any owner, lessee or other person charged with the care, custody, and control of real property may prohibit the carrying openly or concealing of any firearm or deadly weapon on property under his or her domain: *Provided*, That for purposes of this section ‘person’ means an individual or any entity which may acquire title to real property: *Provided, however*, That for purposes of this section ‘natural person’ means an individual human being.

(c) Any natural person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of the firearm or other deadly weapon, upon being requested to do so, or to leave the premises, while in possession of the firearm or other deadly weapon, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail not more than six months, or both: *Provided*, That the provisions of this section do not apply to a natural person as set forth in ~~subdivisions (3) through (7), inclusive, subsection (a), section six of this article §61-7-6(a)(5) through §61-7-6(a)(7) and §61-7-6(a)(9) through §61-7-6(a)(10) of this code~~ while the person is acting in his or her ~~an~~ official capacity;

~~and or to a natural person as set forth in subdivisions (1) through (8), inclusive, subsection (b) of said section §61-7-6(b)(1) through §61-7-6(b)(8) of this code, while the person is acting in his or her official capacity; Provided, however, That under no circumstances, except as provided for by the provisions of paragraph (I), subdivision (2), subsection (b), section eleven a of this article, §61-7-11a(b)(2)(A) through (I) of this code, may any natural person possess or carry or cause the possession or carrying of any firearm or other deadly weapon on the premises of any primary or secondary educational facility in this state unless the natural person is a law-enforcement officer or he or she has the express written permission of the county school superintendent.~~

(d) Prohibited acts. – Notwithstanding the provisions of subsections (b) and (c) of this section:

(1) No owner, lessee, or other person charged with the care, custody, and control of real property may prohibit any customer, employee, or invitee from possessing any legally owned firearm, when the firearm is:

(A) Lawfully possessed;

(B) Out of view;

(C) Locked inside or locked to a motor vehicle in a parking lot; and

(D) When the customer, employee, or invitee is lawfully allowed to be present in that area.

(2) No owner, lessee, or other person charged with the care, custody, and control of real property may violate the privacy rights of a customer, employee, or invitee either:

(A) By verbal or written inquiry, regarding the presence or absence of a firearm locked inside or locked to a motor vehicle in a parking lot; or

(B) By conducting an actual search of a motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle:

Provided, That a search of a motor vehicle in a parking lot to ascertain the presence of a firearm within that motor vehicle may only be conducted by on-duty, law enforcement personnel, in accordance with statutory and constitutional protections.

(C) No owner, lessee, or other person charged with the care, custody, and control of real property may take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a motor vehicle in a parking lot for lawful purposes, except upon statements made pertaining to unlawful purposes or threats of unlawful actions involving a firearm made in violation of §61-6-24 of this code.

(3) No employer may condition employment upon either:

(A) The fact that an employee or prospective employee holds or does not hold a license issued pursuant to §61-7-4 or §61-7-4a of this code; or

(B) An agreement with an employee or a prospective employee prohibiting that natural person from keeping a legal firearm locked inside or locked to a motor vehicle in a parking lot when the firearm is kept for lawful purposes.

(4) No owner, lessee, or other person charged with the care, custody, and control of real property may prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot of the person's place of business because the customer's, employee's, or invitee's motor vehicle contains a legal firearm being carried for lawful purposes that is out of view within the customer's, employee's, or invitee's motor vehicle.

(e) *Limitations on duty of care; immunity from civil liability.* —

(1) When subject to the provisions of subsection (d) of this section, an employer, owner, lessee, or other person charged with the care, custody, and control of real property has no duty of care related to the acts prohibited under said subsection.

(2) An employer, owner, lessee, or other person charged with the care, custody, and control of real property is not liable in a civil action for money damages based upon any actions or inactions taken in compliance with subsection (d) of this section. The immunity provided in this subdivision does not extend to civil actions based on actions or inactions of employers, owners, lessees, or other persons charged with the care, custody, and control of real property unrelated to subsection (d) of this section.

(3) Nothing contained in this section may be interpreted to expand any existing duty or create any additional duty on the part of an employer, owner, lessee, or other person charged with the care, custody, and control of real property.

(f) *Enforcement.* – The Attorney General is authorized to enforce the provisions of subsection (d) of this section and may bring an action seeking either:

(1) Injunctive or other appropriate equitable relief to protect the exercise or enjoyment of the rights secured in subsection (d) of any customer, employee, or invitee;

(2) Civil penalties of no more than \$5,000 for each violation of subsection (d) and all costs and attorney's fees associated with bringing the action; or

(3) Both the equitable relief and civil penalties described in subdivisions (1) and (2) of this section, including costs and attorney's fees. This action must be brought in the name of the state and instituted in the Circuit Court of Kanawha County. The Attorney General may negotiate a settlement with any alleged violator in the course of his or her enforcement of subsection (d) of this section.

(4) Notwithstanding any other provision in this section to the contrary, the authority granted to the Attorney General in this subsection does not affect the right of a customer, employee, or invitee aggrieved under the authority of subsection (d) of this section to bring an action for violation of the rights protected under this section in his or her own name and instituted in the circuit court

for the county where the alleged violator resides, has a principal place of business, or where the alleged violation occurred. In any successful action brought by a customer, employee, or invitee aggrieved under the authority of subsection (d) of this section, the court may award injunctive or other appropriate equitable relief and civil penalties as set forth in subdivisions one, two and three of this subsection. In any action brought by a customer, employee, or invitee aggrieved under the authority of subsection (d) of this section, the court shall award all court costs and attorney's fees to the prevailing party."

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4187** – “A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to creating the Business Liability Protection Act; providing definitions; prohibiting owners, lessees, or other persons charged with the care, custody, and control of real property from prohibiting any customer, employee, or invitee from possessing a legal owned firearm under certain circumstances; prohibiting owners, lessees, or other persons charged with the care, custody, and control of real property from violating certain privacy rights of a customer, employee, or invitee; providing that no employer may condition employment under certain circumstances; providing that no owner, lessee, or other person charged with the care, custody, and control of real property may prevent a customer, employee, or invitee from entering the parking lot because the motor vehicle contains a legal firearm; providing immunity and limitations of liability; providing that the Attorney General is authorized to enforce the such provisions; providing customers, employees, and invitees with a civil cause of action; and providing forms of relief and civil penalties.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 503**), and there were—yeas 87, nays 11, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Fleischauer, Hornbuckle, Lane, McGeehan, Pushkin, Pyles, Rowe, Shott, Wagner and Williams.

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4187) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4270**, Providing for the timely payment of moneys owed from oil and natural gas production.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 22. ENVIRONMENTAL RESOURCES.**

**ARTICLE 6. OFFICE OF OIL AND GAS; OIL AND GAS WELLS.**

**§22-6-22. Well report, logs, core samples, and cuttings to be filed; confidentiality and permitted use; authority to promulgate rules; reporting of production data for horizontal wells.**

(a) Within a reasonable time after the completion of the drilling of a shallow well or deep well, the well operator shall file with the secretary and with the state Geological and Economic Survey a completion report containing the following:

(1) The character, depth, and thickness of geological formations encountered, including fresh water, coal seams, mineral beds, brine, and oil and gas bearing formations; and

(2) Such other information as the secretary may require to effectuate the purposes of this chapter.

The secretary may promulgate such reasonable rules in accordance with §29A-3-1 *et seq.* of this code, as may be considered necessary to ensure that the character, depth, and thickness of geological formations encountered are accurately logged: *Provided*, That the secretary shall not require logging by the use of an electrical logging device: *Provided, however*, That if electrical, mechanical, or geophysical logs are recorded in the well, the secretary may request copies of these logs: *Provided further*, That mechanical or geophysical logs may not include vertical seismic profiles or two-dimensional or three-dimensional seismic information.

(b) If a well operator takes core samples, that activity shall be noted within the report, and, within 60 days after filing the completion report, the operator shall, subject to the terms of this article, provide the state Geological and Economic Survey with a complete set of cores, consisting of at least quarter slabs, correctly labeled and identified according to depth. The core samples requested by and provided to the state Geological and Economic Survey may not contain any materials or documents made with regard to analyzing or interpreting the core samples.

(c) If a well operator catches cuttings during the drilling of any deep or shallow well, that activity shall be noted within the report and, within 60 days after filing the completion report, the operator shall, subject to the terms of this article, provide the state Geological and Economic Survey with a sample of the cuttings, correctly labeled and identified according to depth.

(d) Any information, reports, cuttings, and core samples requested by and provided to the state Geological and Economic Survey by the operator shall be kept confidential at the written request of the operator for a specified amount of time as follows:

(1) Except for core samples, any logs, drill cuttings, reports and other information or materials that reveal trade secrets or other confidential business information relating to the competitive interests of the operator or the operator's privy may not be disclosed to the public for one year following delivery, unless the operator consents in writing to a shorter time. At the operator's written request, the period of confidentiality may be extended in annual increments: *Provided*, That the total period of confidentiality may not exceed three years.

(2) Any core samples may not be disclosed to the public for five years following delivery to the state Geological and Economic Survey, unless the operator consents in writing to a shorter time. At the operator's written request, the period of confidentiality may be extended for an additional five years: *Provided*, That the total period of confidentiality may not exceed 10 years.

(e) Notwithstanding the provisions of subsection (d) of this section, the state Geological and Economic Survey may store and process confidential information within its minerals mapping or geographic information systems; however, that confidential information may not be revealed to the public until the lapsing of the period of confidentiality created pursuant to subsection (d) of this section. After the period of confidentiality has lapsed, statistics or other information generated as the result of storage and processing may be disclosed in the aggregate through articles, reports, maps, or lectures presented in accordance with generally accepted academic or scientific practices and in a manner to preclude the identification of a particular well or operator.

(f) A quarterly report of the monthly volumes of oil, natural gas, and natural gas liquids produced from any horizontal well drilled shall be filed with the Chief of the Office of Oil and Gas on a form prescribed by the Secretary of the West Virginia Department of Environmental Protection. All reported data shall be made available to the public through the Office of Oil and Gas' website within a reasonable time. The secretary has the express authority pursuant to this article, as well as pursuant to the powers enumerated in §22-6-2 of this code, to promulgate rules and to amend the current rules to require timely quarterly reporting of



production data as well as to establish a process for collecting such data.

## **CHAPTER 37B. MINERAL DEVELOPMENT.**

### **ARTICLE 1. INFORMATION REPORTING AND PAYMENTS TO OWNERS.**

#### **§37B-1-1. Oil and natural gas production information reporting from horizontal wells.**

(a) An operator or producer or their agents, contractors or assigns shall provide the following information with each payment to all interest owners receiving payments resulting from the development and production of oil, natural gas, or their constituents by horizontal wells governed by §22-6A-1 et seq. of this code, being the Natural Gas Horizontal Well Control Act:

(1) A name, number, or combination of name and number, and the state issued American Petroleum Institute number that identifies each lease, property, unit, pad, and well, for which payment is being made, and the county in which the lease, property, and well are located;

(2) Month and year of production;

(3) Total barrels of oil; number of MCF, MMBTU, or DTH of natural gas; and volume of natural gas liquids produced from each well and sold;

(4) Price received per unit of oil, natural gas, and natural gas liquids produced;

(5) Gross value of the total proceeds from the sale of oil, natural gas, and natural gas liquids from each well less taxes and deductions set forth in §37B-1-1(a)(6) of this code;

(6) Aggregate amounts for each category of deductions for each well which affect payment and are allowed by law, including without limitation those deductions provided for under the terms of the governing lease;

(7) Interest owner's interest in production from each well expressed as a decimal or fraction and reported pursuant to §37B-1-1(a)(1) of this code;

(8) Interest owner's ratable share of the total value of the proceeds of the sale of oil, natural gas, and natural gas liquids prior to the deduction of taxes, if applicable, and other deductions set forth in §37B-1-1(a)(6) of this code;

(9) Interest owner's ratable share of the proceeds from the sale of oil, natural gas, and natural gas liquids less the interest owner's ratable share of taxes, if applicable, and other deductions set forth in §37B-1-1(a)(6) of this code; and

(10) Contact information of the producer of the oil, natural gas, or natural gas liquids, including a mailing address and telephone number.

(b) An interest owner who does not receive the information required to be provided under this section in a timely manner may send a written request for the information by certified mail. Not later than the 60th day after the date the operator or producer receives the written request for information under this section, the operator or producer shall provide the requested information to the interest owner. If the interest owner makes a written request for information under this section and the operator or producer does not provide the information within the 60-day period, the interest owner may bring a civil action against the operator or producer to enforce the provisions of this section, and a prevailing interest owner shall be entitled to recover reasonable attorneys' fees and court costs incurred in the civil action.

**§37B-1-2. Accumulation and payment of proceeds from production from horizontal wells.**

Notwithstanding any of the other provisions of this article, proceeds from production of oil, natural gas, and natural gas liquids from horizontal wells may be accumulated by the owners, cotenants, lessees, operators, or their agents, contractors, or assigns, until such time as proceeds attributable to any interest

owner exceeds \$100 before making a remittance: *Provided, That, regardless of the amount of money accumulated, the owners, cotenants, lessees, operators, or their agents, contractors, or assigns shall remit proceeds from horizontal wells attributable to the interest owners not less than once annually: *Provided, however, That all accumulated proceeds from horizontal wells shall be paid to the interest owners entitled thereto immediately, or as soon as practicable, upon cessation of production of oil, natural gas, or natural gas liquids or upon relinquishment or transfer of the payment responsibility to another party.**

**§37B-1-3. Payments from horizontal wells to be made timely; interest penalties.**

All regular production payments from horizontal wells due and owing to an interest owner shall be tendered in a timely manner, which shall not exceed 120 days from the first date of sale of oil, natural gas, or natural gas liquids is realized and within 60 days thereafter for each additional sale, unless such failure to remit is due to lack of record title in the interest owner, a legal dispute concerning the interest, a missing or unlocatable owner of the interest, or due to conditions otherwise specified in this article. Failure to remit timely payment for horizontal wells shall result in a mandatory additional payment of an interest penalty to be set at the prime rate plus an additional two percent until such payment is made, to be compounded quarterly. The prime rate shall be the rate published on the day of the sale of oil, natural gas, and natural gas liquids in the *Wall Street Journal* reflecting the base rate on corporate loans posted by at least 75 percent of the nation's 30 largest banks."

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4270** - "A Bill to amend and reenact §22-6-22 of the Code of West Virginia, 1931, as amended, and to amend said code by adding a new chapter, designated §37B-1-1, §37B-1-2, and §37B-1-3, all relating generally to real property; providing for quarterly reporting to the West Virginia Department

of Environmental Protection and publication of same; providing rule-making authority; requiring specified information to be remitted with certain payments to interest owners; providing for written request in the event an interest owner does not receive the required information; providing for a period to provide the required information beginning when the operator or producer receives the written request for information; providing for a cause of action to enforce compliance; providing for the accumulation of proceeds under certain circumstances; providing for timely payment of moneys owed from oil and natural gas production; and establishing interest penalties for certain late payments.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 504**), and there were—yeas 96, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Folk and McGeehan.

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4270) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4428**, Allowing training hours earned through public school education or apprenticeship to count towards an applicant’s occupational certification.

Delegate Cowles moved that the House of Delegates concur in the following amendment of the bill by the Senate, with further amendment:

On page one, after the enacting clause, by inserting the following:

**“CHAPTER 18. EDUCATION.**

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-15g. Vocational education classes for homeschooled and private schooled students.**

County boards shall permit students who are homeschooled or attend private schools to enroll and take classes at the county’s vocational schools, if the county offers vocational classes either itself or through a joint vocational program or service with another county or counties; *Provided*, That such students will be treated equally for admission purposes with applicants enrolled in public school. These students may not be charged more than public school students of compulsory school age.

**CHAPTER 18. EDUCATION.**

**ARTICLE 33. GOVERNOR’S WORKFORCE CREDENTIAL.**

**§18-33-1. Establishing the Governor’s Workforce Credential.**

The Governor’s Workforce Credential is an initiative aimed at preparing students to enter the workforce with industry ready skills and abilities to meet business and industry expectations. It also creates a way for employers to identify potential employees who are prepared to enter the workforce and understand the industry accepted expectations of such employees. The credential honors those students who are able to meet or exceed rigid requirements within their Career and Technical Education (CTE) programs.

**§18-33-2. Requirements.**

In order to receive the Governor’s Workforce Credential, a graduating senior shall:

(1) Obtain a grade of ‘B’ or better in the four required state-approved CTE Program of study courses;

(2) Accomplish a minimum score of 95 percent on the CTE portfolio;

(3) Attain a verified school attendance rate of 95 percent or higher during senior year;

(4) Score at an elite level of 70 or higher on the industry-recognized audit;

(5) Earn an industry certification that coincides with a state-approved CTE Program of Study in accordance with the West Virginia Board of Education Policy 2520 13; and

(6) Pass a minimum of two documented drug screenings.

**§18-33-3. Recognition for recipients of credential upon graduation.**

Any student who fulfills the requirements of the Governor's Workforce Credential and has also met their graduation requirements will receive individual recognition at their high school graduation ceremony."

On page three, section five, line four, after the word "acquired", by inserting the word "through".

On page three, section five, line five, after the word "education", by inserting the word "and".

On page three, section five, line eight, after the word "programs", by inserting the word "and".

On page four, section four, line four, after the word "acquired", by inserting the word "through".

On page four, section four, line five, after the word "education", by inserting the word "and".

On page four, section four, line eight, after the word "programs", by inserting the word "and".

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4428** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g; to amend said code by adding thereto a new article, designated §18-33-1, §18-33-2, and §18-33-3; to amend said code by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4, and §21-1E-5; and to amend said code by adding thereto a new article designated §30-1E-1, §30-1E-2, §30-1E-3, and §30-1E-4, all relating to addressing workforce needs; requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county’s vocational schools under certain conditions; defining and setting forth purpose of Governor’s Workforce Credential; setting forth requirements for qualifying for Credential; requiring that any student fulfilling the requirements of the Credential and meeting graduation requirements receive individual recognition at their high school graduation ceremony; requiring standards and procedures for applying career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions; requiring certain career and education related information be provided to high school students; and requiring Commissioner of Labor rule to include guidelines for collection and dissemination of information in manner easily accessible to both students and their parents.”

On motion of Delegate Cowles, the House concurred in the Senate amendment with the following further amendment, by striking out all of the new Article 33 sections §18-33-1, §18-33-2, and §18-33-3 in their entirety and inserting in lieu thereof a new section to read as follows:

**“ARTICLE 2B. AREA VOCATIONAL PROGRAM.**

**§18-2B-9. Governor’s Workforce Credential.**

(a) The Governor’s Workforce Credential is a joint initiative between the Governor, the State Board and the State Superintendent aimed at preparing students to enter the workforce with industry ready skills and abilities that meet business and industry expectations. This credential creates a way for employers to identify potential employees who are prepared to enter the workforce and understand the industry accepted expectations of such employees. The credential honors those students who are able to meet or exceed rigorous requirements within their Career and Technical Education programs.

(b) The State Superintendent shall annually award the Governor’s Workforce Credential to students in their senior year who meet the requirements to receive the credential as set forth in State Board policy.”

And,

In Section §18-5-18g of the Senate amendment, on line five, following the words “enrolled in public schools”, by inserting: “*Provided, however,* That no such student may displace a public school student.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 505**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4428) passed.

On motion of Delegate Cowles, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4428** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,



designated §18-5-15g; to amend said code by adding thereto a new section, designated §18-2B-9; to amend said code by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4, and §21-1E-5; and to amend said code by adding thereto a new article designated §30-1E-1, §30-1E-2, §30-1E-3, and §30-1E-4, all relating to addressing workforce needs; requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county's vocational schools under certain conditions; defining and setting forth purpose of Governor's Workforce Credential and providing for State Superintendent to award Credential to students in senior year who meet requirements set forth in State Board policy; requiring standards and procedures for applying career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions; requiring certain career and education related information be provided to high school students; and requiring Commissioner of Labor rule to include guidelines for collection and dissemination of information in manner easily accessible to both students and their parents."

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4392**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources.

Delegate Cowles moved that the House of Delegates concur with further title amendment, and the House concurred in the following amendment by the Senate:

On page three, section eleven, lines thirty through thirty-two, by striking out all of subdivision (6) and inserting in lieu thereof a new subdivision, designated subdivision (6), to read as follows:

“(6) The department shall have a priority right to be paid first out of any payments made to the recipient for past medical expenses before the recipient can recover any of his or her own costs for medical care.”

On page four, section eleven, lines fifty-four through fifty-six, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision, designated subdivision (5), to read as follows:

“(5) When determined by the department to be cost effective, the secretary or his or her designee may, in his or her sole discretion, negotiate for a reduction in the lien in an amount sufficient to incentivize Medicaid members to settle claims against liable third parties.”

And,

On page five, section eleven, lines ninety through ninety-five, by striking out all of paragraph (B) and inserting in lieu thereof a new paragraph, designated paragraph (B), to read as follows:

“(B) The department shall have the burden of proving by a preponderance of the evidence that the allocation agreed to by the parties is proper. The trial court shall give due consideration to the department’s interest in being fairly reimbursed for purposes of the operation of the Medicaid program. The trial court’s decision should be set forth in a detailed order containing the requisite findings of fact and conclusions of law to support its rulings.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 506**), and there were—yeas 74, nays 24, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Fast, Fleischauer, Fluharty, Hicks, Isner, Longstreth, Marcum, Miley, R. Miller, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson, Wagner and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4392) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4392** - “A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid subrogation liens of the Department of Health and Human Resources; extending the definition of a liable ‘third-party’ to include certain insurers; establishing notice requirements for claims and civil actions; providing authority for the secretary to negotiate and incentivize Medicaid members to prosecute lawsuits against liable third parties; providing a priority right to the department for subrogation payments; requiring department authorization before finalizing settlement in certain circumstances; establishing the notice, procedure and consent requirements for settlement allocation; establishing procedure in the event the department rejects the proposed allocation; establishing the burden of proof regarding allocation dispute proceedings in court; requiring the trial court to consider the department’s interests in maximizing recovery for purposes of the operation of the Medicaid program in an allocation dispute; requiring the trial court decision to reflect findings of fact and conclusions of law; where a final subrogation lien is less than \$1,500 those matters are exempt from the provisions of this section; modifying the penalty for failure of recipient’s legal representative to notify the department to include interest, and setting effective date.”

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

**Com. Sub. for S. B. 261**, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund.

On motion of Delegate Cowles, the House concurred in the following Senate title amendment:

**Com. Sub. for S. B. 261** - “A Bill to repeal §31-18D-1, §31-18D-2, §31-18D-3, §31-18D-4, §31-18D-5, §31-18D-6, §31-18D-7, §31-18D-8, §31-18D-9, §31-18D-10, §31-18D-11, §31-18D-12, §31-18D-13, §31-18D-14, and §31-18D-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-4c of said code; to amend and reenact §11-22-2 of said code; to amend and reenact §31-18-3, §31-18-6, §31-18-22, and §31-18-24 of said code; and to amend said code by adding thereto two new sections, designated §31-18-20d, and §31-18-29, all relating generally to the elimination of the West Virginia Affordable Housing Trust Fund; transferring current responsibilities and duties of West Virginia Housing Trust Fund to the West Virginia Housing Development Fund; eliminating the West Virginia Affordable Housing Trust Fund and the West Virginia Affordable Housing Trust Fund Board of Directors; creating Affordable Housing Fund of the West Virginia Housing Development Fund and providing for uses therefor; providing for assessment of fees on all sales by licensed dealers of factory-built homes to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; providing for assessment of fees upon the privilege of transferring real estate for consideration to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; prohibiting use of funds in Affordable Housing Fund from being used to defray administrative and operating costs and expenses of Housing Development Fund; defining “Affordable Housing Fund”; authorizing the West Virginia Housing Development Fund to provide funding to increase the capacity of nonprofit community housing organizations; providing for uses of funds in the

Affordable Housing Fund; providing for disposition of the Affordable Housing Fund in the event of termination or dissolution of West Virginia Housing Development Fund; providing for windup of West Virginia Affordable Housing Trust Fund; repealing code related to West Virginia Affordable Housing Trust Fund; eliminating obsolete language; and making technical corrections.”

The bill, as amended by the House, and further amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 507**), and there were—yeas 61, nays 37, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Boggs, Brewer, Campbell, Canestraro, Caputo, Diserio, Eldridge, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Frich, Hamilton, Hartman, Hicks, Hornbuckle, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, R. Romine, Rowe, Sobonya, Sponaugle, Thompson, Wagner and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 261) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, to take effect from passage, of

**S. B. 463**, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture.

On motion of Delegate Cowles, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 16. PUBLIC HEALTH.**

**ARTICLE 7. PURE FOOD AND DRUGS.**

**§16-7-5a. Joint Task Force on Milk Rules and Regulations.**

(a) The Legislature finds that it is in the public interest to examine the potential benefit and economies of scale by transferring some or all authority to promulgate milk rules and regulations from the Department of Health and Human Resources to the Department of Agriculture.

(b) On or before June 1, 2018, the Governor shall appoint a Joint Task Force on Milk Rules and Regulations composed of the following fifteen members:

(1) One representative from the Department of Agriculture;

(2) One representative from the Bureau for Public Health;

(3) One representative of the West Virginia University Extension Service;

(4) One representative from local health departments in the state;

(5) Two representatives from a trade or industry group representing the farming and agriculture industry in the state, at least one of whom shall be a dairy farmer;

(6) Three citizen members;

(7) Three Senators as recommended by the President of the Senate, no more than two of whom shall be from the same political party; and

(8) Three Delegates as recommended by the Speaker of the House of Delegates, no more than two of whom shall be from the same political party.

(c) The representative from the Department of Agriculture shall preside over the work group and shall provide staff to facilitate meetings of the Joint Task Force. The Joint Task Force shall examine the potential benefit and economies of scale of transferring some or all authority to promulgate milk rules and regulations from the Department of Health and Human Resources to the Department of Agriculture. The task force shall recommend legislation to the Governor and to the Joint Committee on Government and Finance no later than December 31, 2018.

(d) The expenses of the members on the task force shall be paid equally from the funds of the Department of Agriculture, the Bureau for Public Health, and the West Virginia University Extension Service: *Provided*, That the members of the Joint Task Force may receive no compensation for their services other than actual expenses incurred in the discharge of their duties as members of the Joint Task Force.

(d) The authority of the Joint Task Force on Milk Rules and Regulations shall sunset and expire and is of no force and effect after December 31, 2018, or upon submission of any recommendations or draft legislation, whichever comes first.”

And,

By amending the title of the bill to read as follows:

**S. B. 463** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-7-5a, relating to authorizing the establishment of a Joint Task Force on Milk Rules and Regulations; providing for the appointment of certain members by the Governor; authorizing the task force to study milk rules and regulations; providing for reimbursement of actual expenses for members; providing task force members may receive no compensation; requiring the task force to propose legislation; and providing for the sunset of the task force.”

The bill, as amended by the House, and further amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 508**), and there were—yeas 92, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd, Eldridge, Pushkin, Robinson, Rowe and Upson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 463) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 509**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 463) takes effect from its passage.

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

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 9<sup>th</sup> day of March, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed



by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for S. B. 73**, Modifying crime of fleeing from scene of accident,

**Com. Sub. for S. B. 110**, Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises,

**Com. Sub. for S. B. 134**, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery,

**Com. Sub. for S. B. 307**, Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance,

**Com. Sub. for S. B. 327**, Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty,

**S. B. 346**, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses,

**S. B. 351**, Permitting ballot commissioners serve while candidates for certain offices,

**Com. Sub. for S. B. 395**, Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board,

**Com. Sub. for S. B. 397**, Creating crime of impersonating blind or disabled person,

**S. B. 539**, Increasing limit for settling claims against DOH,

**Com. Sub. for S. B. 561**, Increasing minimum contract price requiring execution of bond with respect to building or repairing school property,

**S. B. 143**, Permitting DNR identification tag be used to identify trap,

**S. B. 343**, Limiting expenses in preparing list for notice to redeem,

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

**Com. Sub. for S. B. 37**, Equalizing penalty for entering without breaking regardless of time of day,

**Com. Sub. for S. B. 146**, Correcting technical error within Solid Waste Management Act,

**Com. Sub. for S. B. 181**, Authorizing MAPS promulgate legislative rules,

**S. B. 338**, Changing date for employers to file annual reconciliation and withholding statements,

**Com. Sub. for S. B. 348**, Allowing for disposal of service weapons of special DNR police officers,

**S. B. 364**, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle,

**S. B. 444**, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles,

And,

**S. B. 464**, Changing statutory payment date for incremental salary increases due state employees.

Mr. Speaker, Mr. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**Com. Sub. for H. C. R. 98**, Requesting the Joint Committee on Government Organization to conduct a study to consider removing solid waste facilities and the intrastate transportation of solid waste from the jurisdiction of the Public Service Commission,

**H. C. R. 103**, Requesting the Joint Committee on Government and Finance study the feasibility and propriety of adopting “Right to Shop” legislation,

**H. C. R. 105**, Requesting the Joint Committee on Government and Finance to conduct a study regarding evaluating Department of Environmental Protection funds,

**H. C. R. 106**, Requesting the Joint Committee on Government and Finance to conduct a study of licensure, certification and registration forms of occupational and professional regulation,

**H. C. R. 107**, Requesting the Joint Committee on Government and Finance to conduct a study of the feasibility of a single building to house all occupational and professional regulatory boards,

**H. C. R. 108**, Requesting the Joint Committee on Government and Finance to conduct a study encouraging the film industry and tourism mechanisms for promoting West Virginia,

**H. C. R. 109**, Requesting the Joint Committee on Government and Finance to conduct a study on legislative rules being outcome driven rather than process driven,

**H. C. R. 110**, Requesting that the Joint Committee on Government and Finance comprehensively study mineral severance taxes and associated fees in West Virginia,

**H. C. R. 111**, Requesting the Joint Committee on Government and Finance study the issues, needs and challenges facing senior citizens in West Virginia,

**H. C. R. 113**, Requesting the Joint Committee on Government and Finance to conduct a study on the health outcomes of high sugar diets, and the short-term and long-term health and economic benefits of a sugar drink tax,

**H. C. R. 114**, Requesting the Joint Committee on Government and Finance study the feasibility and propriety of modernizing state code as it relates to rental of motor vehicles,

**H. C. R. 115**, Requesting the Joint Committee on Government and Finance study the issue of retirement security and the state taxation of Social Security benefits,

**H. C. R. 116**, Requesting that the Joint Committee on Government and Finance study the impact on states that require a legislative supermajority to enact tax increases or impose new taxes,

**H. C. R. 117**, Requesting that the Joint Committee on Government and Finance study the impact on states that impose tax and expenditure limitations to restrain the growth of state budgets,

**H. C. R. 118**, Requesting the Joint Committee on Finance to study the fiscal effects of the discretionary use of a video link between a physician and a patient during telemedicine calls regarding non-emergent acute illnesses,

**S. C. R. 17**, John Hancock Hall Memorial Bridge,

**S. C. R. 21**, US Army PFC Charles Thurman “Buddy” Ellis Memorial Bridge,

**S. C. R. 22**, US Army Colonel Larkin Bilton Vance Memorial Highway,

**S. C. R. 25**, US Army PFC O. T. (Teaberry) Mullins Memorial Bridge,

**S. C. R. 26**, US Army PFC Thomas Mayford Martin Memorial Bridge,

**S. C. R. 27**, US Army CPL F. Lee Noel Memorial Bridge,

**S. C. R. 37**, Sheriff John E. White Memorial Road,

**S. C. R. 43**, US Army T-4 CE Caesar Bango Memorial Bridge,

**S. C. R. 54**, Requesting study on effect of new vehicle weights on WV roads,

And,

**S. C. R. 55**, Urging Congress pass law permitting WV to increase vehicle weight on interstate highways,

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

At the request of Delegate Cowles, and by unanimous consent, the resolutions (Com. Sub. for H. C. R. 98, H. C. R. 103, H. C. R. 105, H. C. R. 106, H. C. R. 107, H. C. R. 108, H. C. R. 109, H. C. R. 110, H. C. R. 111, H. C. R. 113, H. C. R. 114, H. C. R. 115, H. C. R. 116, H. C. R. 117, H. C. R. 118, S. C. R. 17, S. C. R. 21, S. C. R. 22, S. C. R. 25, S. C. R. 26, S. C. R. 27, S. C. R. 37, S. C. R. 43, S. C. R. 54 and S. C. R. 55) were taken up for immediate consideration and put upon their adoption.

The resolutions were then adopted.

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

At the request of Delegate Cowles, and by unanimous consent, **Com. Sub. for S. B. 408**, Licensing of nursing homes and assisted living residences, still being in possession of the Clerk, was taken up for further consideration.

On motion of Delegate Cowles, the House of Delegates then reconsidered the vote on the passage of the bill.

Delegate Cowles asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Howell, the bill was amended on page thirty, section fifteen, beginning on line forty-four, by striking out

subsection “(e)” in its entirety and inserting in lieu thereof a new subsection “(e)” to read as follows:

“(e) The amount of damages recovered by a resident, in an action brought pursuant to this section, are exempt for purposes of determining initial or continuing eligibility for medical assistance pursuant to §9-5-1 *et seq.* of this code and may neither be taken into consideration nor required to be applied toward the payment or part payment of the cost of medical care or services available pursuant to §9-5-1 *et seq.* of this code.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 510**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 408) passed.

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

At 2:26 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 4:00 p.m.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

- continued -

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for H. B. 4001**, Relating to eligibility and fraud requirements for public assistance.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Maroney, Weld and Plymale.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Shott, Hollen and Canestraro.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4006**, Revising the processes through which professional development is delivered for those who provide public education.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page nine, section two, after section two, by inserting a new section, designated section six, to read as follows:

**“§5F-1-6. House Bill 4006 amendments effective date.**

Except for instances where specifically provided otherwise, all amendments to this code made by the passage of House Bill 4006 during the 2018 regular session of the Legislature shall become effective July 1, 2018.”

On page twenty-two, section four, lines thirty-three through forty-two, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

“(b) The Center for Professional Development, formerly provided for under §18A-3A-1 *et seq.* of this code before the effective date of the amendment and reenactment of this section during the 2018 regular session of the Legislature, is hereby transferred to be under the authority and control of the state board. To assist in the delivery of high quality professional development for teachers, principals, and other school employees, the state board shall incorporate within the Department of Education the Center for Professional Development whose general mission shall be under the direction of the state board to advance the quality of teaching and learning in the schools of West Virginia through programs, technical assistance and support to schools and school systems to meet the legislative findings and goals of this article. The center shall perform other duties that may be assigned to it by the state board. In addition, the center shall provide statewide coordination for the continued growth and development of advanced placement programs in West Virginia high schools, including, but not limited to, serving as a liaison for The College Board, Inc., and providing for the training of advanced placement teachers.”

On page twenty-nine, by striking out the article heading.

On pages twenty-nine through thirty-two, by striking out all of sections two, five, and six.



And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4006** – “A Bill to repeal §10-5-2a of the Code of West Virginia, 1931, as amended; to repeal §18-2I-3 of said code; to repeal §18A-3-2d of said code; to repeal §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3 and §18A-3A-5 of said code; to repeal §18B-11-4 and §18B-11-6 of said code; to amend and reenact §4-13-2 of said code; to amend and reenact §5-26A-3 of said code; to amend and reenact §5B-2C-6 of said code; to amend and reenact §5F-1-2 of said code; to amend said code by adding thereto a new section, designated §5F-1-6; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §18-2I-1, §18-2I-2 and §18-2I-4 of said code; to amend and reenact §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a and §18-10A-12 of said code; to amend and reenact §18-30-4 of said code; to amend and reenact §18A-2-9 and §18A-2-12 of said code; to amend and reenact §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code; to amend and reenact §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §18B-3D-2 of said code; to amend and reenact §18B-16-5 and §18B-16-8 of said code; to amend and reenact §18B-18B-1 of said code; and to amend and reenact §29-24-3 and §29-24-5 of said code, all relating to revising the processes through which professional development is delivered for those who provide public education in this state, including improvement of the focus on school-level continuous improvement processes led by the principal, generally; eliminating administrative offices, duplicative programs and obsolete provisions; repealing provisions related to creation and duties of distance learning coordinating council; repealing provisions related to annual state board professional development master plan; repealing provisions related to beginning principal internships; repealing provisions related to center for professional development and principals academy curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related to pilot program of delivering

educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; repealing provisions creating the National Institute For Teaching Excellence and its governing board; modifying membership of Sesquicentennial of the American Civil War Commission; modifying membership of Commission for National and Community Service; removing Department of Education and the Arts as option to provide technical support to the Academy of Science and Technology in preparation of annual report; eliminating Department of Education and the Arts as executive department headed by secretary; establishing internal effective date; transferring Division of Culture and History and Division of Rehabilitation Services to Department of Commerce; making the Educational Broadcasting Authority and Library Commission each an independent agency within executive branch; correcting names of agencies; eliminating salary of Secretary of Education and the Arts; modifying the scope and goals of the system for coordination and delivery of professional development to be instituted by State Board of Education; modifying legislative findings with respect to professional development; eliminating requirement for State Board of Education master plan for professional development; requiring State Board of Education rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; transferring the Center for Professional Development to be under the authority and control of the State Board of Education; replacing references to the secretary and the Department of Education and the Arts in rehabilitation and vocational services related statutes; modifying membership of College Prepaid Tuition and Savings Program Board; including instructional leadership among the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving from a precertification requirement to a pre-employment requirement that principals, assistant principals and administrators complete education and training in evaluation skills; deleting provisions proscribing limitations on certain rights and privileges of principals and assistant principals as teachers; removing requirements for interaction between State Board of Education and Center for

Professional Development regarding performance evaluations; removing proscription of issuance or renewal of certain administrative certificate; removing requirement for State Board of Education consultation with Secretary of Education and Arts and Chancellor for Higher Education prior to exercise of authority over education; adding within standards for education of professional educators requirement providing for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America; eliminating references to regional education service agencies; removing requirement for State Board of Education to consult with Secretary of Education and the Arts and the Chancellor of Higher Education; removing provisions related to required training and professional development of principals through principals academy; adding instructional leadership and management techniques to required minimum standards for rule governing training of principals; removing language relating to waivers, ineligibility, progress tracking and expenses relating to training of principals; requiring county professional staff development councils to base proposals for staff development on analysis of individual and collective need indicated in school's strategic plans; incorporating development of certain teachers, principals, assistant principals, vocational administrators and others in the provisions for a comprehensive system to improve teaching and learning; making legislative finding that professional development resources must be focused rather than increased; removing obsolete provisions related to phased implementation of provisions for professional personnel evaluations; eliminating requirement for five percent of evaluations to be based on state summative assessment and increasing percent based on evidence of student learning by five percent; incorporating principals into the comprehensive system of support for improved professional performance; requiring deficiencies identified through personnel evaluations to be incorporated in strategic plans for continuous improvement; removing language requiring posting and other provisions relating to employment; restricting certain appropriations for certain activities; modifying membership and selection process for members of Higher Education Policy Commission; modifying membership of Workforce Development Initiative Program

Advisory Committee; updating agency references and removing Secretary of Education and the Arts with respect to rural health initiative; modifying membership of Science and Research Council; transferring certain references and responsibilities to Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities Board to Secretary of Commerce; directing the adoption and promulgation of rules and guidelines; and making consequential changes incident to the elimination of agencies or programs or the modification of duties, responsibilities and functions.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 511**), and there were—yeas 60, nays 36, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Iaquinta, Isner, Longstreth, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Capito, Deem and C. Romine.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4006) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the adoption, as amended, of

**Com. Sub. for S. J. R. 3**, Judicial Budget Oversight Amendment.

On motion of Delegate Cowles, the House of Delegates refused to concur in the following amendment by the Senate and requested the Senate to recede therefrom.

On page three, section fifty-one, Subsection B, lines forty-one through fifty-two, by striking out all of subdivision (5) and by inserting in lieu thereof a new subdivision, designated subdivision (5), to read as follows:

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That ~~no item relating to the judiciary shall be decreased,~~ the Legislature may not decrease the total general revenue appropriations to the judiciary provided by the budget bill by more than fifteen percent of the amount of the total general revenue appropriations to the judiciary in the current fiscal year's budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals. ~~and~~ Except as otherwise provided in this constitution, the salary or compensation of any public officer shall not be increased or decreased during his or her term of office: *Provided further however*, That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.

On page six, line one hundred nineteen, by striking out everything after the word "follows" and the colon, and inserting in lieu thereof the following: "Providing that the total general revenue appropriations to the judiciary may be reduced in the budget bill, and setting forth the required procedures to be followed by the Legislature to enact any decrease of more than fifteen percent in the total general revenue appropriations to the judiciary provided in the budget bill from the total general revenue appropriations to the judiciary provided in the preceding budget bill; providing that when requested by the Legislature, the Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill; and conforming language relating to the introduction of the budget and matters that may be taken up

during extended sessions to more recent amendments to the constitution.”

And,

By amending the title of the resolution to read as follows:

**Com. Sub. for S. J. R. 3** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the state budget and related matters; providing that total general revenue appropriations to the judiciary may be decreased in the budget bill; providing that the Legislature may not reduce the total general revenue appropriation to the judiciary provided by budget bill in an amount greater than fifteen percent of the total general revenue appropriation enacted in the current fiscal year’s budget unless such reduction is approved by a 2/3 vote of each house of the Legislature; providing rights and duties of the Chief Justice of the Supreme Court of Appeals relating to appearances before the Legislature and answering inquiries with respect to any budget bill; amending and adding language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session to conform the section to more recent amendments to the constitution; making technical corrections to gender related language; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

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

### **Conference Committee Report Availability**

At 4:57 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. B. 582**, Allowing candidate for political party executive committee serve as election official, shall be available in the Clerk’s Office.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect July 1, 2018, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4009**, State Settlement and Recovered Funds Accountability Act.

Delegate Cowles moved that the House of Delegates concur with further title amendment, and the House concurred in the following amendment by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 3. ATTORNEY GENERAL.**

**§5-3-5. Fees to be paid into State Treasury.**

[Repealed.]

### **ARTICLE 3A. STATE SETTLEMENT AND RECOVERED FUNDS ACCOUNTABILITY ACT.**

**§5-3A-1. Short title.**

This article may be known and cited as the State Settlement and Recovered Funds Accountability Act.

**§5-3A-2. Legislative findings.**

(a) The Legislature hereby finds and declares that:

(1) Public accountability for funds or other assets recovered in a legal action or settlement by or on behalf of the general public, the state or its officers, agencies or political subdivisions is appropriate and required, whether the character of the assets or funds recovered is public or private;

(2) Accountability for assets or funds recovered by, or behalf of, the state is essential to the public trust;

(3) While it may be important that in certain circumstances funds or assets received retain their character, identity, and purpose, it is also important that the process by which funds are administered be open to public scrutiny and accountability to the public; and

(4) The power to appropriate funds for public purposes is solely within the purview of the legislative branch of government, and the Legislature, as a steward of the budgetary process, shall take steps to assure that settlements are handled in a manner that assures maximum accountability to the citizens of the state and their duly elected legislative representatives.

**§5-3A-3. Funds to be deposited in State Treasury subject to appropriation; exceptions.**

(a) Unless excepted under subsection (d) of this section, when the Attorney General or other officer or agency of the state, in accordance with statutory or common law authority, is a party to or has entered his or her appearance in a legal action on behalf of the State of West Virginia, including ex rel. or other type actions, or participated in a claim that resulted in an extra-judicial settlement, and a disposition of that action or claim has resulted in the recovery of funds or assets to the state, of any kind or nature whatsoever, including, but not limited to, public funds and private funds or assets, the funds or assets awarded to the state are public funds and shall be deposited in the State Treasury in the General Revenue Fund. Nothing in this subsection shall be construed to apply to equitable relief that is obtained and directly related to any action or claim referenced in this subsection.

(b) Unless excepted under subsection (d) of this section, when the Attorney General or other officer or agency of the state, in accordance with statutory or common law authority, is a party to or has entered his or her appearance in a legal action on behalf of the State of West Virginia, including ex rel. or other type actions or participated in a claim that resulted in an extra-judicial settlement



and a disposition of that action or claim has resulted in the recovery of funds or assets to be held in trust by the state, through court action or otherwise, to administer the trust funds or assets, for charitable, eleemosynary, benevolent, educational, or similar public purposes, those funds shall be deposited in a special revenue account or trust fund established in the State Treasury. The Attorney General or other officer or agency of the state or a person, organization, or entity created by the Attorney General or other officer or agency of the state are prohibited from administering trust funds or assets for charitable, eleemosynary, benevolent, educational, or similar public purposes except as is thereafter provided by appropriation or statutory authorization. Nothing in this subsection shall be construed to apply to equitable relief that is obtained and directly related to any action or claim referenced in this subsection.

(c) Assets or funds deposited in an account in the State Treasury pursuant to subsection (a) or (b) of this section shall not be disbursed without a specific legislative appropriation of the deposited funds by the Legislature.

(d) With respect to funds or assets collected or recovered under subsections (a) or (b) of this section, the following shall apply and not be deposited in the General Revenue Fund of the state:

(1) Monies recovered or received by the state pursuant to §46A-7-101 *et seq.* of this code, in which event the monies shall be deposited in the Consumer Protection Recovery Fund in accordance with, and otherwise comply with §5-3A-4 of this code;

(2) The recovery was on behalf of a political subdivision of the state and the funds or assets were specifically awarded to the political subdivision, in which event the recovery shall be transmitted to the treasurer of such political subdivision for deposit in its general fund;

(3) If, as part of a recovery under subsections (a) or (b) of this section, attorney fees, expenses, and costs are specifically awarded to the Attorney General, those monies shall be deposited in the Attorney General's General Administrative Fund and shall be available for expenditure by the Attorney General: *Provided, That*

should the matter involve an action brought by the Attorney General pursuant to §47-18-1 et seq. of this code, then such award of attorney fees, expenses, and costs shall be deposited in the Attorney General's Antitrust Enforcement Fund and shall be available for expenditure: *Provided, however,* That should the specifically awarded attorney fees and costs be owed to a special Assistant Attorney General appointed by the Attorney General pursuant to section three-a, article three of this chapter, then such attorney fees and expenses shall be paid to the Special Assistant Attorney General; or

(4) Civil asset forfeiture proceedings; or

(5) Fines and civil penalties.

#### **§5-3A-4. Retention of operational monies by Attorney General.**

(a) *Legislative findings and purpose.* – The Legislature finds and recognizes that the Attorney General bears the responsibility to investigate, research, prepare pleadings, and, if appropriate, bring action on behalf of the State, its agencies and its citizens. These litigation responsibilities include employing attorneys, investigators, support staff, and other administrative costs and expenses in performance of the Attorney General's duties. In order to effectively and efficiently perform litigation responsibilities, certain operational monies need to be retained by the Attorney General's office.

(b) Except as required under subsection (c) of this section, any monies recovered or received by the state as a result of a civil action filed by the Attorney General pursuant to §46A-7-1 et seq. of this code, shall be deposited in a separate special revenue fund by the State Treasurer, to be known as the Consumer Protection Recovery Fund, which is hereby created in the State Treasury and to be administered by the Attorney General as follows:

(1) The Attorney General shall transfer, upon the expiration of each fiscal year, from the Consumer Protection Recovery Fund into the General Revenue Fund of the state, any unencumbered monies

in excess of \$7 million from the balance remaining in the Consumer Protection Recovery Fund.

(2) The monies in the Consumer Protection Recovery Fund shall be used by the Attorney General for the direct and indirect administrative, investigative, compliance, enforcement, or litigation costs and services incurred for consumer protection purposes in accordance with the provisions of chapter 46-A of this code.

(c) Any monies received by the Attorney General for the specific purpose of consumer restitution or refunds shall be placed in a separate special revenue fund by the State Treasurer, to be known as the Consumer Protection Restitution Fund, which is hereby created in the State Treasury under the administration of the Attorney General. All monies placed in the Consumer Protection Restitution Fund shall be paid out to the specific consumers for whom recovery was made: *Provided*, That when the Attorney General is unable to locate a consumer, for purposes of payment of restitution or refund, within one year of the date of receipt of any such restitution, said funds shall be transferred to the Consumer Protection Recovery Fund.

(d) Upon the effective date of this section, the Consumer Protection Fund, heretofore created in the State Treasury and administered by the Attorney General, is terminated and closed and any balance remaining in the fund shall be transferred to the Consumer Protection Recovery Fund for expenditure pursuant to subsection (b) of this section.

#### **§5-3A-5. Preparation and enforceability of orders.**

(a) In the preparation of a settlement agreement, conciliation agreement, memorandum of understanding, or other type of agreement setting forth a disposition that will result in the recovery of funds or assets by the state, the Attorney General, or other officer or agency of the state who is a party to or has entered his or her appearance in the action on behalf of the State of West Virginia, may not agree to any terms contrary to the provisions of §5-3A-3 or §5-3A-4 of this code.

(b) In the preparation of a judgment order that will result in the recovery of funds or assets by the state, the Attorney General, or other officer or agency of the state who is a party to or has entered his or her appearance in the action on behalf of the State of West Virginia, shall advise the court of the provisions of this section and of the provisions of §5-3A-3 or §5-3A-4 of this code.

(c) In the event of an extra-judicial settlement that would result in the recovery of funds or assets by the state, the Attorney General, or other officer or agency of the state acting on behalf of the State of West Virginia, may not agree to any terms contrary to the provisions of sections three or four of this article.

#### **§5-3A-6. Reporting and accountability.**

(a) For purposes of this section, the Attorney General shall, on or before August 15 of each year, deliver to the Governor, the Joint Committee on Government and Finance, and the State Auditor, a report providing an accounting of receipts and expenditures for each fund administered by the Attorney General during the next preceding fiscal year.

(b) In addition to, and separate from, the annual report required to be filed under §5-3-4 of this code, the Attorney General shall, on or before January 15 of each year, deliver to the Governor, the Joint Committee on Government and Finance, and the State Auditor, a report of the causes described in §5-3A-3 of this code, in which there has been a disposition, and any extra-judicial settlements obtained, and summary of, the disposition, including amounts or assets recovered by the state during the next preceding calendar year.

(c) The report required by subsection (b) of this section shall also include:

(1) Amounts paid to any Special Assistant Attorney General or other persons under contract with the Attorney General to perform legal services, for representing the state or a public officer or employee of the state; and

(2) The amount of judgments, settlements, costs, and fees awarded by the courts to the Attorney General or to the state, including its officers or agencies, in which the Attorney General has served as counsel on behalf of the state.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4009** - “A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and providing exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; requiring legislative appropriation of those funds and assets; creating two special revenue funds in the state treasury, known as the Consumer Protection Recovery Fund and the Consumer Protection Restitution Fund; requiring annual transfer of monies exceeding \$7 million in the Consumer Protection Recovery Fund to the General Revenue Fund; requiring for disbursement of funds from the Consumer Protection Recovery Fund; requiring transfer of funds from the Consumer Protection Recovery Fund into the Consumer Protection Recovery Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring reporting by the Attorney General to report annually as to the receipts and expenditures of the funds and the disposition of causes; and repealing provisions requiring the Attorney General to deposit all fees received for representing the state into the General Revenue Fund.”

The bill, was amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 512**), and there were—yeas 76, nays 21, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Boggs, Byrd, Eldridge, E. Evans, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquinta, Lovejoy, Lynch, Moye, Pushkin, Pyles, Robinson, Rowe, Thompson, Upson, Ward and Williams.

Absent and Not Voting: Capito and Deem.

So, a majority of the members elected to the House of Delegates having voting in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4009) passed.

On motion of Delegate Cowles, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4009** - “A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and providing exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; requiring legislative appropriation of those funds and assets; creating two special revenue funds in the state treasury, known as the Consumer Protection Recovery Fund and the Consumer Protection Restitution Fund; requiring annual transfer of monies exceeding \$7 million in the Consumer Protection Recovery Fund to the General Revenue Fund; providing for disbursement of funds from the Consumer Protection Recovery Fund; requiring transfer of funds from the Consumer Protection Restitution Fund into the Consumer Protection Recovery Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to

the provisions of law; requiring reporting by the Attorney General to report annually as to the receipts and expenditures of the funds and the disposition of causes; and repealing provisions requiring the Attorney General to deposit all fees received for representing the state into the General Revenue Fund.”

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 513**), and there were—yeas 92, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Pushkin, Pyles, Robinson, Upson and Ward.

Absent and Not Voting: Capito and Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4009) takes effect July 1, 2018.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4150**, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient.

Delegate Cowles moved that the House of Delegates concur with further title amendment, and the House concurred in the following amendment by the Senate:

On page three, section five hundred one, line fifty-five, after the word “number”, by striking out the comma and the word “location”.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 514**), and there were—yeas 96, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan and Robinson.

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4150) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4150** - “A Bill to amend the Code of West Virginia, 1931, as amended, to amend and reenact §46A-6F-501; all relating generally to prohibiting telemarketing companies from transmitting misleading or inaccurate caller identification information; and providing exceptions thereto.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect July 1, 2018, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4338**, Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety.

Delegate Cowles moved that the House of Delegates concur in the following amendment of the bill by the Senate with further amendment:

On page two, by striking out everything after the enacting clause and inserting in lieu thereof the following:



**“CHAPTER 6. GENERAL PROVISIONS RESPECTING  
OFFICERS.**

**ARTICLE 7. COMPENSATION AND ALLOWANCES.**

**§6-7-2a. Terms of certain appointive state officers;  
appointment; qualifications; powers and salaries of  
officers.**

(a) Each of the following appointive state officers named in this subsection shall be appointed by the Governor, by and with the advice and consent of the Senate. Each of the appointive state officers serves at the will and pleasure of the Governor for the term for which the Governor was elected and until the respective state officers' successors have been appointed and qualified. Each of the appointive state officers are subject to the existing qualifications for holding each respective office and each has and is hereby granted all of the powers and authority and shall perform all of the functions and services heretofore vested in and performed by virtue of existing law respecting each office.

The annual salary of each named appointive state officer is as follows:

Commissioner, Division of Highways, \$92,500; Commissioner, ~~Division of Corrections~~ Division of Corrections Division of Corrections and Rehabilitation, ~~\$80,000~~ \$90,000; Director, Division of Natural Resources, \$75,000; Superintendent, State Police, \$85,000; Commissioner, Division of ~~Banking~~ Financial Institutions, \$75,000; Commissioner, Division of Culture and History, \$65,000; Commissioner, Alcohol Beverage Control Commission, \$75,000; Commissioner, Division of Motor Vehicles, \$75,000; Director, Human Rights Commission, \$55,000; Commissioner, Division of Labor, \$70,000; ~~prior to July 1, 2011, Director, Division of Veterans Affairs, \$65,000~~; Chairperson, Board of Parole, \$55,000; members, Board of Parole, \$50,000; members, Employment Security Review Board, \$17,000; and Commissioner, Workforce West Virginia, \$75,000. Secretaries of the departments shall be paid an annual salary as follows: Health and Human Resources, \$95,000: *Provided*, That effective July 1, 2013, the Secretary of the Department of Health and

Human Resources shall be paid an annual salary not to exceed \$175,000; Transportation, \$95,000: *Provided, however,* That if the same person is serving as both the Secretary of Transportation and the Commissioner of Highways, he or she shall be paid \$120,000; Revenue, \$95,000; Military Affairs and Public Safety, \$95,000; Administration, \$95,000; Education and the Arts, \$95,000; Commerce, \$95,000; Veterans' Assistance, \$95,000; and Environmental Protection, \$95,000: *Provided further,* That any officer specified in this subsection whose salary is increased by more than \$5,000 as a result of the amendment and reenactment of this section during the 2011 regular session of the Legislature shall be paid the salary increase in increments of \$5,000 per fiscal year beginning July 1, 2011, up to the maximum salary provided in this subsection.

(b) Each of the state officers named in this subsection shall continue to be appointed in the manner prescribed in this code and shall be paid an annual salary as follows:

Director, Board of Risk and Insurance Management, \$80,000; Director, Division of Rehabilitation Services, \$70,000; Director, Division of Personnel, \$70,000; Executive Director, Educational Broadcasting Authority, \$75,000; Secretary, Library Commission, \$72,000; Director, Geological and Economic Survey, \$75,000; Executive Director, Prosecuting Attorneys Institute, \$80,000; Executive Director, Public Defender Services, \$70,000; Commissioner, Bureau of Senior Services, \$75,000; Executive Director, Women's Commission, \$45,000; Director, Hospital Finance Authority, \$35,000; member, Racing Commission, \$12,000; Chairman, Public Service Commission, \$85,000; members, Public Service Commission, \$85,000; Director, Division of Forestry, \$75,000; ~~Director, Division of Juvenile Services, \$80,000; Executive Director, Regional Jail and Correctional Facility Authority, \$80,000~~ and Executive Director of the Health Care Authority, \$80,000.

(c) Each of the following appointive state officers named in this subsection shall be appointed by the Governor, by and with the advice and consent of the Senate. Each of the appointive state officers serves at the will and pleasure of the Governor for the term for which the Governor was elected and until the respective state

officers' successors have been appointed and qualified. Each of the appointive state officers are subject to the existing qualifications for holding each respective office and each has and is hereby granted all of the powers and authority and shall perform all of the functions and services heretofore vested in and performed by virtue of existing law respecting each office.

The annual salary of each named appointive state officer shall be as follows:

Commissioner, State Tax Division, \$92,500; Insurance Commissioner, \$92,500; Director, Lottery Commission, \$92,500; Director, Division of Homeland Security and Emergency Management, \$65,000; and Adjutant General, \$125,000.

(d) No increase in the salary of any appointive state officer pursuant to this section may be paid until and unless the appointive state officer has first filed with the State Auditor and the Legislative Auditor a sworn statement, on a form to be prescribed by the Attorney General, certifying that his or her spending unit is in compliance with any general law providing for a salary increase for his or her employees. The Attorney General shall prepare and distribute the form to the affected spending units.

## **CHAPTER 15A. DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY.**

### **ARTICLE 1. DEFINITIONS.**

#### **§15A-1-1. Rules of construction generally.**

Whenever in this chapter, or in any rule or regulation authorized by it, any of the words, terms, or phrases defined in this article are used, they shall be taken and construed to have the meaning, application, and effect ascribed to them in this article, unless otherwise specified or clearly intended.

#### **§15A-1-2. 'Department.'**

'Department' means the Department of Military Affairs and Public Safety.

**§15A-1-3. ‘Secretary.’**

‘Secretary’ means the Secretary of the Department of Military Affairs and Public Safety.

**§15A-1-4. ‘Commissioner’ defined.**

‘Commissioner’ means the Commissioner of the Division of Corrections and Rehabilitation within the Department of Military Affairs and Public Safety.

**§15A-1-5. ‘Inmate’ defined.**

‘Inmate’ means an adult incarcerated person.

**§15A-1-6. ‘Resident’ defined.**

‘Resident’ means a juvenile within the custody of the Division of Corrections and Rehabilitation.

**ARTICLE 2. DIVISION OF ADMINISTRATIVE SERVICES.****§15A-2-1. Division of Administrative Services.**

(a) The Division of Administrative Services is created within the department to perform the administrative services for identified agencies within the department.

(b) The Division of Administrative Services shall provide fiscal services, payroll services, human resources services, and procurement services for the Division of Corrections and Rehabilitation, created in §15A-3-1 *et seq.* of this code, and any other agencies or boards required by the secretary: *Provided*, That the secretary may not require the administrative services of the State Police, the West Virginia National Guard, or the West Virginia Military Authority be provided by the Division of Administrative Services.

(c) The State Police, the West Virginia National Guard, and the West Virginia Military Authority may elect to utilize the services of the Division of Administrative Services. The director of the

Division of Administrative Services is authorized to enter into a memorandum of understanding with the head of the State Police, the West Virginia National Guard, or the West Virginia Military Authority to effectuate this utilization.

**§15A-2-2. Division director; appointment and qualifications; powers and duties.**

(a) The secretary shall appoint a director for the Division of Administrative Services who shall serve at the will and pleasure of the secretary. The director shall have extensive knowledge in the field of public safety and the principles and practices of administration and experience in the civil service system.

(b) The director shall have control and supervision of the Division of Administrative Services and shall be responsible for the work of each of its employees.

(c) The director shall have the authority to employ all personnel necessary to perform the functions of the Division of Administrative Services. The director shall also have the authority to employ assistants and attorneys as may be necessary for the efficient operation of the Division of Administrative Services.

(d) The director shall perform the duties herein specified and shall also perform other duties as the secretary may prescribe.

(e) Where reference in this article is made to the 'director', it shall mean the Director of the Division of Administrative Services.

**§15A-2-3. Transfer of employees; continuation of programs; transfer of equipment and records; protection.**

(a) Effective July 1, 2018, all persons employed on the effective date of this article by the Division of Juvenile Services, the Regional Jail and Correctional Facility Authority or the Division of Corrections whose current employment responsibilities include those to be provided by the Division of Administrative Services are hereby assigned and transferred to the Division of Administrative Services.

(1) The Division of Administrative Services shall assume all responsibilities of the administrative services sections of the Division of Juvenile Services, the Regional Jail and Correctional Facility Authority and the Division of Corrections, including those related to ongoing programs, benefits, litigation or grievances.

(2) All equipment and records necessary to effectuate the purposes of this article shall be transferred to the Division of Administrative Services.

(b) Any person transferred to the office of the director of the division of administrative services who on the effective date of this article is a classified civil service employee shall, within the limits contained in §29-6-1 *et seq.* of this code, remain in the civil service system as a covered employee. Any person transferred to the office of the director of the division of administrative services who on the effective date of this article is a classified exempt civil service employee, other than the Director, and his or her Deputy Directors, and one exempt assistant, shall, within the limits contained in §29-6-1 *et seq.* of this code, be transferred into the civil service system as a permanent covered employee, and is no longer exempt: *Provided*, That any transferred employee that has been employed in his or her position for less than the required probationary period must first complete the probationary period prior to becoming a permanent covered employee.

### **ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.**

#### **§15A-3-1. Purpose and legislative intent.**

(a) The primary purpose of the Division of Corrections and Rehabilitation is to enhance public safety by providing for the detention of juvenile offenders, both pretrial and adjudicated, pretrial detention of adult persons facing criminal charges, and incarceration and care of adult convicted offenders who have been sentenced by courts of proper jurisdiction to serve terms of incarceration.

(b) It is the intent of the Legislature:

(1) That juveniles and adult offenders be afforded appropriate education and treatment to reestablish their ability to live peaceably, consistent with the protection of the community;

(2) That persons held in pretrial detention, and committed to jails and correctional institutions of the state for whom release is available for crimes, be afforded appropriate treatment to reestablish their ability to live peaceably, consistent with the protection of the community;

(3) That persons committed to jails and correctional institutions of the state be released at the earliest possible date, consistent with public safety;

(4) To establish a just, humane, and efficient corrections program; and

(5) To avoid duplication and waste of effort and money on the part of public and private agencies.

(c) This chapter shall be construed in favor of public safety.

**§15A-3-2. Division of Corrections and Rehabilitation established.**

(a) The Division of Corrections and Rehabilitation is hereby established within the Department of Military Affairs and Public Safety. The executive and administrative head of the Division of Correction and Rehabilitation shall be the Commissioner appointed pursuant to §15A-3-3 of this code.

(b) Effective July 1, 2018, the Division of Corrections and the Division of Juvenile Services are hereby abolished. Except as otherwise provided in this chapter, the powers and authority of those divisions are hereby transferred to the Division of Corrections and Rehabilitation.

(c) Effective July 1, 2018, the powers and authority of the Regional Jail and Correctional Facility Authority Board, in relation to all functions of correctional operations, are hereby transferred to the Division of Corrections and Rehabilitation. The Regional Jail

and Correctional Facility Authority Board shall only retain the powers authorized in §15A-8-1 et seq. of this code.

(d) Whenever in this code a reference is made to the Division of Corrections, it shall be construed to mean the Division of Corrections and Rehabilitation. Wherever in this code a reference is made to the Division of Juvenile Services, it shall be construed to mean the Division of Corrections and Rehabilitation. Whenever in this code reference is made to the Regional Jail and Correctional Facility Authority Board in relation to operations of any of the regional jails, it shall be construed to mean the Division of Corrections and Rehabilitation.

(f) Any person employed by the Division of Corrections and Rehabilitation who on the effective date of this article is a classified service employee shall, within the limits contained in §29-6-1 et seq. of this code, remain in the classified service system as a covered employee.

(e) Where reference in this article is made to the 'division', it shall mean the Division of Corrections and Rehabilitation.

**§15A-3-3. Commissioner of division; qualifications, oath and bond.**

(a) A commissioner of the Division of Corrections and Rehabilitation shall be appointed by the Governor, by and with the advice and consent of the Senate, as provided in §6-7-2a of this code.

(b) Effective July 1, 2018, the offices of Commissioner of Division of Corrections, the Director of Juvenile Services, and the Executive Director of the Regional Jail and Correctional Facility Authority are hereby abolished. Except as otherwise provided in this chapter, the powers and authority of those officers are vested in the Commissioner of the Division of Corrections and Rehabilitation.

(c) The commissioner shall take and subscribe to the oath prescribed by the Constitution for public officials and shall execute an official bond in a penalty of \$15,000, conditioned as required by



law. Premiums on the bond shall be paid from appropriations made for the commissioner's office. The bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor and, when fully executed and approved, shall be filed in the office of the Secretary of State.

(d) Whenever in this code, reference is made to the Commissioner of the Division of Corrections or the Director of the Division of Juvenile Services, it shall be construed to mean the Commissioner of the Division of Corrections and Rehabilitation. Whenever in this code reference is made to the Executive Director of the Regional Jail and Correctional Facility Authority, in relation to operations of any of the regional jails, it shall be construed to mean the Commissioner of the Division of Corrections and Rehabilitation.

**§15A-3-4. Powers and duties of commissioner generally.**

(a) The commissioner, in order to carry out the purposes and intent of this chapter, shall:

(1) Exercise general supervision over the administration of the institutions under the jurisdiction of the division;

(2) Establish separate subdivisions, including a Bureau of Prisons and Jails, a Bureau of Juvenile Services, and a Bureau of Community Corrections, each to be headed by assistant commissioners, and other subdivisions as he or she deems advisable, which may be headed by one of the assistant commissioners, or by deputy directors. Nothing herein shall prohibit the commissioner from appointing the same person to head more than one subdivision;

(3) Establish rules, policies, and regulations in writing governing all subdivisions and institutions within the division;

(4) Establish an appropriate training program for personnel of the division;

(5) Classify the institutions of the division, varying according to the factors as security features, program, age, and sex of inmates, physical stature or size, character of inmates;

(6) Establish a system of classification of inmates and residents, through a reception and examination procedure;

(7) Cooperate with the Department of Education in providing for the education of inmates and residents in all institutions within the division, as provided in §18-2-13f of this code and any other provision of this code;

(8) Supervise the treatment, custody, and discipline of all inmates and residents and the maintenance of the institutions and their industries;

(9) Establish a system of compensation for inmates and residents of the institutions of the state who perform good and satisfactory work either within the industrial program or in the servicing and maintenance of the institutions or any other institutions or camps within the state. The commissioner, or his or her designee, may establish a graduated scale of compensation to be paid to inmates and residents in accordance with their skill in industry; and

(10) Subject to the provisions in §25-1A-5 of this code, provide for the transportation of inmates between the jails and local holding facilities for court appearances.

(b) The commissioner, in order to carry out the purposes and intent of this chapter, may:

(1) Appoint a deputy commissioner to assist in the day to day operations of the division;

(2) Employ professional and support staff, including, but not limited to, certified public accountants, attorneys, assistants, and other employees as necessary for the efficient operation of the division;

(3) Acquire, own, hold, and dispose of property, real and personal, tangible and intangible;

(4) Lease property, whether as a lessee or lessor;

(5) Conduct examinations and investigations and hear testimony and take proof, under oath or affirmation;

(6) Issue subpoenas requiring the attendance of witnesses and the production of books and papers relevant to any hearing before the commissioner, or his or her designee, to conduct any hearing;

(7) Apply to the circuit court having venue of the offense to have punished for contempt any witness who refuses to obey a subpoena, refuses to be sworn or affirmed, or refuses to testify, or who commits any contempt after being summoned to appear;

(8) Sue and be sued, implead and be impleaded, and complain and defend in any court;

(9) Propose rules for legislative approval for the management and regulation of the affairs of the division pursuant to the provisions of §29A-3-1 *et seq.* of this code;

(10) Make policies for the management and regulation of the affairs of the divisions;

(11) Make contracts of every kind and nature and to execute all instruments necessary or convenient for carrying on its business, including contracts with any other governmental agency of this state or of the federal government or with any person, individual, partnership, or corporation to affect any or all of the purposes of this chapter;

(12) Accept gifts or grants of property, funds, security interests, money, materials, labor, supplies, or services from the United States of America or from any governmental unit or any person, firm, or corporation, acceptance or disposition of gifts or grants; and

(13) Designate a facility as a rehabilitation facility; a rehabilitation facility may utilize recommendations on programming from West Virginia higher education institutions and share statistical data with the same institutions for study on the effectiveness of services provided by the institution.

**§15A-3-5. Officers and employees of corrections institutions.**

(a) The commissioner, or his or her designee, has the authority to manage and administer the finances, business, operations, security, and personnel affairs of correctional units and juvenile facilities under the jurisdiction of the division.

(b) The superintendent of each institution or correctional unit has the power to hire all assistants and employees required for the management of the institution in his or her charge, but the number of the assistants and employees, and their compensation, shall first be approved by the commissioner.

(c) It is the duty of the commissioner to investigate any complaint made against the superintendent of any institution, and against any other officer or employee thereof, if the same has not been investigated.

(d) All prospective correctional employees shall pass a preemployment drug screening prior to being hired.

(e) All persons employed at a state-operated correctional institution or correctional unit are subject to the supervision and approval of the superintendent and the authority of the commissioner, or his or her designee, except those persons employed by the State Board of Education, pursuant to §18-2-13f of this code.

**§15A-3-6. Hiring of correctional officer without regard to position on the register.**

Notwithstanding any provision of law to the contrary or any rule promulgated under the provisions of this code, the Division of Corrections and Rehabilitation may hire any person listed on the Correctional Officer I Register for employment as a Correctional

Officer I without regard to the person's position on the register: *Provided*, That no person on the Correctional Officer I Register may be offered employment or hired before an otherwise qualified person on a preference register who is willing to accept the position.

**§15A-3-7. Compensation of employees; traveling and other expenses.**

The commissioner shall, in accordance with the provisions of §29-6-1 *et seq.* of this code, approve the salaries of all employees of the division. Salaries shall be commensurate with their duties and responsibilities, but no meals or other emoluments of any kind shall be furnished, given, or paid to the employee as all or part of their salary. The employees may be provided meals, household facilities, and supplies as may be necessary for them to perform their duties, if the employees agree to pay the reasonable cost as established by the commissioner. In the event of an emergency, such as a riot or other disturbance, the commissioner may authorize meals to be provided to employees at no cost. Additionally, the commissioner may establish a procedure to reimburse employees reasonable costs in the event the employee's personal property is stolen or damaged by an inmate or resident. All persons employed under this article are entitled to be reimbursed for necessary traveling and other expenses.

**§15A-3-8. Reports by commissioner and chief officers of institutions to Auditor.**

The commissioner shall, from time to time, as may be necessary, make a report to the Auditor, which shall state the name of each person employed at any of the institutions named in §15A-3-12 of this code, his or her official designation and biweekly rate of compensation, and out of what funds or appropriation the same is payable. The superintendent of the institution, or other person who may have been appointed for the purpose by the commissioner, shall make and certify to the Auditor at the end of each month a list of persons to whom any payments may be due, stating for what purpose due, the amount due each person, and the fund or appropriation from which payable; one copy whereof shall

be filed in the office of the institution where made, and one in the office of the commissioner. If the Auditor finds the list correct and in accordance with the reports made to him or her by the commissioner, he or she may pay to the persons entitled thereto the amounts so certified as due each.

**§15A-3-9. Special compensation of officers and employees prohibited; penalty.**

No officer or employee shall receive, directly or indirectly, any other compensation for his or her services than that provided by law, or by the commissioner before his or her appointment, nor shall he or she receive any compensation whatever, directly or indirectly, for any act or service which he or she may do or perform for or on behalf of any contractor, or agent, or employee of a contractor. For any violation of this section the officer, agent, or employee of the state engaged therein shall be dismissed from his or her office or service, and every contractor, or employee, or agent of a contractor, engaged therein shall be expelled from the grounds of an institution, and not again employed in any institution as a contractor, agent, or employee.

**§15A-3-10. Law-enforcement powers of employees.**

(a) Other than as outlined in this section, a correctional officer employed by the division is not a law-enforcement officer as that term is defined in §30-29-1 of this code.

(b) The commissioner is a law-enforcement official, and has the authority to use, and permit and allow or disallow his or her designated employees to use, publicly provided carriage to travel from their residences to their workplace and return: *Provided*, That the usage is subject to the supervision of the Commissioner and is directly connected with and required by the nature and in the performance of the official's or designated employee's duties and responsibilities.

(c) All employees of the division are responsible for enforcing rules and laws necessary for the control and management of

correctional units and the maintenance of public safety that is within the scope of responsibilities of the division.

(d) Persons employed by the Division of Corrections and Rehabilitation as correctional officers are hereby authorized and empowered to make arrests of persons already charged with a violation of law who surrender themselves to the correctional officer, to arrest persons already in the custody of the division for violations of law occurring in the officer's presence, to detain persons for violations of state law committed on the property of any facility under the jurisdiction of the commissioner, and to conduct investigations, pursue, and apprehend escapees from the custody of a facility of the division.

(e) The commissioner may designate correctional employees as correctional peace officers who have the authority:

(1) To detain persons for violations of state law committed on the property of any state correctional institution;

(2) To conduct investigations regarding criminal activity occurring within a correctional facility;

(3) To execute criminal process or other process in furtherance of these duties; and

(4) To apply for, obtain, and execute search warrants necessary for the completion of his or her duties and responsibilities.

(f) The Corrections Special Operations Team is hereby established and shall consist of the Corrections Emergency Response Team, the K9 unit, and the Crisis Negotiations team created under the former Division of Corrections. The Corrections Special Operations Team serves as the first responder necessary for the protection of life, liberty, and property. It shall have limited law-enforcement authority regarding matters occurring at jails, correctional centers, and juvenile centers, and arrest powers to apprehend escapees, absconders, and in all matters arising on the grounds of a facility under the care and control of the commissioner: *Provided*, That at any time the Corrections Special Operations Team is apprehending an escapee or an absconder

outside the confinement of the facility grounds, it does so with the assistance and cooperation of local law enforcement or the West Virginia State Police.

**§15A-3-11. Unauthorized use of uniform, badge, identification card, or other insignia; impersonation of member; and penalty.**

(a) The commissioner shall prescribe the design, or designs, of uniforms used by employees of the division, which shall be dissimilar to the design of the uniform worn by the members of the State Police or the established statewide uniform of a sheriff or deputy sheriffs. A municipality shall not adopt for its police officers or other employees a uniform which is similar in design to the uniform adopted by the commissioner.

(b) No person who is not an officer or employee of the Division of Corrections and Rehabilitation, and no officer or employee of the division who is not authorized to do so, may, with intent to deceive, wear, use, order to be used or worn, copy, or imitate in any respect or manner the uniform, badge, identification card, or other insignia prescribed for employees of the division.

(c) No person who is not an officer or employee of the Division of Corrections and Rehabilitation may falsely represent himself or herself to be an officer or employee of the Division of Corrections and Rehabilitation or to be under the order or direction of any officer or employee of the division.

(d) No person employed as an officer or employee of the Division of Corrections and Rehabilitation may use his or her position as such to threaten or coerce any other person in order to receive any favoritism, employment, or thing of favor by virtue of his or her employment with the division: *Provided*, That this subsection does not apply to violations of the Prison Rape Elimination Act.

(e) Any person who violates the provisions of §15A-3-118(b), §15A-3-11(c), or §15A-3-11(d) of this code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more



than \$200, or confined in the county or regional jail for not more than six months, or both fined and confined.

**§15A-3-12. Institutions managed by commissioner.**

(a) The commissioner shall manage, direct, control, and govern the prisons, jails, or correctional institutions of this state, and the juvenile facilities of this state, including, but not limited to:

Mount Olive Correctional Complex and Jail;

Huttonsville Correctional Center and Jail;

Anthony Correctional Center and Jail;

Denmar Correctional Center and Jail;

Pruntytown Correctional Center and Jail;

Northern Regional Jail and Correctional Center;

Saint Marys Correctional Center and Jail;

Lakin Correctional Center and Jail;

Ohio County Correctional Center and Jail;

Beckley Correctional Center and Jail;

Martinsburg Correctional Center and Jail;

Salem Correctional Center and Jail;

Parkersburg Correctional Center and Jail;

Charleston Correctional Center and Jail;

Central Regional Jail and Corrections Facility;

Eastern Regional Jail and Corrections Facility;

North Central Regional Jail and Corrections Facility;

Potomac Highlands Regional Jail and Corrections Facility;

South Central Regional Jail and Corrections Facility;

Southern Regional Jail and Corrections Facility;

Southwestern Regional Jail and Corrections Facility;

Tygart Valley Regional Jail and Corrections Facility;

Western Regional Jail and Corrections Facility;

Donald R. Kuhn Juvenile Center;

Gene Spadaro Juvenile Center;

J.M. Chick Buckbee Juvenile Center;

Kenneth "Honey" Rubenstein Juvenile Center;

Lorrie Yeager Juvenile Center;

Robert L. Shell Juvenile Center;

Sam Perdue Juvenile Center;

Tiger Morton Juvenile Center;

Vicki Douglas Juvenile Center; and

Any other juvenile or adult facility later transferred to the commissioner.

(b) The commissioner may contract with the county commission of McDowell County to house and incarcerate inmates at the Stevens Correctional Center consistent with all requirements and standards governing the division.

(c) The commissioner may contract with Youth Services System to house and detain juveniles at the Ronald Mulholland Juvenile Center consistent with all the requirements and standards governing the division.

(c) The commissioner may establish work and study release units as extensions and subsidiaries of those state institutions under

his or her control and authority. The work and study release units may be coeducational and shall be managed, directed, and controlled as provided in this article.

(d) The commissioner may contract with nonprofit or charitable entities including, but not limited to, nonprofit community mental health clinics, operating half-way houses, or transitional housing facilities for the placement of persons in the commissioner's custody, whether confined or under parole supervision, as long as the facilities meet standards and criteria established by the commissioner.

(1) The commissioner may direct that a person who is placed in a half-way house or transitional housing facility under this section make reimbursement to the state in the amount of a reasonable sum calculated to offset all or part of the costs of the placement. Prior to ordering the person to make the reimbursement, the commissioner, or his or her designee, shall consider the following:

(A) The person's ability to pay;

(B) The nature and extent of the person's responsibilities to his or her dependents, if any;

(C) The length of probable incarceration under the court's sentence; and

(D) The effect, if any, that reimbursement might have on the person's rehabilitation.

(2) The division shall provide the number of persons placed in a half-way house or a transitional housing facility as authorized in this section in its report made pursuant to §5-1-20 of this code, and shall describe its plans to use the authority provided under the provisions of §15A-3-12(f) of this code in furtherance of the duties and responsibilities imposed by this article.

(e) All adult persons sentenced by a court to serve a sentence of incarceration in a prison, jail, or correctional institution under the jurisdiction of the commissioner shall be deemed to be

sentenced to the custody of the commissioner. The commissioner, or his or her designee, has the authority to and may order the transfer of any adult to any appropriate institution within the division.

(f) The commissioner has full discretionary authority to contract with any county jail, or other appropriate facility or institution for the incarceration and care of adult inmates. If a felony sentenced inmate is held in a jail facility or unit, under the jurisdiction of the commissioner, the commissioner shall pay a per diem rate, not subject to the limitations set forth in §15A-3-16(g) of this code.

(g) The commissioner, or his or her designee, may transfer any adult prisoner or inmate who is mentally disturbed and who would more appropriately be treated in an institution under the jurisdiction of the Bureau of Health, to the Bureau, subject to the approval of the Director of Health, and may transfer any adult prisoner or inmate to an appropriate mental facility for specialized medical treatment.

(h) The commissioner shall, no later than July 1, 2019, complete an evaluation of all facilities within his or her control for the most appropriate space to house each type of inmate, and shall consult with the Juvenile Justice Commission on any and all intended uses of current or prospective juvenile facilities. This evaluation shall include an assessment of the physical plant of each institution, the inmate population size and type, and classification of inmates. Following completion of the evaluation, the commissioner shall develop a plan on how to best utilize the institutional space, and shall report to the Joint Committee on Government and Finance with recommendations regarding implementation of that plan. The commissioner may, from time to time, and as circumstances dictate, reorganize the facilities, and units within the facilities, to house pretrial inmates, convicted misdemeanants, and convicted felons in the most appropriate manner. No facility shall be converted from a juvenile to an adult facility, or from an adult to a juvenile facility, without legislative authorization.

**§15A-3-13. Title to property of state institutions; custody of deeds and other muniments of title; authority of Commissioner.**

The title to all property constituting or belonging to the several institutions named in §15A-3-12 of this code is vested in the state. The commissioner is custodian of all deeds and other muniments of title and shall cause such as are susceptible of recordation to be recorded in the proper offices. The commissioner is authorized, as lessor, to lease the West Virginia penitentiary in Moundsville, title to which is vested in the state by prior act of the legislator, for a term of not more than five years: *Provided*, That this section does not affect any lease in effect as of the effective date of this section. Any agreement entered into under this section shall be with the consent and approval of the Secretary of the Department of Military Affairs and Public Safety, and shall include a provision within each agreement allowing for the immediate termination by the secretary or commissioner at any time.

**§15A-3-14. Exempt from Purchasing Division; purchasing procedures.**

(a) The provisions established in §5A-3-1 *et seq.* of this code do not apply to the division or any institution under the control of the division.

(b) When the cost under any contract or agreement entered into by the division, other than compensation for personal services, involves an expenditure of more than \$2,500 and less than \$25,000, the division shall solicit at least 3 bids, if possible, from vendors and make a written contract with the lowest responsible bidder. When the cost under any contract or agreement entered into by the division, other than compensation for personal services, involves an expenditure of \$25,000 or more, the division shall make a written contract with the lowest responsible bidder after public notice published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, the publication area for the publication to be the county or counties wherein the work is to be performed or which is affected by the contract, which notice shall state the general character of the work and general

character of the materials to be furnished, the place where plans and specifications therefor may be examined and the time and place of receiving bids. But a contract for lease of a correctional facility is not subject to the foregoing requirements and the division may enter into the contract for lease pursuant to negotiation upon the terms and conditions and for the period as it finds to be reasonable and proper under the circumstances and in the best interests of proper operation or efficient acquisition or construction of the projects. The division may reject any and all bids. A bond with good and sufficient surety, approved by the division, shall be required of all contractors in an amount equal to at least 50 percent of the contract price, conditioned upon faithful performance of the contract.

(c) If the division has to make a purchase under emergency conditions, or an emergency situation, which jeopardizes the safe, secure, and orderly operations of the division, as deemed by the Commissioner, and approved by the Secretary, §15A-3-14(a) and §15A-3-14(b) of this code shall not apply.

(d) The commissioner may enter into agreements with medical schools and institutions of higher education in this state to develop standards for appropriate and innovative medical programming and care for inmates: *Provided*, That the division will follow the procedures set forth in §15A-3-14(b) of this code for delivery of regular and normal medical care within the facilities.

### **§15A-3-15. Mutual aid agreements.**

(a) The commissioner may enter into agreements to provide for the rendering of mutual aid with the political subdivisions of this state, other states, and the federal government to provide for the common defense, protect the public peace, health, and safety and to preserve the lives and property of the people of this state.

(b) Any agreement entered into under this section shall be with the consent and approval of the Secretary of the Department of Military Affairs and Public Safety, and shall include a provision within each agreement allowing for the immediate termination by the secretary or commissioner at any time.

**§15A-3-16. Funds for operations of jails under the jurisdiction of the commissioner.**

(a) Any special revenue funds previously administered by the Regional Jail and Correctional Facility Authority or its Executive Director are continued, and shall be administered by the commissioner.

(b) Funds that have been transferred by §15A-3-16(a) of this code shall be limited in use to operations of jail functions, and for payment to the Regional Jail and Correctional Facility Authority Board, for payment of indebtedness. In no case shall a fund be utilized to offset or pay operations of nonjail parts of the facility: *Provided*, That funds may be utilized on a pro rata basis for shared staff and for operational expenses of facilities being used as both prisons and jails.

(c) Whenever the commissioner determines that the balance in these funds is more than the immediate requirements of this article, he or she may request that the excess be invested until needed. Any excess funds so requested shall be invested in a manner consistent with the investment of temporary state funds. Interest earned on any moneys invested pursuant to this section shall be credited to these funds.

(d) These funds consist of the following:

(1) Moneys collected and deposited in the State Treasury which are specifically designated by Acts of the Legislature for inclusion in these funds;

(2) Contributions, grants, and gifts from any source, both public and private, specifically directed to the operations of jails under the control of the commissioner;

(3) All sums paid pursuant to §15A-3-16(g) of this code; and

(4) All interest earned on investments made by the state from moneys deposited in these funds.

(e) The amounts deposited in these funds shall be accounted for and expended in the following manner:

(1) Amounts deposited shall be pledged first to the debt service on any bonded indebtedness;

(2) After any requirements of debt service have been satisfied, the Commissioner shall requisition from these funds the amounts that are necessary to provide for payment of the administrative expenses of this article, as limited by this section;

(3) The commissioner shall requisition from these funds, after any requirements of debt service have been satisfied, the amounts that are necessary for the maintenance and operation of jails under his or her control. These funds shall make an accounting of all amounts received from each county by virtue of any filing fees, court costs or fines required by law to be deposited in these funds and amounts from the jail improvement funds of the various counties;

(4) Notwithstanding any other provisions of this article, sums paid into these funds by each county pursuant to §15A-3-16(g) of this code for each inmate shall be placed in a separate account and shall be requisitioned from these funds to pay for costs incurred; and

(5) Any amounts deposited in these funds from other sources permitted by this article shall be expended based on particular needs to be determined by the commissioner.

(f)(1) After a jail facility becomes available pursuant to this article for the incarceration of inmates, each county within the region shall incarcerate all persons whom the county would have incarcerated in any jail prior to the availability of the jail facility in the jail facility, except those whose incarceration in a local jail facility used as a local holding facility is specified as appropriate under the previously promulgated, and hereby transferred standards and procedures developed by the Jail Facilities Standards Commission, and whom the sheriff or the circuit court elects to incarcerate therein.



(2) Notwithstanding the provisions of §15A-3-16(f)(1) of this code, circuit and magistrate courts are authorized to:

(A) Detain persons who have been arrested or charged with a crime in a county or municipal jail specified as appropriate under the standards and procedures referenced in §15A-3-16(f)(1), for a period not to exceed 96 hours; or

(B) Commit persons convicted of a crime in a county or municipal jail, specified as appropriate under the standards and procedures referenced in §15A-3-16(f)(1) of this code, for a period not to exceed 14 days.

(g) When inmates are placed in a jail facility under the jurisdiction of the commissioner pursuant to §15A-3-16(f) of this code, the county, and municipality if the incarceration is a municipal violation, shall pay into this fund a cost per day for each incarcerated inmate to be determined by the state Budget Office, by examining the most recent three years of costs submitted by the commissioner for the cost of operating the jail facilities and units under his or her jurisdiction, and taking an average per day, per inmate cost of maintaining the operations of the jail facilities or units: *Provided*, That beginning July 1, 2018, and continuing through July 1, 2021, in no case shall any county or municipality be required to pay a rate that exceeds \$48.25 per day, per inmate. Nothing in this section shall be construed to mean that the per diem cannot be decreased or be less than \$48.25 per day per inmate.

(h) The per diem costs for incarcerating inmates may not include the cost of construction, acquisition, or renovation of the regional jail facilities: *Provided*, That each jail facility or unit operating in this state shall keep a record of the date and time that an inmate is incarcerated, and a county may not be charged for a second day of incarceration for an individual inmate until that inmate has remained incarcerated for more than 24 hours. After that, in cases of continuous incarceration, subsequent per diem charges shall be made upon a county only as subsequent intervals of 24 hours pass from the original time of incarceration.

(i) The county is responsible for costs incurred by the division for housing and maintaining inmates in its facilities who are pretrial inmates and convicted misdemeanants. The costs of housing shall be borne by the division on a felony conviction on which an inmate is incarcerated beginning the calendar day following the day of sentencing: *Provided*, That beginning July 1, 2019, the costs of housing shall be borne by the division on a felony conviction when an inmate is incarcerated beginning the calendar day following the day of conviction. In no case shall the county be responsible for any costs of housing and maintaining felony convicted inmate populations.

(j) The county is responsible for the costs incurred by the authority for housing and maintaining an inmate who, prior to a felony conviction on which the inmate is incarcerated and is awaiting transportation to a state correctional facility for a 60 day evaluation period as provided in §62-12-7a of this code.

(k) On or before July 1, 2020, the commissioner shall prepare a report on the feasibility of phasing out the county and municipal per diem charges required by §15(A)-3-16(g) of this code. This report shall include information regarding savings realized because of the consolidation of the former Division of Corrections, Division of Juvenile Services, and the operations of the Regional Jail and Correctional Facility Authority, as well as any other recommendations that might ease the burden of paying the per diem inmate costs by the counties or municipalities. On or before January 1, 2019, January 1, 2020 and January 1, 2021, the commissioner shall report to the Joint Committee on Government and Finance and the co-chairmen of the Joint Standing Committee on Finance the actual per diem rate as calculated pursuant to §15A-3-16(g) of this code and any amount not assessed to counties if the actual per diem cost is larger than the amount charged to the counties or municipalities pursuant to §15A-3-16(g) between July 1, 2018 and July 1, 2021.

#### **§15A-3-17. Jail Operations Partial Reimbursement Fund.**

(a) There is continued in the State Treasury the Jail Operations Partial Reimbursement Fund.

(b) Revenues deposited into this fund shall be composed of fees collected by magistrate courts pursuant to §50-3-2(a) of this code, and by circuit courts pursuant to §59-1-11 of this code.

(c) Revenues deposited into this fund shall be used to reimburse those counties and municipalities participating in the jail system for the cost of incarceration.

(d) The State Treasurer shall, in cooperation with the division, administer the fund. The State Treasurer shall determine the amount of funds available for reimbursement and, upon receiving a report from the commissioner containing the total number of inmate days in the fiscal year immediately concluded, the State Treasurer shall calculate the reimbursement to each participant based upon a pro rata share formula: *Provided*, That only counties and municipalities that, on July 1 of each year, are not more than 90 days delinquent in payments for moneys to incarcerate its offenders are eligible to receive this reimbursement: *Provided, however*, That the pro rata share formula shall not include the counties or municipalities which are not entitled to reimbursement pursuant to this section.

(e) A participant's share shall be comparable with its total of inmate days, which shall consist of the number of inmates it contributed to the regional jail system and the number of days those inmates remained incarcerated.

(f) A participant's share shall be disbursed annually, within 90 days of July 1 each year, as provided in §15A-3-17(d) of this section.

### **§15A-3-18. Rules.**

(a) The commissioner is authorized to propose rules for legislative authorization pursuant to §29A-3-1 *et seq.* of this code or develop policies for the proper execution of his or her duties and powers; adopt rules or policies for the government of the institutions named or referred to in §15A-3-12 of this code; adopt rules or policies for the administration of the financial and business affairs of the institutions named or referred to in §15A-3-12 of this

code, and establish policies regarding the treatment of mentally ill inmates, which reflect the safety and security concerns specific to jails and correctional facilities.

(b) All legislative rules and policies of the former Division of Corrections, the former Division of Juvenile Services, and the Regional Jail and Correctional Facility Authority shall remain effective until amended or terminated pursuant to the provisions of §29A-3-1 et seq. of this code by the Division of Correction and Rehabilitation: *Provided*, That these rules shall expire on July 1, 2021, if not superseded sooner.

(c) Notwithstanding any provisions of law to the contrary, the division is not subject to the rules promulgated by, nor any mandates upon, the board of health for the treatment of mentally ill patients.

#### **ARTICLE 4. CORRECTIONS MANAGEMENT.**

##### **§15A-4-1. Applicability of article.**

(a) Except as otherwise provided herein, the provisions of this article relate to adult inmates housed in jails, prisons, and correctional facilities, and do not apply to juvenile residents housed in juvenile centers.

(b) Where reference in this article is made to the “division”, it shall mean the Division of Corrections and Rehabilitation.

##### **§15A-4-2. Furlough programs.**

(a) The commissioner may establish a furlough program for inmates committed to his or her custody for a felony offense. The program may provide that selected inmates be permitted to reside outside an institution operated by the division under legislative rules, pursuant to §29A-3-1 et seq. of this code, or policy directives, promulgated by the commissioner.

(b) The commissioner, or his or her designee, is authorized to propose rules for legislative authorization, pursuant to §29A-3-1 et seq. of this code, or policy directives, promulgated by the

commissioner, a furlough program for pretrial and misdemeanor inmates under his or her control and custody in accordance with the following provisions:

(1) The program may include, but is not limited to, granting furloughs or special escorts for specified inmates under the commissioner's control and custody to attend funerals or make hospital visits to terminally ill family members.

(2) The commissioner shall establish criteria to be used in determining which inmates are not likely to jeopardize public safety and should be granted a furlough or a special escort through this program.

(3) The commissioner is authorized to establish any other guidelines he or she considers necessary to administer the program and to ensure public safety, including, but not limited to:

(A) Eligibility for consideration, restrictions, conditions, and procedures; and

(B) The family relationship an inmate must have with the deceased or terminally ill individual in order to qualify for consideration for a furlough.

(c)(1) The division, the commissioner, members of the Regional Jail and Correctional Facility Authority Board, and employees of the division are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act of an inmate while on a furlough granted under this section.

(2) The immunity from suit and liability provided in this subsection does not extend to liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any person identified in §15A-4-2(c)(1) of this code.

**§15A-4-3. Electronic monitoring of offenders; special account.**

(a) The commissioner may use electronic monitoring equipment to aid in the supervision of offenders.

(b) The commissioner shall charge offenders subject to supervision by means of electronic monitoring equipment a reasonable fee, to be established under a legislative rule proposed by the commissioner for legislative authorization pursuant to §29A-3-1 et seq. of this code, to help defray the costs of the purchase and use of the equipment and the division's operational costs: *Provided*, That an offender's inability to pay a fee does not preclude the offender from being eligible for this program.

(c) All fees collected shall be deposited in a special account in the State Treasury designated the 'electronic monitoring program account.' The funds deposited in the account may be used by the commissioner only for the operation of the program and for the administration of the division.

(d) For purposes of this section, "electronic monitoring equipment" means an electronic device or apparatus approved by the division that is capable of recording or transmitting information regarding the offender's presence or nonpresence in a designated area. The device shall be minimally intrusive. Except to the extent provided in this section, the division shall not approve any monitoring device which is capable of recording or transmitting: (1) Visual images, except for that of a still image of the offender that can only be transmitted by the offender triggering the monitoring system; or (2) information as to the offender's activities while he or she is within the designated area. A monitoring device may transmit information regarding blood alcohol levels. The monitoring device shall not be used to eavesdrop or record any conversation: *Provided*, That conversations between the offender and the person supervising the offender may be recorded solely for purpose of voice identification.

#### **§15A-4-4. Diagnostic and classification divisions.**

(a) The commissioner may continue and establish diagnostic and classification subdivisions.

(b) Notwithstanding any provision of this code to the contrary, all persons committed to the custody of the division for presentence diagnosis and classification, and all persons sentenced to the custody of the division shall, upon transfer to the division, undergo diagnosis and classification, which shall include:

(1) Assessments of a person's criminogenic risk and need factors that are reliable, validated, and normed for a specific population and responsive to cultural and gender-specific needs as well as individual learning styles and temperament;

(2) Application of a mental health preliminary screen; and

(3) If the mental health preliminary screen suggests the need for further assessment, a full psychological evaluation.

(c) The division shall perform mental health preliminary screens, appraisals, and evaluations according to standards provided by the American Correctional Association.

**§15A-4-5. Transfer of inmates of state institutions or facilities.**

(a) The commissioner shall have authority to cause the transfer of any inmate from any facility under his or her control to any other state or federal institution or facility which is better equipped for the care or treatment of the inmate, or for other good cause or reason.

(b) Whenever an inmate committed to the custody of the division becomes mentally ill and his or her needs cannot be properly met within the correctional facility, the commissioner shall proceed in accordance with §15A-4-19 of this code.

(c) Whenever an inmate committed to the custody of the division needs medical attention, other than mental health care, not available at the prison, the superintendent of the facility shall immediately notify the commissioner who, after proper investigation, shall cause the transfer of the inmate to a facility properly equipped to render the medical attention necessary. The inmate, while receiving treatment in the hospital, shall be under an appropriate level of supervision at all times and shall forthwith be

returned to his or her correctional facility upon release from the facility.

(d) In providing or arranging for the necessary medical and other care and treatment of a pregnant inmate, the superintendent of the facility shall take reasonable measures to assure that pregnant inmates will not be restrained after reaching the second trimester of pregnancy until the end of the pregnancy: *Provided*, That if the inmate, based upon her classification, discipline history, or other factors deemed relevant by the superintendent poses a threat of escape, or to the safety of herself, the public, staff, or the fetus, the inmate may be restrained in a manner reasonably necessary: *Provided, however*, That prior to directing the application of restraints and where there is no threat to the safety of the inmate, the public, staff, or the fetus, the superintendent, or designee shall consult with an appropriate health care professional to assure that the manner of restraint will not pose an unreasonable risk of harm to the inmate or the fetus.

**§15A-4-6. Monitoring of inmate telephone calls; procedures and restrictions; calls to or from attorneys excepted.**

(a) The commissioner, or his or her designee, is authorized to monitor, intercept, record, and disclose telephone calls to or from adult inmates of state institutions under his or her control, in accordance with the following provisions:

(1) All adult inmates of state institutions shall be notified in writing that their telephone conversations may be monitored, intercepted, recorded, and disclosed;

(2) Only the commissioner, superintendent, or their designee shall have access to recordings of inmates' telephone calls unless disclosed pursuant to §15A-4-6(a)(4) of this code;

(3) Notice shall be prominently placed on, or immediately near, every telephone that may be monitored;

(4) The contents of inmates' telephone calls may be disclosed to an appropriate law-enforcement agency, or the West Virginia Intelligence Fusion Center, when disclosure is necessary for the



investigation, prevention, or prosecution of a crime or to safeguard the orderly operation of the correctional institution. Disclosure may also be made in civil or administrative proceedings pursuant to an order of a court or an administrative tribunal when the disclosure is:

(A) Necessary to safeguard and protect the orderly operation of the correctional institution; or

(B) Necessary to protect persons from physical harm or the threat of physical harm;

(5) All recordings of telephone calls shall be retained for at least three years and maintained and destroyed in accordance with the record retention policy of the division adopted as required by §5A-8-1 *et seq.* of this code; or

(6) To safeguard the sanctity of the attorney-client privilege, a telephone line that is not monitored shall be made available for telephone calls to or from an attorney. These calls may not be monitored, intercepted, recorded, or disclosed in any matter.

(b) The commissioner shall promulgate a policy directive establishing a record-keeping procedure which requires retention of: (1) A copy of the contents of any inmate telephone conversation provided to law enforcement; and (2) the name of the law-enforcement officer and the law-enforcement agency to which the contents of the telephone conversation were provided. The records required to be retained pursuant to this subsection shall be retained in accordance with the record retention policy specified in §29B-1-4(a)(4) of this code. The inmate's telephone conversation and the information regarding law enforcement are law-enforcement records under that subdivision.

(c) Should an inmate be charged with a crime based, in whole or in part, on the inmate's telephone conversation supplied to law enforcement, the inmate's attorney in the criminal matter shall be entitled to access to and copies of the inmate's telephone conversations in the custody of the commissioner which are not evidence in or the subject of another criminal investigation.

(d) The provisions of this section apply only to those persons in the physical custody of the commissioner.

**§15A-4-7. Monitoring inmate mail; procedures and restrictions; identifying mail from a state institution; mail to or from attorneys excepted.**

(a) The commissioner, or his or her designee, is authorized to monitor, open, review, copy, and disclose mail sent to adult inmates of state institutions under his or her control, in accordance with the following provisions:

(1) All adult inmates of state institutions shall be notified in writing that their mail may be monitored, opened, reviewed, copied, and disclosed;

(2) Only the commissioner and his or her designee shall have access to copies of inmates' mail unless disclosed pursuant to §15A-4-7(a)(4) of this code;

(3) Notice that the mail may be monitored shall be prominently placed on or immediately near every mail receptacle or other designated area for the collection or delivery of mail;

(4) The contents of inmates mail may be disclosed to an appropriate law-enforcement agency, or the West Virginia Intelligence Fusion Center, when disclosure is necessary for the investigation, prevention, or prosecution of a crime or to safeguard the orderly operation of the institution. Disclosure may also be made in civil or administrative proceedings pursuant to an order of a court or administrative tribunal when the disclosure is:

(A) Necessary to safeguard and protect the orderly operation of the institution; or

(B) Necessary to protect persons from physical harm or the threat of physical harm;

(5) All copies of mail shall be retained for at least three years and maintained and destroyed in accordance with the records

retention policy of the division adopted as required by §5A-8-1 et seq. of this code; or

(6) The inmate whose mail has been copied and disclosed under this section shall be given a copy of that mail when it is determined by the commissioner, or superintendent, not to jeopardize the safe and secure operation of the facility or to be detrimental to an ongoing investigation or administrative action.

(b) To safeguard the sanctity of the attorney-client privilege, mail to or from an inmate's attorney shall not be monitored, reviewed, copied, and kept by the institution, or disclosed in any manner unless required by an order of a court of competent jurisdiction. However, that mail may be checked for weapons, drugs, and other contraband provided it is done in the presence of the inmate and there is a reasonable basis to believe that any weapon, drug, or other contraband exists in the mail.

(c) All inmates outgoing mail must be clearly identified as being sent from an inmate at a state correctional institution and must include on the face of the envelope the name and full address of the institution.

(d) The commissioner or his or her designee is authorized to open, monitor, review, copy, and disclose an inmate's outgoing mail in accordance with the provisions of §15A-4-7(a) of this code.

(e) The commissioner shall promulgate a policy directive establishing a record-keeping procedure which requires retention of: (1) All inmate mail provided to law enforcement; and (2) the name of the law-enforcement officer and the law-enforcement agency to which the inmate mail was provided. The records required to be retained pursuant to this subsection shall be retained in accordance with the record retention policy specified in §15A-4-77(a)(5) of this code. The inmate mail and the information regarding law enforcement are law-enforcement records under §29B-1-4(a)(4) of this code.

(f) Should an inmate be charged with a criminal offense based, in whole or in part, on the inmate's mail supplied to law

enforcement, the inmate's attorney in the criminal matter shall be entitled access to and copies of the inmate's mail in the custody of the commissioner which are not evidence in or the subject of another criminal investigation.

(g) The provisions of this section apply only to those persons in the physical custody of the commissioner.

**§15A-4-8. Monitoring of inmate electronic correspondence; procedures and restrictions; to or from attorneys excepted.**

(a) The commissioner, or his or her designee, is authorized to monitor, intercept, record, and disclose electronic communications to or from adult inmates of state institutions under his or her control, in accordance with the following provisions:

(1) All adult inmates of state institutions shall be notified in writing that their electronic communications may be monitored, intercepted, recorded, and disclosed;

(2) Only the commissioner, superintendent, or their designees, shall have access to copies or recordings of inmates' electronic communications unless disclosed pursuant to §15A-4-8(a)(4) of this code;

(3) Notice shall be prominently placed on, or immediately near, every electronic communications device that may be monitored;

(4) The contents of inmates' electronic communications may be disclosed to an appropriate law-enforcement agency, or the West Virginia Intelligence Fusion Center, when disclosure is necessary for the investigation, prevention, or prosecution of a crime or to safeguard the orderly operation of the correctional institution. Disclosure may also be made in civil or administrative proceedings pursuant to an order of a court or an administrative tribunal when the disclosure is:

(A) Necessary to safeguard and protect the orderly operation of the correctional institution; or

(B) Necessary to protect persons from physical harm or the threat of physical harm;

(5) All recordings or copies of electronic communications shall be retained for at least three years and maintained and destroyed in accordance with the record retention policy of the division adopted as required by §5A-8-1 *et seq.* of this code; or

(6) To safeguard the sanctity of the attorney-client privilege, a method of electronic communications that is not monitored shall be made available for communications to or from an attorney. These communications shall not be monitored, intercepted, recorded, or disclosed in any matter.

(b) The commissioner shall promulgate a policy directive establishing a record-keeping procedure which requires retention of: (1) A copy of the contents of any inmate electronic communication provided to law enforcement; and (2) the name of the law-enforcement officer and the law-enforcement agency to which the contents of the communications were provided. The records required to be retained pursuant to this subsection shall be retained in accordance with the record retention policy specified in §15A-4-8(a)(5) of this code. The inmate's electronic communication and the information regarding law enforcement are law-enforcement records under §29B-1-4(a)(4) of this code.

(c) Should an inmate be charged with a crime based, in whole or in part, on the inmate's electronic communication supplied to law enforcement, the inmate's attorney in the criminal matter shall be entitled to access to and copies of the inmate's electronic communications in the custody of the commissioner which are not evidence in or the subject of another criminal investigation.

(d) The provisions of this section shall apply only to those persons in the physical custody of the commissioner.

**§15A-4-9. Trustee accounts and funds, earnings and personal property of inmates and residents.**

(a) The commissioner is authorized to establish at each institution under his or her jurisdiction a 'Trustee Fund'. The

superintendent of each institution shall receive and take charge of the money and personal property, as defined by policy, of all inmates or residents in his or her institution and all money or personal property, as defined by policy, sent to the inmates or residents or earned by the inmates as compensation for work performed while they are domiciled there. The superintendent shall credit the money and earnings to the inmate or resident entitled to it and shall keep an accurate account of all the money and personal property so received, which account is subject to examination by the commissioner. The superintendent shall deposit the moneys in one or more responsible banks in accounts to be designated 'Trustee Fund'.

(b) For all felony sentenced inmates, except those serving life without mercy and those the superintendent determines are likely to serve the remainder of their natural lives in the custody of the division due to their age and the length of their sentences, the superintendent shall keep in an account at least 10 percent of all money earned during the inmate's or resident's incarceration and pay the money to the inmate or resident at the time of the inmate's or resident's release. The superintendent may authorize the inmate to withdraw money from his or her mandatory savings for the purpose of preparing the inmate for reentry into society.

(c) The commissioner may direct that offenders who work in community work programs, including work release inmates who have obtained employment, make reimbursement to the state toward the cost of his or her incarceration.

(d)(1) Prior to ordering an incarcerated offender to make reimbursement toward the costs of his or her incarceration, the commissioner, or his or her designee, shall consider the following:

(A) The offender's ability to pay;

(B) The nature and extent of the offender's responsibilities to his or her dependents, if any;

(C) The length of probable incarceration under the court's sentence; and

(D) The effect, if any, that reimbursement might have on the offender's rehabilitation.

(2) No order of reimbursement entered pursuant to this section may exceed \$500 per month unless the offender gives his or her express consent; and

(3) The commissioner shall, prior to the beginning of each fiscal year, prepare a report that details the average cost per inmate incurred by the division for the care and supervision of those individuals in his or her custody.

(e) The superintendent of any facility, on request of an inmate or resident, may expend up to one half of the money earned by the inmate or resident on behalf of the family of the inmate or resident if the 10 percent mandatory savings has first been set aside and other fees or court ordered obligations owed by the inmate or resident have been paid. The remainder of the money earned, after deducting amounts expended as authorized, shall be accumulated to the credit of the inmate or resident and be paid to the inmate or resident at times as may be prescribed by rules. The funds so accumulated on behalf of inmates or residents shall be held by the superintendent of each institution under a bond approved by the Attorney General.

(f) The superintendent shall deliver to the inmate or resident at the time he or she leaves the institution, or as soon as practicable after departure, all personal property, moneys and earnings then credited to the inmate or resident, or in case of the death of the inmate or resident before authorized release from the institution, the superintendent shall deliver the property to the inmate's or resident's personal representative. In case a conservator is appointed for the inmate or resident while he or she is domiciled at the institution, the superintendent shall deliver to the conservator, upon proper demand, all moneys and personal property belonging to the inmate or resident that are in the custody of the superintendent.

(g) If any money is credited to a former inmate or resident after remittance of the sum of money as provided in §15A-4-9(f) of this

code, the commissioner shall notify the former inmate or resident within 30 days of receipt of the money. The former inmate or resident will be afforded the opportunity to collect the money if he or she pays the cost of the transaction. If the former inmate or resident does not claim the money within 30 days of receiving the notice and the sum of money is less than \$10, the commissioner may place the money into the inmate benefit fund.

(h) The provisions of this section apply to both juveniles and adults within the custody of the commissioner.

**§15A-4-10. Inmate or resident benefit funds.**

(a) The commissioner shall establish an inmate, or resident, benefit fund for each of the institutions under his or her jurisdiction. The inmate, or resident, benefit fund is a fund held by the institutions for the benefit and welfare of inmates incarcerated, or juveniles placed in facilities under the jurisdiction of the commissioner, and for the benefit of victims.

(b) There is continued a special revenue account in the State Treasury for each inmate, or resident, benefit fund established by the commissioner. If an account does not currently exist for an institution, the commissioner may establish the account for that institution. Moneys received by an institution for deposit in an inmate, or resident, benefit fund shall be deposited with the State Treasurer to be credited to the special revenue account created for the institution's inmate, or resident, benefit fund: *Provided*, That commissions on any contract providing services to jail inmates shall not be deposited into this account. Moneys in a special revenue account established for an inmate benefit fund may be expended by the institution for the purposes set forth in this section. Moneys to be deposited into an inmate, or resident, benefit fund consist of, but are not limited to:

(1) All profit from the exchange or commissary operation and if the commissary is operated by a vendor, whether a public or private entity, the profit is the negotiated commission paid to the Division of Corrections and Rehabilitation by the vendor;



(2) All net proceeds from vending machines used for inmate or resident visitation;

(3) All proceeds from contracted inmate or resident telephone commissions;

(4) Any funds that may be assigned by inmates or donated to the institution by the general public or an inmate service organization on behalf of all inmates or residents;

(5) Any funds confiscated considered contraband; and

(6) Any unexpended balances in individual inmate or resident trustee funds if designated by the inmate upon his or her discharge from the institution.

(c) The inmate benefit fund may only be used for the following purposes at facilities:

(1) Open-house visitation functions or other nonroutine inmate or resident functions;

(2) Holiday functions which may include decorations and gifts for children of inmates or residents;

(3) Cable television service;

(4) Rental of movies;

(5) Payment of video license;

(6) Recreational supplies, equipment, or area surfacing;

(7) Reimbursement of employee wages for overtime incurred during open-house visitations and holiday functions;

(8) Post-secondary education classes;

(9) Reimbursement of a pro rata share of inmate or resident work compensation;

(10) Household equipment and supplies in day rooms or units as approved by superintendents of institutions, excluding supplies used in the daily maintenance and sanitation of the unit;

(11) Christmas or other holidays gift certificates for each inmate or resident to be used at the exchange or commissary;

(12) Any expense associated with the operation of the fund;

(13) Expenditures necessary to properly operate an automated inmate family and victim information notification system;

(14) Any expense for improvement of the facility which will benefit the inmate or resident population that is not otherwise funded;

(15) Any expense related to the installation, operation, and maintenance of the inmate or resident telephone system; and

(16) Restitution of any negative balance on any inmate's trustee account for inmate medical copay, legal and ancillary related postage, and photocopy fees that are due the State of West Virginia, if the balance is uncollectible from an inmate after one calendar year from an inmate's release on parole or discharge date.

(d) The institution shall compile a monthly report that specifically documents inmate benefit fund receipts and expenditures and a yearly report for the previous fiscal year by September 1 of each year and submit the reports to the commissioner.

(e) The provisions of this section apply to both juveniles and adults within the custody of the commissioner.

**§15A-4-11. Financial responsibility program for inmates.**

(a) The Legislature finds that:

(1) There is an urgent need for vigorous enforcement of child support, restitution, and other court ordered obligations;

(2) The duty of inmates to provide for the needs of dependent children, including their necessary food, clothing, shelter, education, and health care should not be avoided because of where the inmate resides;

(3) A person owing a duty of child support who chooses to engage in behaviors that result in the person becoming incarcerated should not be able to avoid child support obligations; and

(4) Each sentenced inmate should be encouraged to meet his or her legitimate court-ordered financial obligations.

(b) As part of the initial classification process into a correctional facility, the division shall assist each inmate in developing a financial plan for meeting the inmate's child support obligations, if any exist. At subsequent program reviews, the division shall consider the inmate's efforts to fulfill those obligations as indicative of that individual's acceptance and demonstrated level of responsibility.

(c)(1) The superintendent shall deduct from the earnings of each inmate all legitimate court-ordered financial obligations. The superintendent shall also deduct child support payments from the earnings of each inmate who has a court-ordered financial obligation. The commissioner shall develop a policy that outlines the formula for the distribution of the offender's income and the formula shall include a percentage deduction, not to exceed 50 percent in the aggregate, for any court ordered victim restitution, court fees and child support obligations owed under a support order, including an administrative fee, consistent with the provisions of §48-14-406(c) of this code, to support the division's administration of this financial service;

(2) If the inmate worker's income is subject to garnishment for child support enforcement deductions, it shall be calculated on the net wages after taxes, legal financial obligations, and garnishment;

(3) The division shall develop the necessary administrative structure to record inmates wages and keep records of the amount inmates pay for child support; and

(4) Nothing in this section limits the authority of the Bureau for Child Support Enforcement of the Department of Health and Human Resources from taking collection action against an inmate's moneys, assets, or property.

(d) If an inmate is awarded a civil judgment which awards him or her monetary damages, the court in which those damages are awarded shall enter an order which deducts all outstanding child support, restitution, or other court-ordered obligations from the award to the inmate, and satisfies those obligations, prior to releasing any funds to the inmate.

(e) The accumulation of the total funds, not necessary for current distribution, shall be invested, with the approval of the commissioner or as appropriate, through the West Virginia Municipal Bond Commission, in short term bonds or treasury certificates or equivalent of the United States. Bonds and certificates so purchased shall remain in the custody of the State Treasurer. The earnings from investments so made shall be reported to the principal officer of each institution from time to time, as earned, and shall be credited to the respective accounts of the institutions by the West Virginia Municipal Bond Commission. When the earnings are transferred to the respective institutions, they shall be credited by the superintendent to the credit of, and for the benefit of, the inmate, or resident, benefit fund.

**§15A-4-12. Limitation on reimbursement rate to medical service providers for services outside division facilities.**

The division, or its contracted medical providers, may not pay an amount to an outside provider of a medical service for an adult inmate residing in a jail or correctional facility greater than the reimbursement rate applicable to service providers established in the West Virginia state Medicaid plan by the Bureau for Medical Services: *Provided*, That critical access hospitals shall be reimbursed at 75 percent of the billed charges. These limitations apply to all medical care services, goods, prescription drugs, and medications provided to a person who is in the custody of a correctional facility and is provided these services outside of a correctional facility: *Provided, however*, That the Department of

Military Affairs and Public Safety and the Department of Health and Human Resources effectuate an interagency agreement for the electronic processing and payment of medical services.

**§15A-4-13. Charges assessed against inmates for services provided by state.**

(a) The commissioner is authorized to assess inmates serving a sentence in any state jail, penal, or correctional facility reasonable charges for health care and treatment services provided to them by the state. The charges assessed against an inmate may be deducted directly from the inmate's trustee account without the inmate's consent. The inmate shall be notified of the amount deducted and the charges to which it has been applied.

(b) As used in this section, a 'reasonable charge' may not exceed the sum of \$25 for any billable service. Inmates shall be notified of the fee schedule, billable services, and exempt services. Services initiated by the inmate shall be assessed a fee, except that no charge may be assessed for: (1) a specific health care service required under the law of this state, including, by way of illustration, tuberculin testing; (2) an emergency service following a traumatic injury other than a self-induced injury, or necessary to prevent death or severe or permanent disability; (3) diagnosis and treatment of communicable diseases, including, by way of illustration, tuberculosis or hepatitis; (4) treatment of diagnosed severe mental illness; (5) treatment of specific chronic conditions identified by the commissioner, including, by way of illustration, heart disease and diabetes; (6) staff-initiated care, including follow-up and referral visits; (7) preventive services that the commissioner determines are to be provided or made available to all inmates, including services related to disease prevention and promotion of proper health habits; or (8) other services as may be exempted by rule of the commissioner. No inmate may be denied any necessary billable medical service because of inability to pay the charge.

(c) Any inmate who intentionally ingests, inhales, injects, absorbs, applies, or otherwise exposes himself or herself to, in any manner whatsoever not otherwise specified herein, an illegal drug,

a drug not legally prescribed to him or her, a drug in quantities above that recommended by a prescribing physician, a synthetic intoxicant, or any substance for the purpose of causing an excited, euphoric, or stupefied state, or altered perception, including hallucinations or delusions, and the inmate requires medical treatment due to the ingestion, inhalation, injection, absorption, application, or exposure shall reimburse the cost of the medical treatment to the division.

(d) Each inmate shall be afforded an opportunity at least quarterly to review all deposits into, withdrawals from, and balance remaining in the inmate's trustee account during the preceding three months.

(e) The commissioner shall promulgate interpretive rules implementing this section pursuant to §29A-3-1 *et seq.* of this code prior to making any assessment under this section. The policy directive rules may establish the fee schedule and list of billable services and further define services to be exempted.

#### **§15A-4-14. Record of inmate or resident.**

The commissioner shall file and preserve the record of the indictment and conviction, in the case of an adult, or the charges and adjudication, in the case of a juvenile, of each inmate or resident, and keep a register describing him or her, the term of his or her confinement, for what offense, and when received into the institution.

#### **§15A-4-15. Manufacture of license plates, road signs or markers; securing signs and markers when federal government reimburses state for cost thereof.**

For the purpose of obtaining license plates to be used upon motor vehicles licensed for operation in this state and road signs or markers of any description for state roads, the commissioner is hereby authorized and empowered on behalf of the state, to establish and operate a plant for the manufacture of the license plates and road signs or markers in his or her institution.

It shall be unlawful for any state official or employee to manufacture or obtain the license plates, road signs, or markers otherwise than as herein specified: *Provided*, That the Commissioner of Highways may originally secure road signs or markers from sources other than that provided herein.

**§15A-4-16. Gifts to or dealings with convicts.**

No officer or employee of the state, or contractor, or employee of a contractor shall make any gift or present to an inmate or resident, or receive any from an inmate or resident, or have any barter or dealings with a convict, except as allowed and permitted by the commissioner.

For every violation of this section, the party engaged therein shall be dismissed from his or her office or service, and every contractor, or employee, or agent of a contractor engaged therein shall be expelled from any facility within the jurisdiction of the commissioner, and not again employed in any institution as a contractor, agent, or employee.

**§15A-4-17. Deduction from sentence for good conduct; mandatory supervision.**

(a) All current and future adult inmates sentenced to a felony and, placed in the custody of the division, except those committed pursuant to §25-4-1 *et seq.* of this code, shall be granted commutation from their sentences for good conduct in accordance with this section: *Provided*, That nothing in this section shall be considered to recalculate the ‘good time’ of inmates currently serving a sentence or of giving back good time to inmates who have previously lost good time earned for a disciplinary violation, except for those inmates currently serving a sentence for a misdemeanor.

(b) The commutation of sentence, known as ‘good time’, shall be deducted from the maximum term of indeterminate sentences or from the fixed term of determinate sentences.

(c) Each inmate committed to the custody of the commissioner and incarcerated in a facility pursuant to that commitment shall be granted one day good time for each day he or she is incarcerated.

including any and all days in jail awaiting sentence which are credited by the sentencing court to his or her sentence pursuant to §61-11-24 of this code or for any other reason relating to the commitment. An inmate may not be granted any good time for time served either on parole or bond or in any other status when he or she is not physically incarcerated.

(d) An inmate sentenced to serve a life sentence is not eligible to earn or receive any good time pursuant to this section.

(e) An inmate under two or more consecutive sentences shall be allowed good time as if the several sentences, when the maximum terms of the consecutive sentences are added together, were all one sentence.

(f) The commissioner shall promulgate disciplinary rules and policies. The rules and policies shall describe acts that inmates are prohibited from committing, procedures for charging individual inmates for violation of the rules, and for determining the guilt or innocence of inmates charged with the violations, and the sanctions which may be imposed for the violations. A copy of the rules shall be given to each inmate. For each violation, by a sanctioned inmate, any part or all of the good time which has been granted to the inmate pursuant to this section may be forfeited and revoked by the superintendent of the institution in which the violation occurred. The superintendent when appropriate and with approval of the commissioner, may restore any forfeited good time.

(g) Each inmate, upon his or her commitment to, and being placed into the custody of the commissioner, or upon his or her return to custody as the result of violation of parole pursuant to §62-12-19 of this code, shall be given a statement setting forth the term or length of his or her sentence or sentences and the time of his or her minimum discharge computed according to this section.

(h) Each inmate shall be given a revision of the statement described in §15A-4-17(g) of this code when any part or all of the good time has been forfeited and revoked or restored pursuant to §15A-4-17(f) of this code, by which the time of his or her earliest discharge is changed.



(i) The superintendent may, with the approval of the commissioner, allow extra good time for inmates who perform exceptional work or service.

(j) There shall be no grants or accumulations of good time or credit to any current or future inmate serving a sentence in the custody of the Division of Corrections and Rehabilitation except in the manner provided in this section.

(k) Prior to the calculated discharge date of an inmate serving a sentence for a felony crime of violence against the person, a felony offense where the victim was a minor child or a felony offense involving the use of a firearm, one year shall be deducted from the inmate's accumulated good time to provide for one year of mandatory post-release supervision following the first instance in which the inmate reaches his or her calculated discharge date. All inmates released pursuant to this subsection shall be subject to electronic or GPS monitoring for the entire period of supervision. The provisions of this subsection are applicable to offenses committed on or after July 1, 2013.

(l) Upon sentencing of an inmate for a felony offense not referenced in §15A-4-17(k) of this code, the court may order that 180 days of the sentence, or some lesser period, be served through post-release mandatory supervision if the court determines supervision is appropriate and in the best interest of justice, rehabilitation, and public safety. All inmates released pursuant to this subsection shall be subject to electronic or GPS monitoring for the entire period of supervision. The provisions of this subsection are applicable to offenses committed on or after July 1, 2013.

(m) The commissioner shall adopt policies and procedures to implement the mandatory supervision provided for in §15A-4-17(k) and §15A-4-17(l) of this code, which may include terms, conditions, and procedures for supervision, modification, and violation applicable to persons on parole.

(n) As used in this section, 'felony crime of violence against the person' means felony offenses set forth in §61-2-1 *et seq.*, §61-3E-1 *et seq.*, §61-8B-1 *et seq.*, or §61-8D-1 *et seq.* of this code, and

the felony offenses of arson and burglary of a residence where an individual is physically located at the time of the offense as set forth in §61-3-1 *et seq.* of this code.

(o) As used in this section, ‘felony offense where the victim was a minor child’ means any felony crime of violence against the person and any felony offense set forth in §61-8-1 *et seq.*, §61-8A-1 *et seq.*, §61-8C-1 *et seq.* or §61-8D-1 *et seq.* of this code.

**§15A-4-18. Governor’s authority to authorize commissioner to consent to transfer of inmates under a federal treaty.**

If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the Governor may, on behalf of the state and subject to the terms of the treaty and with the consent of the offender, authorize the commissioner to consent to the transfer or exchange of inmates in his or her custody and take any other action necessary to initiate the participation of this state in the treaty. No transfer may occur pursuant to the provisions of this section until the inmate is informed of his or her rights and the procedures involved in his or her native language unless it is determined that the inmate’s knowledge of English is sufficient.

**§15A-4-19. Mentally ill inmates; treatment; transfer between correctional and mental health facilities; correctional facility procedures.**

(a) No person who is, or was considered to be, mentally ill, intellectually disabled, or addicted shall be denied parole or a parole hearing based upon the past or present condition. In the event a convicted person is deemed to be an appropriate candidate for parole, but for a condition warranting involuntary hospitalization of the person, shall be paroled, and proceedings instituted pursuant to §27-5-4 of this code. Any time spent in such a facility shall be considered part of the term, and any person whose sentence expires while receiving treatment for a mental condition shall be discharged unless proceedings have been instituted and a determination made pursuant to §27-5-4 of this code.

(b) When a convicted person in a jail, prison, or other facility is believed to be mentally ill, intellectually disabled, or addicted, as those terms are defined in §27-1-1 et seq. of this code, and in need of treatment, training, or other services, the facts relating to the illness, shall be presented to the superintendent of the facility. The facts may be presented by a correctional officer, member of a correctional institution medical staff, relative, or the convicted person. Immediately upon receipt of the facts, the superintendent shall arrange for psychiatric or psychological examination of the person alleged to be so afflicted. If the report of the examination is to the effect that the individual is mentally ill, intellectually disabled, or addicted and that treatment, training, or other services are required which cannot reasonably be provided at the correctional facility, the superintendent shall file within 20 days after presentation of the facts an application for transfer with the clerk of the circuit court of the county of location of the correctional facility. The application for transfer shall include a statement of the nature of the treatment which the person's condition warrants and the facility to which transfer is sought.

Within 10 days of receipt of the application from the superintendent, the mental hygiene commissioner or circuit judge shall appoint counsel for the convicted person if the person is indigent.

The clerk of the circuit court shall forthwith notify the convicted person, by certified mail, return receipt requested, delivered only to addressee, that the application has been filed, enclosing therewith a copy of the application with an explanation of the place and purpose of the transfer and the type of treatment to be afforded, together with the name, address, and telephone number of any appointed counsel. The person shall be afforded reasonable telephone access to his or her counsel. The clerk shall also notify the superintendent or other chief administrative officer of the facility to which transfer is sought. Within 15 days after receipt of notice, the convicted person, through counsel, shall file a verified return admitting or denying the allegations and informing the court or mental hygiene commissioner as to whether the respondent wishes to oppose the transfer. Counsel shall file the return only after personal consultation with the convicted person.

The superintendent of the facility to which transfer is sought shall also file a return within 15 days of the receipt of notice, informing the court or mental hygiene commissioner as to whether the needed treatment or other services can be provided within that facility. If the superintendent objects to receiving the convicted person for treatment or services, the reasons for the objection shall be specified in detail.

If the transfer is opposed by either the convicted person or by the superintendent of the facility to which transfer is sought, the matter shall forthwith be set for hearing, in no event to exceed 30 days from the date of the return opposing the transfer, and the clerk shall provide to the convicted person, the superintendent of the facility to which transfer is sought, and the superintendent of the correctional facility, at least 10 days written notice, by certified mail, return receipt requested, of the purpose, time, and place of the hearing.

The convicted person shall be present at the hearing, and be afforded an opportunity to testify and to present and cross-examine witnesses. Counsel for the convicted person shall be entitled to copies of all medical reports upon request. The person shall have the right to an examination by an independent expert of the person's choice and testimony from the expert as a medical witness on the person's behalf. The cost of providing the medical expert shall be borne by the state if the person is indigent. The person shall not be required to give testimony which is self-incriminating. The circuit court or mental hygiene commissioner shall hear evidence from all parties, in accord with the rules of evidence. A transcript or recording shall be made of all proceedings, and transcript made available to the person within 30 days, if the same is requested for the purpose of further proceedings, and without cost if the person is indigent.

Upon completion of the hearing, and consideration of the evidence presented therein, the circuit court or mental hygiene commissioner shall make findings of facts as to whether or not: (1) The individual is mentally ill, intellectually disabled, or addicted; (2) the individual because of mental illness, mental retardation, or addiction is likely to cause serious harm to self or others; (3) the

individual could not obtain the requisite treatment or training at the correctional facility or another appropriate correctional facility; and (4) the designated facility to which transfer is sought could provide the treatment or training with the security as the court finds appropriate; and, if all the findings are in the affirmative, the circuit court may order the transfer of the person to the appropriate facility. The findings of fact shall be incorporated into the order entered by the circuit court. In all proceedings hereunder, proof of mental condition and of likelihood of serious harm must be established by clear, cogent, and convincing evidence, and the likelihood of serious harm must be based upon evidence of recent overt acts.

**§15A-4-20. Work program.**

(a) The commissioner is authorized to establish at each institution a work program for qualified inmates. The commissioner shall establish guidelines and qualifications to allow inmates sentenced to a regional jail facility to be gainfully employed with local businesses and governmental entities as part of a job program.

(b) An inmate who works in work programs established under this section may be required to make reimbursement to the division toward the cost of his or her incarceration to be credited to the agency billed for that incarceration, pursuant to the conditions set forth in §15A-4-19 of this code.

(c) Notwithstanding any provision of this code to the contrary, the county commission, its members and agents, the Division of Corrections and Rehabilitation or designee, its employees, agents, or assigns, the Regional Jail and Correctional Facility Authority Board, its members, agents, or assigns, the sheriff, and his or her deputies, shall be immune from all liability of any kind except for accident, injury, or death resulting directly from gross negligence or malfeasance.

**§15A-4-21. Director of employment; director of housing; released inmates; duties.**

The commissioner may employ or contract for a Director of Employment and a Director of Housing for released inmates. The

Director of Employment shall work with federal, state, county, and local government and private entities to negotiate agreements which facilitate employment opportunities for released inmates. The Director of Housing shall work with federal, state, county, and local government and private entities to negotiate agreements which facilitate housing opportunities for released inmates. The Director of Employment shall investigate job opportunities and give every possible assistance in helping released inmates find employment. The Director of Housing shall work in conjunction with the Bureau of Community Corrections and the Parole Board to reduce release delays due to lack of a home plan, develop community housing resources, and provide short-term loans to released inmates for costs related to reentry into the community.

#### **ARTICLE 5. BUREAU OF PRISONS AND JAILS.**

##### **§15A-5-1. Creation of Bureau of Prisons and Jails; organization of facilities.**

(a) The commissioner shall establish a Bureau of Prisons and Jails. The commissioner shall determine what adult facilities or institutions shall appropriately be managed by the Bureau of Prisons and Jails.

(b) The commissioner shall appoint an assistant commissioner, who shall oversee the Bureau of Prisons and Jails.

(c) Where reference in this article is made to the 'division', it shall mean the Division of Corrections and Rehabilitation.

##### **§15A-5-2. Transfer of duties and funds of Division of Corrections.**

All prior conveyed responsibilities of the Division of Corrections, and its Commissioner are hereby transferred to the Division of Corrections and Rehabilitation. All funds, both general revenue and special revenue, are hereby transferred to the Division of Corrections and Rehabilitation. Any funds administered by the Division of Corrections are to be administered by the Division of Corrections and Rehabilitation, and its Commissioner.

**§15A-5-3. Superintendents; duties and authority; bond; residence.**

(a) The commissioner shall appoint a superintendent for each institution under the control of the division. Each superintendent shall be bonded by the Board of Risk and Insurance Management.

(b) The superintendent shall be the chief executive officer of his or her assigned correctional institution and, subject to the direction of the commissioner, has the responsibility for the overall management of all operations within his or her assigned institution. The superintendent shall be in charge of its internal police and management and shall provide for feeding, clothing, working and taking care of the inmates, subject to the control of the commissioner.

(c) The superintendent shall promptly enforce all orders and rules made by the commissioner. He or she shall protect and preserve the property of the state and may for that purpose punish the inmates in the manner authorized by the commissioner. The superintendent shall have the custody and control of all the real and personal property at the correctional institution, subject to the orders of the commissioner.

(d) The commissioner may authorize the superintendent to establish an imprest fund in accordance with the provisions of §12-2-2 of this code for the sole purpose of providing employees with funds to transport inmates for any purpose as determined by the superintendent, and any of the fund that currently exists is hereby continued. The employee is required to complete a travel reimbursement form for the travel within five days of returning to the correctional facility. The funds shall be used to reimburse the imprest fund for the amount expended by the employee.

**§15A-5-4. Appointment of deputy superintendent; duties; bond.**

Each superintendent, with the approval of the commissioner, may hire a deputy superintendent. The deputy superintendent's duties shall be fixed by the superintendent, as approved by the

commissioner. In the absence of the superintendent, the deputy superintendent shall perform all the duties required of the superintendent. The deputy superintendent shall be bonded by the Board of Risk and Insurance Management.

**§15A-5-5. Hiring of other assistants and employees.**

The superintendent of each correctional institution or unit shall, in the manner provided in §15A-3-5 of this code, hire all assistants and employees required for the management of the correctional institutions or units, including a sufficient number of correctional employees to preserve order and enforce discipline among the inmates, to prevent escapes, and to remove all persons convicted and sentenced to the custody of the Division of Corrections and Rehabilitation, from the place confined to a correctional institution, all of whom shall be under the control of the superintendent: *Provided*, That the number of the assistants and employees, and their compensation, shall first be approved by the commissioner.

All persons employed at a state-operated correctional institution or correctional unit are subject to the supervision and approval of the superintendent and the authority of the commissioner, or his or her designee, except those persons employed by the State Board of Education, pursuant to §18-2-13f of this code.

**§15A-5-6. Jail intake facilities; housing of adult inmates.**

To the extent practicable, and in a manner consistent with providing for the safety of the public, correctional employees, and inmates, the commissioner will create space in every adult institution for both jail and prison populations: *Provided*, That in no case shall the commissioner be required to provide jail space in every institution in excess of space necessary for initial receiving, booking, and holding of an inmate to await transport by the Division of Corrections and Rehabilitation to the most appropriate housing placement for that inmate. In no case may a person who is a pretrial detainee, who is not currently serving a felony sentence



in the custody of the commissioner, be held in a space designated as a prison unit. Further, no convicted misdemeanor actively serving a sentence on a misdemeanor shall be held in a space designated as a prison unit.

**§15A-5-7. Pretrial risk assessment.**

(a) Within three calendar days of the arrest and placement of any person in a jail, the division shall conduct a pretrial risk assessment using a standardized risk assessment instrument approved and adopted by the Supreme Court of Appeals of West Virginia. The results of all standardized risk and needs assessments are confidential and shall only be provided to the court, court personnel, the prosecuting attorney, defense counsel, and the person who is the subject of the pretrial risk assessment. Upon completion of the assessment, the Division of Corrections and Rehabilitation shall provide it to the magistrate and circuit clerks for delivery to the appropriate circuit judge or magistrate.

(b) The pretrial risk assessment and all oral or written statements made by an individual during risk assessment shall be inadmissible evidence at any criminal or civil trial.

**§15A-5-8. Jail processing fee.**

(a) A person committed to be housed in jail by order of magistrate, circuit judge, or by temporary commitment order shall, at the time of initial booking into the jail, pay a processing fee of \$30. If the person is unable to pay at the time of booking, the fee shall be deducted, at a rate of 50 percent, from any new deposits made into the person's trust account until the jail processing fee is paid in full. The fee shall be credited to:

(1) The Jail's operating budget if the person is committed to and housed in a jail;

(2) The county commission if the person is committed to and housed in a county jail; or

(3) The municipality if the person is committed to and housed in a municipal jail. The fee should be paid prior to the offender being released.

(b) A refund of a fee collected under this section shall be made to a person who has paid the fee if the person is not convicted of the offense for which the person was booked and the person provides documentation from the court showing that all charges for which the person was booked were dismissed, accurate current name and address and a valid photographic identification. In the case of multiple offenses, if the person is convicted of any of the offenses the fee may not be refunded. If the person is convicted of a lesser included offense or a related offense, no refund may be made.

#### **§15A-5-9. Ability to refuse offenders.**

Notwithstanding any other provision of this code, the commissioner, or any employee of the division, having authority to accept offenders in a jail is not required to accept those offenders if an offender appears to be in need of medical attention of a degree necessitating treatment by a physician. If an offender is refused pursuant to the provisions of this section, he or she may not be accepted for detention until a written clearance from a licensed physician reflecting that the offender has been examined and if necessary treated, and which states that it is the physician's medical opinion that the offender can be safely housed in a jail.

### **ARTICLE 6. BUREAU OF JUVENILE SERVICES.**

#### **§15A-6-1. Creation of Bureau of Juvenile Services; organization of facilities.**

(a) The Commissioner of Corrections and Rehabilitation shall establish a Bureau of Juvenile Services. This bureau shall manage any juvenile facilities or units, as determined pursuant to §15A-3-12 of this code.

(b) The commissioner shall appoint an assistant commissioner, who shall oversee the Bureau of Juvenile Services.

(c) Where reference in this article is made to the 'division', it shall mean the Division of Corrections and Rehabilitation.

**§15A-6-2. Transfer of duties and funds.**

All prior conveyed responsibilities and duties of the Division of Juvenile Services, and the Director of Juvenile Services, outlined in §49-1-101 et seq. of this code, are hereby transferred and conveyed to the Division of Corrections and Rehabilitation, and to its Commissioner. Any funds administered by the Division of Juvenile Services are to be administered by the Division of Corrections and Rehabilitation, and its Commissioner.

**§15A-6-3. Superintendents; duties and authority; bond; residence.**

(a) The commissioner shall appoint a superintendent for each institution under the control of the division. Each superintendent shall be bonded by the Board of Risk and Insurance Management.

(b) The superintendent shall be the chief executive officer of his or her assigned correctional institution and, subject to the direction of the commissioner, has the responsibility for the overall management of all operations within his or her assigned institution. The superintendent shall be in charge of its internal police and management and shall provide for feeding, clothing, working and taking care of the inmates, subject to the control of the commissioner.

(c) The superintendent shall promptly enforce all orders and rules made by the commissioner. He or she shall protect and preserve the property of the state and may for that purpose punish the inmates in the manner authorized by the commissioner. The superintendent shall have the custody and control of all the real and personal property at the correctional institution, subject to the orders of the commissioner.

(d) The commissioner may authorize the superintendent to establish an imprest fund in accordance with the provisions of §12-2-2 of this code for the sole purpose of providing employees with funds to transport inmates for any purpose as determined by the

superintendent, and any of the fund that currently exists is hereby continued. The employee is required to complete a travel reimbursement form for the travel within five days of returning to the correctional facility. The funds shall be used to reimburse the imprest fund for the amount expended by the employee.

**§15A-6-4. Appointment of deputy superintendent; duties; bond.**

Each superintendent, with the approval of the commissioner, may hire a deputy superintendent. The deputy superintendent's duties shall be fixed by the superintendent, as approved by the commissioner. In the absence of the superintendent, the deputy superintendent shall perform all the duties required of the superintendent. The deputy superintendent shall be bonded by the Board of Risk and Insurance Management.

**§15A-6-5. Hiring of other assistants and employees; duties of correctional employees.**

The superintendent of each juvenile institution or unit shall, in the manner provided in §15A-3-5 of this code, hire all assistants and employees required for the management of the juvenile institutions or units, including a sufficient number of correctional employees to preserve order and enforce internal rules among the juvenile inmates, to prevent escapes, and carry out all other responsibilities as outlined in chapter 49 of this code.

All persons employed at a state-operated juvenile facility are subject to the supervision and approval of the superintendent and the authority of the commissioner, or his or her designee, except those persons employed by the State Board of Education, pursuant to §18-2-13f of this code.

**ARTICLE 7. BUREAU OF COMMUNITY CORRECTIONS.**

**§15A-7-1. Creation of Bureau of Community Corrections; Organization of facilities.**

(a) The commissioner shall establish a Bureau of Community Corrections. The commissioner shall establish which adult

facilities or institutions shall appropriately be managed by the Bureau of Community Corrections.

(b) The commissioner shall appoint an assistant commissioner, who shall oversee the Bureau of Community Corrections.

(c) Where reference in this article is made to the 'division', it shall mean the Division of Corrections and Rehabilitation.

**§15A-7-2. Duties of superintendents; bond; residence.**

The commissioner shall appoint a Superintendent for each institution under the control of the division. The superintendent of a community corrections facility shall have the same duties and responsibilities as described in §15A-3-1 *et seq.* of this code.

**§15A-7-3. Hiring of other assistants and employees; duties of employees.**

(a) Each superintendent of a community corrections facility shall, in the manner provided in §15A-3-5 of this code, hire all assistants and employees required for the management of these facilities or units, including a sufficient number of correctional employees to preserve order and enforce discipline among the inmates or parolees, to prevent escapes, to enforce laws, rules, and policies, and to protect the public. Any person employed by the office of the Commissioner of the Division of Corrections and Rehabilitation who on the effective date of this article is a classified civil service employee shall, within the limits contained in §29-6-1 *et seq.* of this code, remain in the civil service system as a covered employee.

(b) The commissioner shall, in the manner provided in §15A-3-5 of this code, hire all probation and parole officers, assistants, and employees required to carry out the duties as proscribed in this code for management of the parolee population, and probation population, as set forth in §15A-7-4 and §62-13-2(b) of this code, for the management of parolees, to preserve order, and enforce discipline among the parolees, to enforce laws, rules, and policies, and to protect the public. Any person employed by the office of the Commissioner of the Division of Corrections and Rehabilitation

who on the effective date of this article is a classified civil service employee shall, within the limits contained in §29-6-1 et seq. of this code, remain in the civil service system as a covered employee. Nothing in this section shall limit the abilities of the Supreme Court of Appeals of this state to carry forth their responsibilities and duties as proscribed in this code. All persons appointed or employed by the director shall be paid all necessary expenses incurred in the discharge of their duties.

**§15A-7-4. Supervision of probationers and parolees; final determinations remaining with board of probation and parole.**

The commissioner shall supervise all persons released on parole and placed in the charge of a state parole officer and all persons released on parole under any law of this state. He or she shall also supervise all probationers and parolees whose supervision may have been undertaken by this state by reason of any interstate compact entered into pursuant to the uniform act for out-of-state probation and parolee supervision. The commissioner shall prescribe rules for the supervision of probationers and parolees under his or her supervision and control, and shall succeed to all administrative and supervisory powers of the Parole Board and the authority of the Parole Board in those matters only.

The commissioner shall administer all other laws affecting the custody, control, treatment, and employment of persons sentenced or committed to institutions under the supervision of the department or affecting the operation and administration of institutions or functions of the division.

The final determination regarding the release of inmates from penal institutions and the final determination regarding revocation of parolees from those institutions pursuant to the provisions of §62-12-1 et seq. of this code shall remain within the exclusive jurisdiction of the Parole Board.

**§15A-7-5. Powers and duties of state parole officers.**

(a) Each state probation and parole officer employed by the Division of Corrections and Rehabilitation shall:

(1) Investigate all cases referred to him or her for investigation by the Commissioner of Corrections and Rehabilitation and report in writing on the investigation;

(2) Update the standardized risk and needs assessment adopted by the Division of Corrections and Rehabilitation pursuant to §62-12-13(h) of this code for each parolee for whom an assessment has not been conducted for parole by a specialized assessment officer;

(3) Supervise each parolee according to the assessment and supervision standards determined by the Commissioner of Corrections and Rehabilitation;

(4) Furnish to each parolee under his or her supervision a written statement of the conditions of his or her parole together with a copy of the rules prescribed by the Commissioner of Corrections and Rehabilitation for the supervision of parolees;

(5) Keep informed concerning the conduct and condition of each parolee under his or her supervision and report on the conduct and condition of each parolee in writing as often as required by the Commissioner of Corrections and Rehabilitation;

(6) Use all practicable and suitable methods to aid and encourage a parolee and to bring about improvement in his or her conduct and condition;

(7) Keep detailed records of his or her work;

(8) Keep accurate and complete accounts of, and give receipts for, all money collected from parolees under his or her supervision, and pay over the money to persons designated by a circuit court or the Commissioner of Corrections and Rehabilitation;

(9) Give bond with good security, to be approved by the Commissioner of Corrections and Rehabilitation, in a penalty of not less than \$1,000 nor more than \$3,000, as determined by the Commissioner of Corrections and Rehabilitation; and

(10) Perform any other duties required by the Commissioner of Corrections and Rehabilitation.

(b) Each probation and parole officer, as described in this article, may, with or without an order or warrant: (1) Arrest or order confinement of any parolee or probationer under his or her supervision; and (2) search a parolee or probationer, or a parolee or probationer's residence or property, under his or her supervision. A probation and parole officer may apply for a search warrant, and execute the search warrant, in connection to a parolee's whereabouts, or a parolee's activities. He or she has all the powers of a notary public, with authority to act anywhere within the state.

(c) The Commissioner of Corrections and Rehabilitation may issue a certificate authorizing any state parole officer who has successfully completed the Division of Corrections and Rehabilitation's training program for firearms certification, which is the equivalent of that required of any correctional employee under §15A-3-10 of this code, to carry firearms or concealed weapons. Any parole officer authorized by the Commissioner of Corrections and Rehabilitation may, without a state license, carry firearms and concealed weapons. Each state parole officer, authorized by the Commissioner of Corrections and Rehabilitation, shall carry with him or her a certificate authorizing him or her to carry a firearm or concealed weapon bearing the official signature of the Commissioner of Corrections and Rehabilitation.

#### **§15A-7-6. Parole supervision benefit fund.**

(a) There is continued a special revenue account in the State Treasury designated the 'Parole Supervision Benefit Fund'. The fund is to be used by the Division of Corrections and Rehabilitation for the benefit of parolee supervision with approval of the commissioner. The fund shall consist of moneys received from any source, including, but not limited to, funds donated by the general public or an organization dedicated to parole supervision improvement, and funds seized from parolees that are forfeited pursuant to the provisions of §60A-7-701 *et seq.* of this code.



(b) Notwithstanding any other provision of this code to the contrary, the commissioner may authorize use of the money in the fund created pursuant to this section for payment to a community corrections program established pursuant to §62-11C-1 et seq. of this code for providing enhanced supervision of parolees.

## **ARTICLE 8. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY BOARD.**

### **§15A-8-1. Powers and authority of the Regional Jail and Correctional Facility Authority Board; continuation of the Regional Jail and Correctional Facility Authority Board; payment of bonds; appeal of per diem rate.**

(a) The Regional Jail and Correctional Facility Authority Board is continued, as follows:

(1) The powers and authority of the Regional Jail and Correctional Facility Authority Board, in relation to all functions of correctional operations, are hereby abolished, and these powers and authority are transferred to the Division of Corrections and Rehabilitation as of July 1, 2018. The Regional Jail and Correctional Facility Authority Board shall only retain the powers as now outlined in this chapter. Where reference in this code is made to the Regional Jail and Correctional Facility Authority, in relation to operations of any of the regional jails, it shall be construed to mean the Division of Corrections and Rehabilitation.

(2) The following powers and authority of the Regional Jail and Correctional Facility Board are hereby specifically abolished:

(A) To mortgage or otherwise grant security interests in its property;

(B) To borrow money and to issue its negotiable bonds, security interests, or notes and to provide for and secure the payment thereof, and to provide for the rights of the holders thereof, and to purchase, hold, and dispose of any of its bonds, security interests, or notes;

(C) To sell, at public or private sale, any bond or other negotiable instrument, security interest or obligation of the authority in a manner and upon terms that the authority considers would best serve the purposes of this article;

(D) To issue its bonds, security interests, and notes payable solely from the revenues or other funds available to the authority therefor; and the authority may issue its bonds, security interests, or notes in those principal amounts as it considers necessary to provide funds for any purposes under this article, including:

(i) The payment, funding, or refunding of the principal of, interest on, or redemption premiums on, any bonds, security interests, or notes issued by it whether the bonds, security interests, notes, or interest to be funded or refunded have or have not become due; and

(ii) The establishment or increase of reserves to secure or to pay bonds, security interests, notes, or the interest thereon and all other costs or expenses of the Division of Corrections and Rehabilitation incident to and necessary or convenient to carry out its purposes and powers. Any bonds, security interests, or notes may be additionally secured by a pledge of any revenues, funds, assets, or moneys of the authority from any source whatsoever;

(E) To issue renewal notes or security interests, to issue bonds to pay notes or security interests and, whenever it considers refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured except that no renewal notes shall be issued to mature more than 10 years from date of issuance of the notes renewed and no refunding bonds may be issued to mature more than 25 years from the date of issuance;

(F) To apply the proceeds from the sale of renewal notes, security interests, or refunding bonds to the purchase, redemption, or payment of the notes, security interests, or bonds to be refunded; and

(G) To sell security interests in the loan portfolio of the authority. The security interests shall be evidenced by instruments issued by the authority.

(3) The powers and duties of the board in relation to paying the current bond series, designated as The State Building Commission of West Virginia Lease Revenue Refunding Bonds (West Virginia Regional Jail and Correctional Facility Authority) Series 1998A, Series 1998B, and Series 1998C are specifically continued. The board, however, may not reissue these bonds, renegotiate the terms of the current bonds, or refinance these bonds. There is hereby created in the State Treasury a Regional Jail and Correctional Facility Board Fund. The fund shall be controlled by the board, and shall be utilized for the sole purpose of payment of the outstanding bond series as provided above. The Commissioner of the Division of Corrections and Rehabilitation shall, on or before the fifth day of every month, transfer to this fund the amount necessary for the monthly payment of the bond, as set forth by the yearly communication from the creditor of the bonds. Further, on the effective date of this section, the commissioner shall transfer to this fund the reserve amount required by the bonds. On the date that the bonds are satisfied in full, these obligations shall cease, and any funds left in the board fund shall be transferred to the Commissioner of the Division of Corrections and Rehabilitation: *Provided*, That the funds can only be used in the manner directed or established by the board. Further, the board retains the authority to be able, and with consent of the Secretary of the Department of Military Affairs and Public Safety, to the extent permitted under its contracts with the holders of bonds, security interests, or notes of the authority, consent to any modification of the rate of interest, time of payment of any installment of principal or interest, security or any other term of any bond, security interest, note, or contract or agreement of any kind to which the authority is a party.

(4) The Regional Jail Authority shall review the per diem cost set by the state Budget Office, pursuant to §15A-3-16 of this code. If the authority believes that the amount set by the state Budget Office is incorrect, or that the amounts submitted by the Division of Corrections and Rehabilitation include more than what should be attributed to the efficient operation of jail facilities and units, the

authority may institute an action in regard to this pursuant to §29A-5-1 et seq. of this code.

(5) The Regional Jail Authority retains the ability to sue, as defined in this article, and to be sued.

(b) Where reference in this article is made to the ‘division’, it shall mean the Division of Corrections and Rehabilitation.

**§15A-8-2. West Virginia Regional Jail and Correctional Facility Authority Board; composition; appointment; terms; compensation and expenses.**

The West Virginia Regional Jail and Correctional Facility Authority Board is continued. The members of the board in office on the date this section takes effect shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified.

The authority shall be governed by a board of nine members, seven of whom are entitled to vote on matters coming before the authority. The complete governing board shall consist of the Commissioner of the Division of Corrections; the Assistant Commissioner for the Bureau of Juvenile Services; the Secretary of the Department of Military Affairs and Public Safety; the Secretary of the Department of Administration, or his or her designated representative; two county commissioners and one sheriff appointed by the Governor, no more than two of which may be of the same political party; and two citizens appointed by the Governor to represent the areas of law and medicine. The Commissioner of the Division of Corrections and Rehabilitation and the Assistant Commissioner for the Bureau of Juvenile Services shall serve in an advisory capacity and are not entitled to vote on matters coming before the authority. Members of the Legislature are not eligible to serve on the board.

The Governor shall nominate and, by and with the advice and consent of the Senate, appoint the five appointed members of the authority for staggered terms of four years.

Any appointed member whose term has expired shall serve until his or her successor has been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member is eligible for reappointment. Members of the board are not entitled to compensation for services performed as members, but are entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties.

All members of the board shall execute an official bond in a penalty of \$10,000, conditioned as required by law. Premiums on the bond shall be paid from funds accruing to the Division of Corrections and Rehabilitation. The bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor and, when fully executed and approved, shall be filed in the office of the Secretary of State.

**§15A-8-3. Governing body; organization and meetings; quorum; administrative expenses.**

(a) The board shall consist of the voting members of the board as provided for in §15A-8-2 of this code 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 two times a year, 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.

(c) The board shall prescribe, amend, and repeal bylaws and rules governing the manner in which the business of the authority is conducted and shall review and approve the budget prepared by the executive director annually.

(d) All costs incidental to the administration of the board shall be paid from the jail operation fund by the Commissioner of Corrections and Rehabilitation.

## **CHAPTER 19. AGRICULTURE.**

### **ARTICLE 12A. LAND DIVISION.**

#### **§19-12A-5. Powers, duties and responsibilities of commission.**

(a) On or before July 1, 1990, the commission shall meet and confer with respect to the development of a management plan to determine the optimum use or disposition of all institutional farms, at which time the Farm Management Director shall provide the commission with a complete inventory of all institutional farms, and such information relating to easements, mineral rights, appurtenances, farm equipment, agricultural products, livestock, inventories, and farm facilities as may be necessary to develop such management plan. The commission shall complete and provide to the Governor a management plan, which plan shall set forth the objectives of the commission with respect to institutional farms, the criteria by which the commission shall determine the optimum use or disposition of such property, and determinations as to whether each institutional farm shall be used in production, sold, or leased, in whole or in part. Prior to the adoption of any plan, the commission shall consult with the secretaries of the various departments of state government and shall request from such secretaries suggestions for land use and resource development on farm commission lands. On or before December 1, 1990, such management plan shall be presented to the Legislature, by providing a copy to the President of the Senate and the Speaker of the House of Delegates. The commission may confer with any other agency or individual in implementing and adjusting its management plan. The management plan established pursuant to this subsection may be amended, from time to time, as may be necessary.

(b) The commission shall manage its institutional farms, equipment, and other property in order to most efficiently produce food products for state institutions and shall implement the intent of

the Legislature as set forth by this article. From the total amount of food, milk and other commodities produced on institutional farms, the commission shall sell, at prevailing wholesale prices, and each of the institutions under the control of the Bureau of Public Health ~~and the Division of Corrections~~ shall purchase, a proportionate amount of these products based on the dietary needs of each institution.

(c) If requested by the ~~commissioner of corrections~~ Commissioner of Corrections and Rehabilitation, the commission may authorize the Division of Corrections and Rehabilitation to operate a farm or other enterprise using inmates as labor on those lands. The ~~commissioner of corrections~~ Commissioner of Corrections and Rehabilitation is responsible for the selection, direction, and supervision of the inmates and shall assign the work to be performed by inmates.

(d) The commission is hereby authorized and empowered to:

(1) Lease to public or private parties, for purposes including agricultural production or experimentation, public necessity, or other purposes permitted by the management plan, any land, easements, equipment, or other property, except that property may not be leased for any use in any manner that would render the land toxic for agricultural use, nor may toxic or hazardous materials as identified by the Commissioner of Agriculture be used or stored upon such property unless all applicable state and federal permits necessary are obtained. Any lease for an annual consideration of \$1,000 or more shall be by sealed bid auction and the commission shall give notice of such auction by publication thereof as a Class II-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication is the county in which the property to be leased is located;

(2) Transfer to the public land corporation land designated in its management plan as land to be disposed of, which land shall be sold, exchanged, or otherwise transferred pursuant to §5A-11-4 and §5A-11-5 of this code: *Provided*, That the net proceeds of the sale of farm commission lands shall be deposited in the General

Revenue Fund of the state: *Provided, however,* That no sale may be concluded until on or after March 15, 1991, except with respect to: (A) Properties located at institutions closed on or before the effective date of this section, March 10, 1990; or (B) properties conveyed to or from the farm management commission to or from any other entity in order to facilitate the construction of a regional jail or correctional facility by the Regional Jail and Correctional Facilities Authority or the State Building Commission, with the decision to execute any such conveyance being solely within the discretion of, and at the direction of, the Regional Jail and Correctional Facilities Authority;

(3) Develop lands to which it has title for the public use including forestation, recreation, wildlife, stock grazing, agricultural production, rehabilitation and/or other conservation activities and may contract or lease for the proper development of timber, oil, gas, or mineral resources, including coal by underground mining or by surface mining where reclamation as required by specifications of the Division of Environmental Protection will increase the beneficial use of such property. Any such contract or lease shall be by sealed bid auction as provided for in subdivision (1) above;

(4) Exercise all other powers and duties necessary to effectuate the purposes of this article.

(e) Notwithstanding the provisions of subsection (d) ~~herein~~ of this section, no timberland may be leased, sold, exchanged, or otherwise disposed of unless the Division of Forestry of the Department of Commerce, Labor and Environmental Resources certifies that there is no commercially salable timber on the timberland, an inventory is provided, an appraisal of the timber is provided, and the sale, lease, exchange, or other disposition is accomplished by the sealed bid auction procedure provided above in subdivisions (1) or (2), as applicable.

(f) The commission shall promulgate, pursuant to ~~chapter 29A~~ §29-1-1 et seq. of this code, rules and regulations relating to the powers and duties of the commission as enumerated in this section.



**CHAPTER 25. DIVISION OF CORRECTIONS.****ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.**

**§25-1-1. Office of commissioner of public institutions abolished; department and commissioner of corrections established; qualifications, oath and bond.**

[Repealed.]

**§25-1-1a. Purpose and legislative intent.**

[Repealed.]

**§25-1-3. Institutions managed by Commissioner of Corrections; certain institutions transferred to Department of Health and Human Resources; establishment of work and study release units; contracting with certain entities for reentry and direct placement services; reports to Governor.**

[Repealed.]

**§25-1-3a. Trustee accounts and funds, earnings and personal property of inmates.**

[Repealed.]

**§25-1-3b. Inmate benefit funds.**

[Repealed.]

**§25-1-3c. Financial responsibility program for inmates.**

[Repealed.]

**§25-1-4. Limitation on reimbursement rate to medical service providers for services provided for services outside division facilities.**

[Repealed.]

**§25-1-5. Rules and regulations.**

[Repealed.]

**§25-1-5a. Mutual aid agreements.**

[Repealed.]

**§25-1-6. Title to property of state institutions; custody of deeds and other muniments of title; authority of commissioner.**

[Repealed.]

**§25-1-7. Pruntytown Correctional Center established as a minimum security facility; limitations on type of residents therein.**

[Repealed.]

**§25-1-8. Charges assessed against inmates for services provided by state.**

[Repealed.]

**§25-1-11. Officers and employees of corrections institutions.**

[Repealed.]

**§25-1-11a. Duties of wardens and administrators; bond; residence.**

[Repealed.]

**§25-1-11b. Appointment of deputy warden; duties; bond.**

[Repealed.]

**§25-1-11c. Hiring of other assistants and employees; duties of correctional employees; right to carry weapons; powers of correctional peace officers.**

[Repealed.]

**§25-1-11d. Compensation of employees approved by commissioner; traveling and other expenses; payment of salaries.**

[Repealed.]

**§25-1-11e. Unauthorized use of uniform, badge, identification card or other insignia; impersonation of member; and penalty.**

[Repealed.]

**§25-1-11f. Hiring of correctional officer without regard to position on the register.**

[Repealed.]

**§25-1-13. Furlough programs.**

[Repealed.]

**§25-1-14. Electronic monitoring of offenders; special account.**

[Repealed.]

**§25-1-15. Diagnostic and classification divisions.**

[Repealed.]

**§25-1-16. Transfer of inmates of state institutions or facilities.**

[Repealed.]

**§25-1-16a. Governor's authority to authorize commissioner of corrections to consent to transfer of inmates under a federal treaty.**

[Repealed.]

**§25-1-17. Monitoring of inmate telephone calls; procedures and restrictions; calls to or from attorneys excepted.**

[Repealed.]

**§25-1-18. Monitoring inmate mail; procedures and restrictions; identifying mail from a state correctional institution; mail to or from attorneys excepted.**

[Repealed.]

**§25-1-19. Reports by Commissioner of Public Institutions and chief officers of institutions to Auditor.**

[Repealed.]

**§25-1-20. Reports to Governor.**

[Repealed.]

**§25-1-21. Employment of displaced correctional employees at other facilities.**

[Repealed.]

**§25-1-22. Task Force to Study the Feasibility of Establishing a Correctional Facility for the Incarceration and Treatment of Sex Offenders; members; duties.**

[Repealed.]

## **CHAPTER 28. STATE CORRECTIONAL AND PENAL INSTITUTIONS.**

### **ARTICLE 5. THE PENITENTIARY.**

**§28-5-7. Record of convict.**

[Repealed.]

**§28-5-8a. Manufacture of license plates, road signs or markers; securing signs and markers when federal government reimburses state for cost thereof.**

[Repealed.]

**§28-5-23. Special compensation of officers and employees prohibited; penalty.**

[Repealed.]

**§28-5-24. Gifts to or dealings with convicts.**

[Repealed.]

**§28-5-27. Deduction from sentence for good conduct; mandatory supervision.**

[Repealed.]

**CHAPTER 31. CORPORATIONS.**

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.**

**§31-20-1. Short title.**

[Repealed.]

**§31-20-1a. Legislative findings and purposes.**

[Repealed.]

**§31-20-2. Definitions.**

[Repealed.]

**§31-20-3. West Virginia Regional Jail and Correctional Facility Authority; composition; appointment; terms; compensation and expenses.**

[Repealed.]

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

[Repealed.]

**§31-20-5. Powers and duties of the authority; bidding procedures.**

[Repealed.]

**§31-20-5a. Bidding procedures.**

[Repealed.]

**§31-20-5b. Prohibition against use or possession of tobacco products by inmates held by regional facility authority in regional jails operated solely by the authority; authorization to establish smoking cessation program.**

[Repealed.]

**§31-20-5c. Additional powers and duties of the authority; juvenile detention facilities.**

[Repealed.]

**§31-20-5d. Good-time credit.**

[Repealed.]

**§31-20-5e. Monitoring of inmate telephone calls and electronic communications; procedures and restrictions; attorney-client privilege protected and exempted.**

[Repealed.]

**§31-20-5f. Charges assessed against inmates for services provided by the authority.**

[Repealed.]

**§31-20-5g. Pretrial risk assessment.**

[Repealed.]

**§31-20-5h. Programs for inmates committed to prison.**

[Repealed.]

**§31-20-8. Jail facilities standards commission; appointment; compensation; vacancies; quorum.**

[Repealed.]

**§31-20-8a. Juvenile facilities standards commission; appointment; compensation; vacancies; quorum.**

[Repealed.]

**§31-20-9. Jail facilities standards commission: Purpose, powers and duties.**

[Repealed.]

**§31-20-9a. Juvenile facilities standards commission; purpose; powers; and duties.**

[Repealed.]

**§31-20-10. Regional jail and correctional facility authority funds.**

[Repealed.]

**§31-20-10a. Criteria and procedures for determining the cost per day for inmates incarcerated in facilities operated by the authority and allocating cost.**

[Repealed.]

**§31-20-10b. Regional Jail Operations Partial Reimbursement Fund.**

[Repealed.]

**§31-20-11. Borrowing of money.**

[Repealed.]

**§31-20-12. Notes, security interests and bonds as general obligations of authority.**

[Repealed.]

**§31-20-13. Notes, security interests and bonds as negotiable instruments.**

[Repealed.]

**§31-20-14. Authorizing resolutions.**

[Repealed.]

**§31-20-15. Redemption of notes, security interests or bonds.**

[Repealed.]

**§31-20-20. Authorized limit on borrowing.**

[Repealed.]

**§31-20-22. Money of the authority.**

[Repealed.]

**§31-20-23. Conflict of interest; when contracts void.**

[Repealed.]

**§31-20-24. Agreement with federal agencies not to alter or limit powers of authority.**

[Repealed.]

**§31-20-27. Correctional officers; regional jails; priority of hiring.**

[Repealed.]

**§31-20-27a. Regional jail employees right to carry firearm; arrest authority of correctional officers.**

[Repealed.]

**§31-20-28. Limitations on contracts for sale of bonds or other securities.**



[Repealed.]

**§31-20-29. Furlough program.**

[Repealed.]

**§31-20-30. Limitation on reimbursement rate to medical service providers for services outside regional jail facilities.**

[Repealed.]

**§31-20-30a. Mechanical restraints during pregnancy.**

[Repealed.]

**§31-20-31. Work program.**

[Repealed.]

**§31-20-32. Jail processing fee.**

[Repealed.]

**CHAPTER 50. MAGISTRATE COURTS.**

**ARTICLE 3. COSTS, FINES AND RECORDS.**

**§50-3-2. Costs in criminal proceedings.**

(a) In each criminal case before a magistrate court in which the defendant is convicted, whether by plea or at trial, there is imposed, in addition to other costs, fines, forfeitures or penalties as may be allowed by law: (1) Costs in the amount of \$60, of which \$5 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code; (2) an amount equal to the one-day per diem provided for in ~~subsection (h), section ten, article twenty, chapter thirty one~~ §15A-3-16(g) of this code; and (3) costs in the amount of \$30 to be deposited in the Regional Jail Operations Partial Reimbursement Fund created by ~~section ten-b of said article~~ §15A-3-16 of this code. A magistrate may not collect costs in advance. Notwithstanding any other provision of this code, a person liable for fines and court costs in a criminal proceeding in

which the defendant is confined in a jail or prison and not participating in a work release program shall not be held liable for the fines and court costs until one hundred eighty days after completion of the term in jail or prison. A magistrate court shall deposit \$5 from each of the criminal proceedings fees collected pursuant to this section in the Court Security Fund created in section fourteen, article three, chapter fifty-one of this code. A magistrate court shall, on or before the tenth day of the month following the month in which the fees imposed in this section were collected, remit an amount equal to the one-day per diem provided for in ~~subsection (h), section ten, article twenty, chapter thirty-one~~ §15A-3-16(g) of this code from each of the criminal proceedings in which the fees specified in this section were collected to the magistrate court clerk, or if there is no magistrate court clerk to the clerk of the circuit, together with information as may be required by the rules of the Supreme Court of Appeals and the rules of the Office of Chief Inspector. These moneys are paid to the sheriff who shall distribute the moneys solely in accordance with the provisions of section fifteen, article five, chapter seven of this code. Amendments made to this section during the 2001 regular session of the Legislature, are effective after June 30, 2001.

(b) A magistrate shall assess costs in the amount of \$2.50 for issuing a sheep warrant and the appointment and swearing appraisers and docketing the proceedings.

(c) In each criminal case which must be tried by the circuit court but in which a magistrate renders some service, costs in the amount of \$10 shall be imposed by the magistrate court and is certified to the clerk of the circuit court in accordance with the provisions of section six, article five, chapter sixty-two of this code.

**§50-3-4a. Disposition of criminal costs and civil filing fees into State Treasury account for Regional Jail and Prison Development Fund.**

(a) The clerk of each magistrate court shall, at the end of each month, pay into the Regional Jail and Prison Development Fund in the state Treasury an amount equal to \$40 of the costs collected in

each criminal proceeding and all but \$10 of the costs collected for the filing of each civil action.

(b) The clerk of each magistrate court shall, at the end of each month, pay into the Regional Jail Operations Partial Reimbursement Fund established in ~~section ten-a, article twenty, chapter thirty-one~~ §15A-3-17 of this code the fees collected pursuant to subsection (g), section one and subdivision (3), subsection (a), section two of this article.

## **CHAPTER 62. CRIMINAL PROCEDURE.**

### **ARTICLE 12. PROBATION AND PAROLE.**

**§62-12-14. Appointment of probation and parole officers and clerical assistants; qualifications of officers; salaries and expenses.**

[Repealed.]

**§62-12-14a. Director of employment; director of housing; released inmates; duties.**

[Repealed.]

**§62-12-15. Powers and duties of state parole officers.**

[Repealed.]

**§62-12-25. Parole supervision benefit fund.**

[Repealed.]

### **ARTICLE 13. CORRECTIONS MANAGEMENT.**

**§62-13-3. Appointment and qualifications of director.**

[Repealed.]

**§62-13-4. Powers and duties of commissioner or director generally; compensation and funds of inmates.**

[Repealed.]

**§62-13-5. Commitments; transfers.**

[Repealed.]

**§62-13-6a. Payment of jail fees to county commissions.**

[Repealed.]”

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4338** – “A Bill to repeal §25-1-1, §25-1-1a, §25-1-3, §25-1-3a, §25-1-3b, §25-1-3c, §25-1-4, §25-1-5, §25-1-5a, §25-1-6, §25-1-7, §25-1-8, §25-1-11, §25-1-11a, §25-1-11b, §25-1-11c, §25-1-11d, §25-1-11e, §25-1-11f, §25-1-13, §25-1-14, §25-1-15, §25-1-16, §25-1-16a, §25-1-17, §25-1-18, §25-1-19, §25-1-20, §25-1-21 and §25-1-22 of the Code of West Virginia, 1931, as amended; to repeal §28-5-7, §28-5-8a, §28-5-23, §28-5-24 and §28-5-27 of said code; to repeal §31-20-1, §31-20-1a, §31-20-2, §31-20-3, §31-20-4, §31-20-5, §31-20-5a, §31-20-5b, §31-20-5c, §31-20-5d, §31-20-5e, §31-20-5f, §31-20-5g, §31-20-5h, §31-20-8, §31-20-8a, §31-20-9, §31-20-9a, §31-20-10, §31-20-10a, §31-20-10b, §31-20-11, §31-20-12, §31-20-13, §31-20-14, §31-20-15, §31-20-20, §31-20-22, §31-20-23, §31-20-24, §31-20-27, §31-20-27a, §31-20-28, §31-20-29, §31-20-30, §31-20-30a, §31-20-31, and §31-20-32 of said code; to repeal §62-12-14, §62-12-14a, §62-12-15, and §62-12-25 of said code; to repeal §62-13-3, §62-13-4, §62-13-5, and §62-13-6a of said code; to amend and reenact §6-7-2a of said code; to amend said code by adding thereto a new chapter, designated §15A-1-1, §15A-1-2, §15A-1-3, §15A-1-4, §15A-1-5, §15A-1-6, §15A-2-1, §15A-2-2, §15A-2-3, §15A-3-1, §15A-3-2, §15A-3-3, §15A-3-4, §15A-3-5, §15A-3-6, §15A-3-7, §15A-3-8, §15A-3-9, §15A-3-10, §15A-3-11, §15A-3-12, §15A-3-13, §15A-3-14, §15A-3-15, §15A-3-16, §15A-3-17, §15A-3-18, §15A-4-1, §15A-4-2, §15A-4-3, §15A-4-4, §15A-4-5, §15A-4-6, §15A-4-7, §15A-4-8, §15A-4-9, §15A-4-10, §15A-4-11, §15A-4-12, §15A-4-13, §15A-4-14, §15A-4-15, §15A-4-16, §15A-4-17, §15A-4-18, §15A-4-19, §15A-4-20, §15A-4-21, §15A-5-1, §15A-5-2, §15A-5-3, §15A-5-4, §15A-5-5, §15A-5-6, §15A-5-7, §15A-5-8, §15A-5-9, §15A-6-1, §15A-6-2, §15A-6-3, §15A-6-4, §15A-6-5, §15A-7-1, §15A-7-2, §15A-7-3, §15A-7-4,

§15A-7-5, §15A-7-6, §15A-8-1, §15A-8-2, and §15A-8-3; to amend and reenact §19-12A-5 of said code; and to amend and reenact §50-3-2 and §50-3-4a of said code, all relating generally to supervision of persons committed to the custody of the Division of Corrections, Division of Juvenile Services, and the Regional Jail and Correctional Facility Authority; setting forth rules of construction; defining terms; creating Division of Administrative Services within Department of Military Affairs and Public Safety; defining scope of duties for Division of Administrative Services; authorizing appointment of director; setting qualifications for director; providing authority and duties for director; authorizing director to enter into memorandum of understanding with certain agencies to provide services; transferring certain employees, responsibilities, equipment and records to Division of Administrative Services; providing for classified service coverage for certain employees; creating Division of Corrections and Rehabilitation within Department of Military Affairs and Public Safety; eliminating Division of Corrections and Division of Juvenile Services and transferring powers and authority to Division of Corrections and Rehabilitation; transferring certain powers and authority of Regional Jail and Correctional Facility Authority to Division of Corrections and Rehabilitation; setting forth purpose and legislative intent; requiring chapter be construed in favor of public safety; authorizing appointment of commissioner of Division of Corrections and Rehabilitation; requiring commissioner subscribe to oath and execute bond; abolishing office of Commissioner of Division of Corrections, Director of Juvenile Services, and Executive Director of Regional Jail and Correctional Facility Authority; vesting powers of abolished offices in office of commissioner of Division of Corrections and Rehabilitation; setting salary for commissioner; setting requirements for commissioner; setting powers and duties of commissioner; providing for the hiring of officers and employees of corrections institutions; providing authority for commissioner or designee to manage and administer certain affairs of correctional units and juvenile facilities under the division's jurisdiction; providing powers of superintendents of institutions or correctional units; requiring commissioner to investigate complaints made against superintendents or employees of institutions; requiring

preemployment drug screening of prospective correctional employees; providing authority for superintendent and commissioner over employees; providing exceptions; authorizing hiring of correctional officer employees without regard to position on register; providing for compensation of employees; providing for reimbursement or provision of traveling and other expenses under certain circumstances; providing for certain reporting by commissioner and chief officers of institutions to State Auditor; prohibiting special compensation of officers and employees; providing penalties for violations of provision; setting forth certain law-enforcement powers of employees; establishing Corrections Special Operations Team; authorizing commissioner to prescribe design of employee uniforms; providing limitations on commissioner and municipalities with respect to uniform design; establishing criminal penalties for wearing or using uniform, badge, identification card or insignia with intent to deceive; establishing criminal penalty for falsely representing oneself as officer or employee of division; establishing criminal penalty for employee using position to threaten or coerce any other person to receive benefit; providing exceptions; identifying institutions to be managed by commissioner; authorizing certain contracts; authorizing the establishment of certain work and study release units; authorizing contract with nonprofit or charitable entities; setting terms of placing person in half-way house or transitional housing facility; placing adult persons sentenced to incarceration under the jurisdiction of the commissioner in the custody of the commissioner; authorizing transfer of adult inmates among institutions; granting contracting authority to commissioner for county jails or other incarceration facilities; directing establishment of a per diem rate for felony sentenced inmates; authorizing transfer of mentally disturbed adult prisoners or inmates; directing commissioner evaluate all facilities for most appropriate space to house each type of inmate; requiring consultation with Juvenile Justice Commission regarding current or prospective juvenile facilities; requiring report on evaluation to Joint Committee on Government and Finance; prohibiting conversion of juvenile facilities to adult facilities or adult facilities to juvenile facilities absent legislative authorization; vesting title to certain properties in the state; making commissioner custodian of

deeds; authorizing lease of West Virginia penitentiary in Moundsville, subject to certain conditions, with approval of secretary of Military Affairs and Public Safety; exempting division from purchasing; providing procedures to be followed when purchasing is done by division; providing conditions for emergency purchasing; authorizing certain agreements with medical schools and higher education institutions; authorizing mutual aid agreements, subject to certain conditions, with approval of secretary of Military Affairs and Public Safety; continuing certain funds from Regional Jail and Correctional Facility Authority; providing for transfer of fund administration from Regional Jail and Correctional Facility Authority or its executive director; limiting use of jail funds to certain operations and expenses; authorizing investment under certain circumstances; identifying contents of funds; authorizing certain expenditures of funds; requiring incarceration of persons by counties in jail facilities; providing exceptions; clarifying authority of circuit and magistrate courts with respect to detention and commitment; requiring payment by county or municipality for per-day cost of incarceration; providing for establishment of per-day cost; capping per-day cost for a period of time; providing conditions for calculating per-day cost; establishing period of time for which county is responsible for costs of housing and maintaining inmates in its facilities; directing preparation of a report on feasibility of phasing out per diem charges; directing contents of report; continuing Jail Operations Partial Reimbursement Fund; establishing source of revenues; providing for use of funds; providing for administration of fund; granting rule-making authority; granting authority to develop policies; continuing legislative rules and policies of former Division of Corrections, Division of Juvenile Services, and Regional Jail and Correctional Facility Authority; authorizing furlough programs; authorizing rule-making; providing certain parameters for furlough program; granting immunity, with certain limitations, to certain persons and entities for claims arising out of furlough program; authorizing electronic monitoring; requiring commissioner charge reasonable fee; providing exceptions; providing for deposit and use of fees; setting parameters for electronic devices; authorizing continuation and establishment of diagnostic and classification subdivisions;

requiring all persons committed to the custody of the division to undergo diagnosis and classification; requiring division perform mental health preliminary screenings; authorizing commissioner to transfer inmates; providing conditions for transfer under certain circumstances; authorizing monitoring of inmate telephone calls, inmate mail, and inmate electronic correspondence; requiring notice to inmates of monitoring; providing procedures for and restrictions on monitoring; excepting communications to or from attorneys; requiring promulgation of policy directive establishing record-keeping procedures; providing for use of records when inmate is charged with crimes based on conversations; authorizing establishment of trustee accounts; providing for handling of money and personal property of inmates or residents; requiring certain incarcerated offenders make reimbursement toward cost of incarceration; requiring certain reports concerning the average cost per inmate; authorizing facility superintendent expend up to one half of inmate's money to satisfy certain obligations; providing for distribution of funds upon inmate departure or death; providing for notice of credit of money credited to former inmate or resident under certain circumstances; directing establishment of inmate or resident benefit funds for each institution; requiring reports on inmate benefit funds; continuing special revenue account; identifying sources of moneys for inmate or resident benefit funds; providing for use of funds in inmate or resident benefit funds; requiring division assist inmates in developing financial plans to meet any child support obligations; directing deduction by superintendent from inmate earnings for all legitimate court-ordered financial obligations; providing for civil judgments awarded to inmate to be subject to deductions for child support, restitution or other court-ordered obligations; directing investment of remaining funds with Municipal Bond Commission; limiting reimbursement rate to medical service providers for services outside division facilities; authorizing assessment of certain reasonable charges against inmates for certain services provided by the state; providing exceptions to authority to assess charges; authorizing interpretive rules; directing preparation and preservation of records for indictment and conviction, or charges and adjudication, and a register containing certain information; authorizing establishment of plant for the manufacture of license



plates, road signs, or markers; making it unlawful for state employee or official to obtain license plates, road signs, or markers other than through plant; prohibiting certain persons from making gifts to or receiving gifts from inmates or residents; directing commissioner promulgate disciplinary rules and policies; setting penalties for violations; requiring commutation of certain sentences for good conduct; providing exceptions; setting conditions and procedures for commutation of sentences; authorizing Governor to authorize commissioner to consent to transfer or exchange of inmates in his or her custody in accordance with treaty between United States and a foreign country; providing for handling of mentally ill patients; disallowing mentally ill patients being denied parole or a parole hearing based upon condition; providing for facts to be presented to superintendent if convicted person is believed to be mentally ill, intellectually disabled, or addicted; providing for application of transfer to be filed; providing for appointment of special counsel for convict who is indigent; providing for notice to convicted person; setting forth process after application for transfer is filed; authorizing establishment of work program for qualified inmates; setting conditions on work program; providing immunity for certain persons and entities; authorizing employment of Director of Employment and Director of Housing for released inmates; setting authority and duties of directors; directing commissioner establish Bureau of Prisons and Jails; directing appointment of assistant commissioner to oversee Bureau of Prisons and Jails; transferring duties and funds of Division of Corrections to Bureau of Prisons and Jails; directing appointment of superintendents for facilities within Bureau of Prisons and Jails; requiring superintendents post bond; setting authority of superintendents; authorizing establishment of imprest fund; authorizing appointment of deputy superintendents; requiring deputy superintendents post bond; authorizing hiring of other assistants and employees by superintendents with approval of commissioner; providing for oversight of employees; requiring commissioner to make space in every adult institution for both jail and prison populations; setting limitations on requirement to house both jail and prison populations in each adult institution; requiring division conduct pretrial risk assessment of person within three calendar days of

arrest and placement in jail; directing pretrial risk assessment be provided to magistrate and circuit clerks; making pretrial risk assessment inadmissible evidence; requiring person committed to be housed in jail pay processing fee; directing where processing fee to be credited; directing refund of fee if person is not convicted; authorizing commissioner or employee to refuse certain offenders if offender appears to need medical attention; directing commissioner establish Bureau of Juvenile Services; transferring duties and funds of Division of Juvenile Services to Bureau of Juvenile Services; directing appointment of assistant commissioner to oversee Bureau of Juvenile Services; directing appointment of superintendents for facilities within Bureau of Juvenile Services; requiring superintendents post bond; setting authority of superintendents; authorizing establishment of imprest fund; authorizing appointment of deputy superintendents; requiring deputy superintendents post bond; authorizing hiring of other assistants and employees by superintendents with approval of commissioner; providing for oversight of employees; directing commissioner establish Bureau of Community Corrections; directing appointment of assistant commissioner to oversee Bureau of Community Corrections; directing appointment of superintendents for facilities within Bureau of Community Corrections; requiring superintendents post bond; authorizing hiring of other assistants and employees by superintendents; providing for supervision of persons on probation or released on parole; directing rules regarding supervision of probationers and parolees; clarifying authority retained by Parole Board; setting powers and duties of state parole officers; authorizing issuance of certificates for state parole officers under certain conditions; continuing Parole Supervision Benefit Fund; authorizing use of money for payment to community corrections program; continuing Regional Jail and Correctional Facility Authority Board; continuing certain powers; transferring certain power and authority to Division of Corrections and Rehabilitation; abolishing certain powers; modifying composition of Regional Jail and Correctional Facility Authority Board; providing for appointment and qualifications of board members; providing for governance by and operation of board; directing authority review per diem cost set by state Budget Office; providing procedures if amount is challenged

or believed incorrect; providing certain employees of State Board of Education not subject to supervision and approval of employees of division; making certain employees members of classified service; exempting Division of Corrections and Rehabilitation from requirement to buy certain products from Department of Agriculture; repealing provisions of code related to Division of Corrections; repealing provisions of code related to state correctional and penal institutions; repealing provisions of code related to West Virginia Regional Jail and Correctional Facility Authority; repealing provisions of code related to probation and parole; repealing provisions of code related to corrections management; updating code references; eliminating obsolete language; and making technical corrections.”

On motion of Delegate Cowles, the House of Delegates concurred in the amendment by the Senate, with further amendment as follows:

On page seven of the Senate amendment, section two, line eighteen, by striking out “(f)” and inserting in lieu thereof “(e)”.

On page seven, section two, line twenty-one, by striking out “(e)” and inserting in lieu thereof “(f)”.

On page fourteen, section eleven, line nineteen, following the word “of”, by striking out “§15A-3-118(b)” and inserting in lieu thereof “§15A-3-11(b)”.

On page sixteen, section twelve, line sixty-five, by striking out “(c)” and inserting in lieu thereof “(d)” and relettering the remaining subsections.

On page seventeen, section twelve, lines eighty-five and eighty-six, by striking out “§15A-3-12(f)” and inserting in lieu thereof “§15A-3-12(g)”.

On page eighteen, section thirteen, line one hundred eighteen, following the words “by prior act of the”, by striking out the word “legislator” and inserting in lieu thereof “Legislature”.

On page twenty-five, section two, lines three and four, following “operated by the division”, by striking out “under legislative rules, pursuant to §29A-3-1 *et seq.* of this code or policy directives promulgated by the commissioner”, and inserting in lieu thereof “pursuant to legislative rules promulgated pursuant to §29A-3-1 *et seq.* of this code”.

On page thirty-two, section seven, line ninety-nine, following “specified in”, by striking out “§15A-4-77(a)(5)” and inserting in lieu thereof “§15A-4-7(a)(5)”.

On page forty-three, section sixteen, by striking out the word “convicts” in the section heading and inserting in lieu thereof the words “inmate or resident”.

On page forty-nine, section twenty, line four, following “program” and the period, by inserting the words “A qualified inmate does not include an inmate convicted of a sexual offense or a violent felony.”

And,

On page fifty-four, section one, line one, by striking out “(c)” and inserting in lieu thereof “(a)”.

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 515**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4338) passed.

Delegate Cowles moved that the bill take effect July 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 516**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4338) takes effect from July 1, 2018.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4350**, Eliminating the regulation of upholstery.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 1A. REGULATION AND CONTROL OF  
BEDDING AND UPHOLSTERY BUSINESSES.**

**§47-1A-11. Statements required on tags to be affixed to bedding.**

(1) Every article of bedding made for sale, sold, or offered for sale shall have attached thereto a tag on which is stated the name of the filling material used, that such material used is new or secondhand and, when required to be sterilized, that such material has been sterilized and the number of the sterilization permit. Such tag shall also contain the name and address of the maker or the vendor and the registry number, as hereinafter provided, of the maker.

~~(2) Every remade or renovated article of bedding not for sale, before returned to the owner for his or her own use, shall have attached thereto a tag which, in addition to the statements hereinabove required, shall state the name and address of the remaker or renovator or the statement 'remade and renovated for' followed by the name and address of the person for whom the article of bedding is renovated.~~

~~(3)~~ (2) In the description of the filling material used on any tag attached to an article of bedding, no term or designation intended or likely to mislead shall be used; but where such article contains more than one material, the amount of such materials shall be stated on the tag and there shall be no variance in excess of 10 percent from the amount stated on the tag: *Provided, however,* That no variance shall be allowed for filling material which is described as 'all', 'pure', '100%' or terms of similar import.

~~(4)~~ (3) A complete secondhand article of bedding which has not been remade or renovated may be sold 'as is' without being sterilized, but the original tag shall be removed by the vendor and he or she shall attach a tag stating that the article is secondhand – 'contents unknown'. This requirement shall not apply to articles sold at public auction, the sale of antique furniture, or to a private sale from the home of the owner direct to the purchaser: *Provided, however,* That the exceptions herein stated shall not authorize the sale of an article of bedding that has been exposed to infectious or contagious disease and which, after such exposure, has not been sterilized and approved for use.

#### **§47-1A-14. Annual registration and permit fees.**

(a) The annual registration fee for all manufacturers shipping or selling articles of bedding ~~and for upholsterers or renovators, as defined in this article,~~ in the State of West Virginia shall be \$90, payable on the first day of the fiscal year. Any manufacturer, ~~upholsterer or renovator~~ who submits an annual registration fee on or after July 16 shall pay a \$25 late fee in addition to the annual fee.

(b) The annual sterilizer permit fee shall be \$90, payable on the first day of the fiscal year. Any sterilizer who submits an annual permit fee on or after July 16 shall pay a \$25 late fee in addition to the annual fee.

(c) The fee for reissuing a revoked or expired registration or permit shall be \$90.

(d) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury to be known as the Bedding and Upholstery Fund and expended for the implementation and enforcement of this article. Through June 30, 2019, Amounts amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this article may be utilized by the commissioner as needed to meet the division's funding obligation-: Provided, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations."

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4350** – “A Bill to amend reenact §47-1A-11 and §47-1A-14 of the Code of West Virginia, 1931, as amended, all relating to eliminating the regulation of upholsterers by the Commissioner of Labor; removing tagging requirements for upholsterers; and eliminating annual registration and permit fees for upholsterers.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 517**), and there were—yeas 78, nays 20, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Fleischauer, Fluharty, Lynch, Miley, R. Miller, Moye,

Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle and Williams.

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4350) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4394**, Relating to forest fires.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

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

**§20-3-5. Forest fire seasons; prohibited and permissible fires; burning permits and fees; fire control measures; criminal and civil penalties.**

(a) *Forest fire seasons.* — March 1 through May 31, and October 1 through December 31 are designated as forest fire seasons. During any fire season, a person may set on fire or cause to be set on fire any forest land, or any grass, grain, stubble, slash, debris, or other inflammable materials only between 5 p.m. and 7 a.m., at which time the fire must be extinguished.

(b) *Permissible fires during forest fire seasons.* — The following attended fires are permitted during forest fire season as set forth in subsection (a) of this section without a burning permit unless there is a burning ban in effect:



(1) Small fires set for the purpose of food preparation, or providing light or warmth around which all grass, brush, stubble, or other debris has been removed for a distance of 10 feet from the fire; and

(2) Burning conducted at any time when the ground surrounding the burning site is covered by one inch or more of snow.

(c) *Burning permits.* — The director or his or her designee may issue burning permits authorizing fires during forest fire seasons as set forth in subsection (a) of this section that are otherwise prohibited by this section. The permits shall state the requisite conditions and time frame to prevent danger from the fire to life or property: *Provided*, That the director or his or her designee shall take final action upon all completed permit applications within 30 days of receipt if the application is uncontested, or within 90 days if the application is contested.

(1) *Permit fees.* — Entities required to pay a permit fee are those engaged in commercial, manufacturing, public utility, mining, and like activities. Agricultural activities are exempt from paying the permit fee. The permit fee is \$125 per site and shall be deposited into the Division of Forestry Fund (3081) to be used to administer the provisions of this section. The permit fee covers the fire season during which it is issued.

(2) Noncompliance with any condition of the permit is a violation of this section. Any permit which was obtained through willful misrepresentation is invalid and violates this section.

(3) Permit holders shall take all necessary and adequate precautions to confine and control fires authorized by the permit. Failure to take action is a violation of this section and is justification for the director to revoke the permit.

(d) *Fire control.* —

(1) With approval of the Governor, the director may prohibit the starting of and require the extinguishment of fire in any designated area, including fires permitted by this section.

(2) With approval of the Governor, the director may designate any forest area as a danger area, prohibit entry, and declare conditional uses and prohibited areas of the forest by proclamation at any time of the year. The proclamation shall be furnished to newspapers, radio stations, and television stations that serve the designated area and ~~shall become~~ becomes effective after 24 hours. The proclamation remains in effect until the director, with the approval of the Governor, terminates it. The order shall designate the time of termination, and notice of the order shall be furnished to each newspaper, radio station, and television station that received a copy of the proclamation.

~~(3) Burning is not permitted by this section until all inflammable material has been removed from around the material to be burned and a safety strip of at least ten feet is established to ensure that the fire will not escape. A person shall remove all flammable material from the area immediately surrounding the material to be burned for a distance which ensures the fire will at all times be contained; this safety strip shall in no event be less than 10 feet wide. Any person or his or her agent or employee who sets or causes to be set any fire which escapes the safety strip and causes damage to the lands of another is guilty of a misdemeanor.~~

(e) *Criminal and civil penalties.* — A person or entity that violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$100 and not more than \$1,000 for each violation. In addition to fines and costs, a person or entity convicted of a violation of this section shall pay a \$200 civil penalty to the division within 60 days. The civil penalty shall be collected by the court in which the person is convicted and forwarded to the division and deposited in the Division of Forestry Fund (3081) to be used to administer the provisions of this section.

**§20-3-5a. Prescribed Fire Program.**

(a) As used in this section:

(1) ‘Certified prescribed fire manager’ means an employee of the Division of Forestry, the Division of Natural Resources, or any

federal employee who has successfully completed a certification process established by the director.

(2) ‘Prescribed fire’ means the controlled application of fire or wildland fuels in wildlife management areas, state forests or federal lands in either the natural or modified state, under specified environmental conditions, which allows the fire to be confined to a predetermined area and produces the fire behavior and fire characteristics necessary to attain planned fire treatment and ecological, silvicultural, and wildlife management objectives.

(3) ‘Prescription’ means a written statement defining the objectives to be attained by a prescribed fire and the conditions of temperature, humidity, wind direction and speed, fuel moisture, and soil moisture under which a fire will be allowed to burn. A prescription is generally expressed as an acceptable range of the prescription elements.

(b) *Director certification process.* — The director shall develop and administer a certification process and prescribed burn course for any individual who desires to become a certified prescribed fire manager. The prescribed fire course shall include the following subjects: The legal aspects of prescribed fire, fire behavior, prescribed fire tactics, smoke management, environmental effects, plan preparation, and safety. The director shall give a final examination on these subjects to all attendees. The director may charge a reasonable fee to cover the costs of the prescribed fire course and the examination.

(c) To be certified as a certified prescribed fire manager, a person shall:

(1) Successfully complete all components of the prescribed fire course developed by the director and pass the examination developed for the course;

(2) Successfully complete a prescribed fire course comparable to that developed by the director and pass the examination developed for the course; or

(3) Demonstrate relevant past experience, complete a review course and pass the examination developed for the prescribed fire course.

(d) Prescribed burning shall be performed in the following manner:

(1) A certified prescribed fire manager shall prepare a prescription for the prescribed fire prior to the burn. The prescription shall include: (A) The landowner's name, address, and telephone number, and the telephone number of the certified prescribed fire manager who prepared the plan; (B) a description of the area to be burned, a map of the area to be burned, the objectives of the prescribed fire, and the desired weather conditions or parameters; (C) a summary of the methods to be used to start, control, and extinguish the prescribed fire; and (D) a smoke management plan. The smoke management plan shall conform to the Department of Environmental Protection's rule, Control of Air Pollution from Combustion of Refuse, 45 CSR 6. A copy of the prescription shall be retained at the site throughout the period of the burning;

(2) A certified prescribed fire manager shall directly supervise a prescribed fire and ensure that the prescribed fire is in accordance with the prescription; and

(3) The certified prescribed fire manager shall notify the nearest regional office of the division 24 hours prior to the prescribed fire.

(e) If the actions of any certified prescribed fire manager or the prescriptions prepared by him or her violate any provision of this article, state air pollution control laws, the Division of Forestry rules, the Department of Environmental Protection rules or laws, or threaten public health and safety, the director may revoke his or her certification.

(f) The director shall propose rules for promulgation in accordance with the provisions of §29A-3-1 *et seq.* of this code for

establishing the procedures for the development of a certification program for prescribed fire managers.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4394** – “A Bill to amend and reenact §20-3-5 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §20-3-5a, all relating to forest fires; requiring all flammable material must be removed from the area immediately surrounding material to be burned for a distance which ensures the fire will at all times be contained; requiring that a safety strip shall in no event be less than ten feet wide; establishing a crime for any person or employee who sets or causes to be set any fire which escapes the safety strip and causes damage to the lands of another; setting forth criminal penalties; creating a prescribed fire program; defining terms; requiring Director of the Division of Natural Resources to develop a certification process and prescribed burn course; setting forth requirements for certification as a certified prescribed fire manager; prescribing manner in which prescribed burn must be performed; setting forth violations which may result in revocation of certification; and authorizing rule-making.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 518**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4394) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4431**, Establishing the Mountaineer Trail Network Recreation Authority.

Delegate Cowles moved that the House of Delegates concur with further title amendment, and the House concurred in the following amendment by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 14A. MOUNTAINEER TRAIL NETWORK RECREATION AUTHORITY.**

**§20-14A-1. Legislative findings.**

The West Virginia Legislature finds that there is a significant need within the state and throughout the eastern United States for well-managed facilities for trail-oriented recreation for bicycle enthusiasts, mountain bicyclists, and others. The Legislature further finds that under an appropriate contractual and management scheme, well-managed, trail-oriented recreation facilities could exist on private property without diminishing the landowner’s interest, control, or profitability in the land and without increasing the landowner’s exposure to liability.

The Legislature further finds that, with the cooperation of private landowners, there is an opportunity to provide trail-oriented recreation facilities primarily on private property in the mountainous terrain of north central West Virginia and that the facilities will provide significant economic and recreational benefits to the state and to the communities in north central West Virginia through increased tourism in the same manner as whitewater rafting, snow skiing, and utility terrain motor vehicle riding benefit the state and communities surrounding those activities.

The Legislature further finds that the creation and empowering of a joint development entity to work with the landowners, county officials and community leaders, state and federal government agencies, recreational user groups, and other interested parties to enable and facilitate the implementation of the facilities will greatly assist in the realization of these potential benefits.

The Legislature further finds that it is in the best interests of the state to encourage private landowners to make land available for public use, through the Mountaineer Trail Network Recreation Authority, for these recreational purposes by limiting landowner liability for injury to persons entering thereon, by limiting landowner liability for injury to the property of persons entering thereon, and by limiting landowner liability to persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

#### **§20-14A-2. Definitions.**

Unless the context clearly requires a different meaning, the terms used in this article have the following meanings:

(1) ‘Authority’ means the Mountaineer Trail Network Recreation Authority;

(2) ‘Board’ means the board of the Mountaineer Trail Network Recreation Authority;

(3) ‘Charge’ means, for purposes of limiting liability for recreational purposes set forth in this article, the amount of money asked in return for an invitation to enter or go upon the land, including a one-time fee for a particular event, amusement, occurrence, adventure, incident, experience, or occasion as set by the authority, which may be set by the authority in differing amounts for different categories of participants;

(4) ‘Land’ includes, but is not limited to, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment thereon when attached to the realty;

(5) ‘Mountaineer Trail Network Recreation Area’ means a system of recreational trails and appurtenant facilities, including trail head centers, parking areas, camping facilities, picnic areas, recreational areas, historic or cultural interpretive sites, and other facilities that are a part of the system: *Provided*, That for the purposes of permitted or prohibited use of such a system, the term includes a system located in a regional Mountaineer Trail Network Authority established pursuant to §20-14A-13 of this article;

(6) ‘Owner’ means those vested with title to real estate and those with the ability to exercise control over real estate and includes, but is not limited to, tenant, lessee, licensee, holder of a dominant estate, or other lawful occupant;

(7) ‘Participant’ means any person using the land, trails, and facilities of the Mountaineer Trail Network Recreation Area;

(8) ‘Participating county’ means the counties of Barbour, Grant, Harrison, Marion, Mineral, Monongalia, Preston, Randolph, Taylor, and Tucker and, upon request of the county commission, any county that is adjacent to a participating county of the Mountaineer Trail Network Recreation Area as of July 1, 2021; and

(9) ‘Recreational purposes’ includes, but is not limited to, any one or any combination of the following noncommercial recreational activities: Hunting, fishing, swimming, boating, camping, picnicking, hiking, bicycling, mountain bicycling, running, cross-country running, equestrian activities, nature study, winter sports and visiting, viewing or enjoying historical, archaeological, scenic, or scientific sites or otherwise using land for purposes of the user.

**§20-14A-3. Mountaineer Trail Network Recreation Authority; board; terms.**

(a) There is hereby created the ‘Mountaineer Trail Network Recreation Authority’ which is a public corporation and a joint development entity existing for the purpose of enabling and facilitating the development and operation of a system of trail-oriented recreation facilities for use by bicycling enthusiasts,



mountain bicyclists, and others, to be located in north central West Virginia with significant portions of the trails system being located on private property made available for use through lease, license, easement, or other appropriate legal form by a willing landowner.

(b) The authority is composed of a board of members who shall be representative of the various interests involved in the Mountaineer Trail Network Recreation Area project in the participating counties and who shall be appointed as follows:

(1) The county commission of each participating county, as defined in §20-14A-2 of this article, shall appoint two members to the board as follows:

(A) One member who represents and is associated with a corporation or individual landowner whose land is being used or is expected to be used in the future as part of the Mountaineer Trail Network Recreation Area project or their designee. This member shall be appointed to a four-year term.

(B) One member who represents and is associated with travel and tourism or economic development efforts within the county or who is associated with a mining, logging, natural gas, or other resource-extraction industry or who is a licensed land surveyor or licensed professional engineer. The initial appointment shall be for a two-year term, but all subsequent appointments shall be for a four-year term.

(2) Any appointed member whose term has expired shall serve until his or her successor has been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member is eligible for reappointment. Members of the board are not entitled to compensation for services performed as members but are entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties.

(c) The Mountaineer Trail Network Recreation Authority is a 'public body' for purposes of the West Virginia Freedom of Information Act, as provided in §29B-1-1 *et seq.* of this code.

**§20-14A-4. Board; quorum; executive director; expenses.**

(a) The board is the governing body of the authority and the board shall exercise all the powers given the authority in this article.

(b) The board shall meet quarterly, unless a special meeting is called by its chairman: *Provided*, That at the first meeting of each fiscal year beginning in an odd-numbered year, or as soon thereafter as feasible, the board shall elect a chairman, secretary, and treasurer from among its own members.

(c) A majority of the members of the board constitutes a quorum and a quorum shall be present for the board to conduct business.

(d) The board may prescribe, amend, and repeal bylaws and rules governing the manner in which the business of the authority is conducted, rules governing the use of the trail system and the safety of participants, and shall review and approve an annual budget. The fiscal year for the authority begins on July 1 and ends on the thirtieth day of the following June.

(e) The board shall appoint an executive director to act as its chief executive officer, to serve at the will and pleasure of the board. The board, acting through its executive director, may employ any other personnel considered necessary and retain such temporary legal, engineering, financial, and other consultants or technicians as may be required for any special study or survey consistent with the provisions of this article. The executive director shall carry out plans to implement the provisions of this article and to exercise those powers enumerated in the bylaws. The executive director shall prepare an annual budget to be submitted to the board for its review and approval prior to the commencement of each fiscal year. The budget shall contain a detailed account of all planned and proposed revenue and expenditures for the authority for the upcoming fiscal year, including a detailed list of employees by title, salary, cost of projected benefits and total compensation. Before August 15 of each year, the executive director shall provide to the board and the county commission for each participating

county a detailed list of actual expenditures and revenue by account and recipient name for the previous fiscal year and a copy of the approved budget for the current fiscal year.

(f) All costs incidental to the administration of the authority, including office expenses, personal services expense, and current expense, shall be paid in accordance with guidelines issued by the board from funds accruing to the authority.

(g) All expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article and no liability or obligation may be incurred by the authority under this article beyond the extent to which moneys have been provided under the authority of this article.

#### **§20-14A-5. Financial review and oversight.**

(a) The authority shall contract for and obtain an annual financial audit to be conducted by a private accounting firm in compliance with generally accepted government auditing standards. When complete, the audit shall be transmitted to the board, the president of the county commission of each participating county, and the Legislative Auditor. The cost of the audit shall be paid by the authority.

(b) If the authority receives any funds from the Legislature by appropriation or grant, the Legislative Auditor shall have the power and authority to examine the revenues, expenditures, and performance of the Mountaineer Trail Network Recreation Authority, and for these purposes, shall have the power to inspect the properties, equipment, and facilities of the authority and to request, inspect, and obtain copies of any records of the authority. For each fiscal year in which the authority receives any funds from the Legislature by appropriation or grant, the executive director shall provide to the Legislative Auditor and Secretary of Revenue a detailed list of actual expenditures and revenue by account and recipient name for the previous fiscal year within 45 days of the close of that fiscal year.

**§20-14A-6. Powers of the authority.**

The authority, as a public corporation and joint development entity, may exercise all powers necessary or appropriate to carry out the purposes of this article, including, but not limited to, the power:

(1) To acquire, own, hold, and dispose of property, real and personal, tangible and intangible;

(2) To lease property, whether as lessee or lessor, and to acquire or grant through easement, license, or other appropriate legal form, the right to develop and use property and open it to the use of the public;

(3) To mortgage or otherwise grant security interests in its property;

(4) To procure insurance against any losses in connection with its property, license, or easements, contracts, including hold-harmless agreements, operations, or assets in such amounts and from such insurers as the authority considers desirable;

(5) To maintain such sinking funds and reserves as the board determines appropriate for the purposes of meeting future monetary obligations and needs of the authority;

(6) To sue and be sued, implead and be impleaded, and complain and defend in any court;

(7) To contract for the provision of legal services by private counsel and, notwithstanding the provisions of §5-3-1 *et seq.* of this code, the counsel may, in addition to the provisions of other legal services, represent the authority in court, negotiate contracts and other agreements on behalf of the authority, render advice to the authority on any matter relating to the authority, prepare contracts and other agreements, and provide such other legal services as may be requested by the authority;

(8) To adopt, use, and alter at will a corporate seal;

(9) To make, amend, repeal, and adopt bylaws for the management and regulation of its affairs;

(10) To appoint officers, agents, and employees and to contract for and engage the services of consultants;

(11) To make contracts of every kind and nature and to execute all instruments necessary or convenient for carrying on its business, including contracts with any other governmental agency of this state or of the federal government or with any person, individual, partnership, or corporation to effect any or all of the purposes of this article;

(12) Without in any way limiting any other subdivision of this section, to accept grants and loans from, and enter into contracts and other transactions with, any federal agency;

(13) To maintain an office at such places within the state as it may designate;

(14) To borrow money and to issue notes and to provide for the payment of notes and to provide for the rights of the holders of the notes and to purchase, hold, and dispose of any of its notes;

(15) To issue notes payable solely from the revenues or other funds available to the authority, and the authority may issue its notes in such principal amounts as it considers necessary to provide funds for any purpose under this article, including:

(A) The payment, funding or refunding of the principal of, interest on or redemption premiums on notes issued by it, whether the notes or interest to be funded or refunded have or have not become due; and

(B) The establishment or increase of reserves to secure or to pay notes or the interest on the notes and all other costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers. Notes may be additionally secured by a pledge of any revenues, funds, assets, or moneys of the authority from any source whatsoever;

(16) To issue renewal notes, except that no renewal notes may be issued to mature more than 10 years from the date of issuance of the notes renewed;

(17) To apply the proceeds from the sale of renewal notes to the purchase, redemption, or payment of the notes to be refunded;

(18) To accept gifts or grants of property, funds, security interests, money, materials, labor, supplies, or services from the federal government or from any governmental unit or any person, firm, or corporation and to carry out the terms or provisions of or make agreements with respect to or pledge any gifts or grants and to do any and all things necessary, useful, desirable, or convenient in connection with the procuring, acceptance, or disposition of gifts or grants;

(19) To the extent permitted under its contracts with the holders of notes of the authority, to consent to any modification of the rate of interest, time of payment of any installment of principal or interest, security or any other term of any note, contract or agreement of any kind to which the authority is a party;

(20) To construct, reconstruct, improve, maintain, repair, operate, and manage the Mountaineer Trail Network Recreation Area at the locations within the participating counties as may be determined by the authority;

(21) To enter into an agreement with the West Virginia Division of Natural Resources for natural resources police officers to provide law-enforcement services within the Mountaineer Trail Network Recreation Area and to reimburse the Division of Natural Resources for its costs therefor;

(22) To exercise all power and authority provided in this article necessary and convenient to plan, finance, construct, renovate, maintain, and operate or oversee the operation of the Mountaineer Trail Network Recreation Area at such locations within the participating counties as may be determined by the authority;

(23) To exercise all of the powers which a corporation may lawfully exercise under the laws of this state;

(24) To develop, maintain, and operate or to contract for the development, maintenance, and operation of the Mountaineer Trail Network Recreation Area;

(25) To enter into contract with landowners and other persons holding an interest in the land being used for its recreational facilities to hold those landowners and other persons harmless with respect to any claim in tort growing out of the use of the land for recreational purposes or growing out of the recreational activities operated or managed by the authority from any claim except a claim for damages proximately caused by the willful or malicious conduct of the landowner or other person or any of his or her agents or employees;

(26) To assess and collect a reasonable fee from those persons who use the trails, parking facilities, visitor centers, or other facilities which are part of the Mountaineer Trail Network Recreation Area and to retain and utilize that revenue for any purposes consistent with this article;

(27) To enter into contracts or other appropriate legal arrangements with landowners under which their land is made available for use as part of the Mountaineer Trail Network Recreation Area;

(28) To directly operate and manage recreation activities and facilities within the Mountaineer Trail Network Recreation Area;

(29) To establish and collect charges for users to enter or go upon the Mountaineer Trail Network Recreation Area, including a one-time fee for a particular event, amusement, occurrence, adventure, incident, experience, or occasion as set by the authority and including fees set by the authority in differing amounts for different categories of participants: *Provided*, That the authority may not charge a fee for any user to enter or go upon any trail that is open for use by the public without fee as of January 1, 2018;

(30) To promulgate and publish rules governing the use of the trail system and the safety of participants, including rules designating particular trails or segments of trails within the

Mountaineer Trail Network Recreation Area for certain activities and limiting use of designated trails to such activities;

(31) To coordinate and conduct mountain bicycling or other athletic races, competitions, or events within the Mountaineer Trail Network Recreation Area, in cooperation with the county commissions of participating counties in which such events will take place; and

(32) To exercise such other and additional powers as may be necessary or appropriate for the exercise of the powers conferred in this section.

**§20-14A-7. Requirements for trail users and prohibited acts; criminal penalties.**

(a) A person may not enter or remain upon the Mountaineer Trail Network Recreation Area without a valid, nontransferable user permit issued by the authority and properly displayed, except properly identified landowners or leaseholders or their officers, employees, or agents while on the land that the person owns or leases for purposes related to the ownership or lease of the land.

(b) A person may not consume or possess any alcoholic liquor, wine, nonintoxicating beer, or nonintoxicating craft beer at any time or any location within the Mountaineer Trail Network Recreation Area.

(c) The operator or any passengers of a bicycle or mountain bicycle within the Mountaineer Trail Network Recreation Area shall wear size-appropriate protective helmets at all times. All operators and passengers shall wear helmets that meet the current performance specifications established by the United States Consumer Products Safety Commission standard or the American Society for Testing and Materials standard.

(d) Each trail user shall obey all traffic laws, traffic-control devices, and signs within the Mountaineer Trail Network Recreation Area, including those which restrict trails to certain types of bicycles or mountain bicycles.



(e) Each trail user shall at all times remain within and on a designated and marked trail while within the Mountaineer Trail Network Recreation Area.

(f) A person may not ignite or maintain any fire within the Mountaineer Trail Network Recreation Area except in a designated camp site.

(g) A person may not operate a motor vehicle within the Mountaineer Trail Network Recreation Area.

(h) A person may not possess a glass container while riding on a bicycle or mountain bicycle within the Mountaineer Trail Network Recreation Area.

(i) A person may not operate or ride in an all-terrain vehicle or utility-terrain vehicle, as defined in §17F-1-1 *et seq.* of this code, or any other motor vehicle with bench or bucket seating and a steering wheel for control within the Mountaineer Trail Network Recreation Area.

(j) A person who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100. Prosecution or conviction for the misdemeanor described in this subsection shall not prevent or disqualify any other civil or criminal remedies for the conduct prohibited by this section.

#### **§20-14A-8. Limiting liability.**

(a) An owner of land used by the Mountaineer Trail Network Recreation Authority owes no duty of care to keep the premises safe for entry or use by others for recreational purposes or to give any warning of a dangerous or hazardous condition, use, structure, or activity on the premises used by the Mountaineer Trail Network Recreation Authority to persons entering for those purposes.

(b) Unless otherwise agreed in writing, an owner who grants a lease, easement, or license of land to the authority for recreational purposes, whether with or without charge, owes no duty of care to keep that land safe for entry or use by others or to give warning to

persons entering or going upon the land of any dangerous or hazardous conditions, uses, structures, or activities thereon. An owner who grants a lease, easement, or license of land to the authority for recreational purposes does not by giving a lease, easement, or license: (1) Extend any assurance to any person using the land that the premises are safe for any purpose; (2) confer upon those persons the legal status of an invitee or licensee to whom a duty of care is owed; or (3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of a person who enters upon the leased land. The provisions of this section apply whether the person entering upon the land is an invitee, licensee, trespasser, or otherwise.

(c) Nothing herein limits in any way any liability which otherwise exists for deliberate, willful, or malicious infliction of injury to persons or property: *Provided*, That nothing herein limits in any way the obligation of a person entering upon or using the land of another for recreational purposes to exercise due care in his or her use of the land and in his or her activities thereon, so as to prevent the creation of hazards or the commission of waste by himself or herself.

#### **§20-14A-9. Purchasing and bidding procedures; criminal penalties.**

(a) Whenever the authority proposes to purchase or contract for commodities or services reasonably anticipated to equal or exceed \$25,000 in cost, the purchase or contract shall be based on competitive bids. Where the purchase of particular commodities or services is reasonably anticipated to be \$25,000 or less, the executive director may, on behalf of the authority, solicit bids or price quotes in any manner that the executive director deems appropriate and the authority shall obtain its commodities or services by the lowest bid. In lieu of seeking bids or quotes for commodities or services in this price range, the authority may purchase those commodities and services pursuant to state master contracts as provided in §5A-3-10e of this code.

(b) Where the cost for the purchase of commodities or services is reasonably anticipated to exceed \$25,000, the executive director

shall solicit sealed bids for the commodities or services to be provided: *Provided*, That the executive director may permit bids by electronic transmission be accepted in lieu of sealed bids. Bids shall be solicited by public notice. The notice shall be published as a Class II legal advertisement in all participating counties in compliance with the provisions of §59-3-1 *et seq.* of this code and by such other means as the executive director deems appropriate. The notice shall state the general character of the work and general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. After all bids are received, the authority shall enter into a written contract with the lowest responsible bidder; however, the authority may reject any or all bids that fail to meet the specifications required by the authority or that exceed the authority's budget estimation for those commodities or services. If the executive director determines in writing that there is only one responsive and responsible bidder and that there has been sufficient public notice to attract competitive bids, he or she may negotiate the price for a noncompetitive award or the specifications for a noncompetitive award based solely on the original purpose of the solicitation.

(c) For any contract that exceeds \$25,000 in total cost, the authority shall require the vendors to post a bond, with form and surety to be approved by the authority, in an amount equal to at least 50 percent of the contract price conditioned upon faithful performance and completion of the contract.

(d) The bidding requirements specified in this section do not apply to any leases for real property upon which the authority makes improvements for public access to the recreation area, information distribution, and welcome centers. This exemption does not apply to leases for offices, vehicle and heavy equipment storage, or administrative facilities.

(e) Any person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, shall be confined in jail not less than 10 days nor more than one year, or fined not less than \$10 nor more than \$1,000, or both confined and fined.

**§20-14A-10. Conflicts of interest prohibiting certain contracts; criminal penalties.**

(a) No contract, change order to a prior contract, or renewal of any contract may be awarded or entered by the authority to any vendor or prospective vendor when the vendor or prospective vendor is a member of the board or an employee of the authority, or a spouse, sibling, child, or parent of a member of the board or an employee of the authority or to any vendor or prospective vendor in which a member of the board or employee of the authority, or a spouse, sibling, child, or parent of a member of the board or an employee of the authority has an ownership interest of greater than five percent.

(b) No contract, change order to a prior contract, or renewal of any contract may be awarded or entered by the authority to any vendor or prospective vendor when the vendor or prospective vendor is a member of the West Virginia Legislature, or a spouse, sibling, child, or parent of a member of the Legislature, or to any vendor or prospective vendor in which a member of the Legislature or a spouse, sibling, child, or parent of a member of the Legislature, has an ownership interest of greater than five percent.

(c) All responses to bid solicitations, requests for quotation, requests for proposal, contracts, change orders, and contract renewals with the authority submitted or approved under the provisions of this article shall include an affidavit that the vendor or prospective vendor is not in violation of this section.

(d) Any person who violates a provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than 10 days nor more than one year, or fined not less than \$10 nor more than \$1,000, or both confined and fined.

**§20-14A-11. Civil remedies for unlawful purchasing and contracts.**

The county commission of any participating county may challenge the validity of any contract or purchase entered, solicited, or proposed by the authority in violation of §20-14A-9 or §20-14A-

10 of this article by seeking declaratory or injunctive relief in the circuit court of the county of the challenging party. If the court finds by a preponderance of evidence that the provisions of those sections have been violated, the court may declare the contract or purchase to be void and may grant any injunctive relief necessary to correct the violations and protect the funds of the authority as a joint development entity.

**§20-14A-12. Creation of regional Mountaineer Trail Network Recreation Authorities.**

(a) For the purposes provided in §20-14A-1 of this article, four or more adjacent counties may, upon approval of the county commission of each county desiring to participate, form a separate and distinct regional Mountaineer Trail Network Recreation Authority that will be a joint development entity and a public corporation. A regional Mountaineer Trail Network Recreation Authority shall promulgate its own rules and bylaws relating to use of trails within the regional authority area and operations of the regional authority board.

(b) With respect to a regional Mountaineer Trail Network Recreation Authority area, a regional authority formed pursuant to this section shall have the same powers and duties of the Mountaineer Trail Network Recreation Authority, and such regional authority shall comply with all requirements of this article that apply to the Mountaineer Trail Network Recreation Authority.

(c) The liability of the owner of land used by a regional Mountaineer Trail Network Recreation Authority is limited in the same manner as provided in §20-14-8 of this article.

(d) All other provisions of this article regarding requirements, limitations, and privileges of a user, the board, participating landowners, or participating counties of the Mountaineer Trail Network Recreation Authority shall apply to a user, the board, a participating landowner, or a participating county of a regional Mountaineer Trail Network Recreation Authority with respect to the separate and distinct regional authority.

**§20-14A-13. Severability.**

The several sections and provisions of this article are severable, and if any section or provision hereof is held unconstitutional, all the remaining sections and provisions of this article shall nevertheless remain valid.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4431** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, §20-14A-12, and §20-14A-13, all relating generally to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; defining terms; creating the Mountaineer Trail Network Recreation Authority, which is a public corporation and joint development entity of certain participating counties; providing for appointment of individuals to the board of the authority and the filling of vacancies in the board; prescribing the terms of appointment; requiring quarterly meetings of the board; describing how quorum is established; authorizing the board to promulgate bylaws and rules; providing that the authority is subject to freedom of information act laws; describing the powers and duties of the authority, acting through its board; requiring the board to appoint an executive director; describing powers and duties of the executive director; authorizing employment of staff; requiring creation of an annual budget; providing for payment of authority expenses; allowing reimbursement of board member expenses; establishing financial audit requirements; requiring reporting and oversight of funds received from the Legislature; establishing prohibited actions by users of recreation area land and providing criminal penalties; limiting the liability of landowners of land used by the Authority; setting forth purchasing and bidding procedures for contracts and purchases by the Authority; providing criminal penalties for violation of purchasing and bidding requirements; prohibiting certain purchasing contracts with vendors that create

conflicts of interest; providing criminal penalties for entering into prohibited purchasing contracts creating conflicts of interest; providing civil remedies for participating counties challenging purchasing contracts violating purchasing or bidding requirements or conflict of interest prohibitions; providing a process for four or more contiguous counties in the state to form a separate and distinct regional Mountaineer Trail Network Recreation Authority; providing that a regional Mountaineer Trail Network Recreation Authority must operate in compliance with all requirements applying to the Mountaineer Trail Network Recreation Authority; providing that any other provisions in the new article relating to requirements, limitations and privileges of a user, the board, participating landowners, or participating counties of the Mountaineer Trail Network Recreation Authority shall apply to a user, the board, a participating landowner, or a participating county of a regional Mountaineer Trail Network Recreation Authority with respect to the separate and distinct regional authority area; and providing for severability.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 519**), and there were—yeas 94, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Dean, Marcum, Maynard and Upson.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for Com. Sub. for H. B. 4431) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4431** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-

10, §20-14A-11, §20-14A-12, and §20-14A-13, all relating generally to the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; defining terms; creating the Mountaineer Trail Network Recreation Authority, which is a public corporation and joint development entity of certain participating counties; providing for appointment of individuals to the board of the authority and the filling of vacancies in the board; prescribing the terms of appointment; requiring quarterly meetings of the board; describing how quorum is established; authorizing the board to promulgate bylaws and rules; providing that the authority is subject to freedom of information act laws; describing the powers and duties of the authority, acting through its board; requiring the board to appoint an executive director; describing powers and duties of the executive director; authorizing employment of staff; requiring creation of an annual budget; providing for payment of authority expenses; allowing reimbursement of board member expenses; establishing financial review, oversight and audit requirements; requiring reporting and oversight of funds received from the Legislature; requiring a permit to enter and use the trail; establishing prohibited actions by users of recreation area land and providing criminal penalties; limiting the liability of landowners of land used by the Authority with exception of deliberate, willful or malicious acts; setting forth purchasing and bidding procedures for Authority contracts for commodities and services by the Authority; providing criminal penalties for violation of purchasing and bidding requirements; prohibiting certain purchasing contracts with vendors that create conflicts of interest; providing criminal penalties for entering into prohibited purchasing contracts that create purchasing contracts by seeking extraordinary relief to correct violations, void unlawful contracts and protect authority funds; providing a process for four or more adjacent counties in the state to form a separate and distinct regional Mountaineer Trail Network Recreation Authority; providing that a regional Mountaineer Trail Network Recreation Authority must operate in compliance with all requirements applying to the Mountaineer Trail Network Recreation Authority; providing that a regional Mountaineer Trail Network Recreation Authority will promulgate its own rules and bylaws; providing that a regional Mountaineer



Trail Network Recreation Authority has the same powers, and duties as of the Mountaineer Trail Network Recreation Authority; providing that all other provisions regarding requirements, limitations, and privileges of a user, the board, participating landowners, or participating counties of the Mountaineer Trail Network Recreation Authority shall apply to a user, the board, a participating landowner, or a participating county of a regional Mountaineer Trail Network Recreation Authority; and providing for severability.”

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, to take effect from passage, of

**Com. Sub. for H. B. 4401**, Relating to the registration of business.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4571**, Relating to the final day of filing announcements of candidates for a political office.

On motion of Delegate Foster, the House concurred in the following amendment of the title of the bill by the Senate:

**Com. Sub. for H. B. 4571** - “A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to the filing of certificates of announcement of candidacy for a political office; requiring that the office of the Secretary of State be open from 9:00 a.m. until 11:59 p.m. on the last day of the period during which a certificate of announcement may be filed; and requiring that the offices of the county clerks of each county be open from

9:00 a.m. until 12:00 p.m. on the last day of the period during which a certificate of announcement may be filed.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 520**), and there were—yeas 97, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Sobonya.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4571) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4603**, Providing immunity from civil liability to facilities and employees providing crisis stabilization.

Delegate Foster moved that the House of Delegates concur in the following amendment of the bill by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 7K. IMMUNITY FROM CIVIL LIABILITY FOR BEHAVIORAL HEALTH FACILITIES AND RESIDENTIAL RECOVERY FACILITIES.**

**§55-7K-1. Limiting civil liability for certain behavioral health facilities and residential recovery facilities providing crisis stabilization services and/or drug and alcohol detoxification services, substance use disorder services, and/or drug overdose services on a short-term basis.**

Notwithstanding any other provision of this code, no behavioral health facility that is licensed in this state, another state, or operated by the state, or one of its political subdivisions, and no residential recovery facility certified by or meeting the standards of a national certifying body, nor any of their directors, officers, employees, and agents shall be liable for injury or civil damages related to the provision of short-term crisis stabilization and/or drug and alcohol detoxification services, substance use disorder services, drug overdose services, and/or withdrawal services to the extent the injury or damages arise from an individual's refusal of services, election to discontinue services, failure to follow the orders or instructions of a facility, voluntary departure, elopement, or abandonment from a facility, with or without notice to others, so long as the services are offered in good faith, the facility does not require payment from the individual receiving the services, and the injury or damages are not proximately caused by the gross negligence or willful or wanton misconduct of the facility, or its directors, officers, employees, or agents: *Provided*, That for the purposes of this section, to the extent such behavioral health facilities or residential recovery facilities are reimbursed or receive Medicaid or grant funding, they are not deemed to have required payment from the individual receiving the services.

**§55-7K-2. Applicability of provisions.**

(a) The provisions of this article are applicable to all causes of action accruing on or after July 1, 2018.

(b) The provisions of this article operate in addition to, and not in derogation of, any of the provisions contained in §55-7B-1 et seq. of this code.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4603** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1 and §55-7K-2, relating to providing immunity from civil liability to certain facilities, including their

directors, officers, employees, and agents, providing crisis stabilization and/or drug and alcohol detoxification services, substance use disorder services, and/or drug overdose services on a short-term basis; providing an effective date; and providing that the provisions of this article are to operate in addition to, and not in derogation of, any of the provisions contained in the Medical Professional Liability Act.”

On motion of Delegate Foster, bill was further amended on page one, section seven-k, lines thirteen through sixteen, by striking out “: *Provided*, That for the purposes of this section, to the extent such behavioral health facilities or residential recovery facilities are reimbursed or receive Medicaid or grant funding, they are not deemed to have required payment from the individual receiving the services”.

The bill, as amended by the Senate, and further amended by the House of Delegates, was put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 521**), and there were—yeas 95, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Miley and Upson.

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4603) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 10**, Relating generally to PSC jurisdiction.

On motion of Delegate Foster, the House concurred in the following Senate title amendment:

**Com. Sub. for S. B. 10** – “A Bill to amend and reenact §8-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §8-19-2a and §8-19-2b; and to amend and reenact §16-13A-9 of said code; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, and §24-2-4b of said code, all relating generally to the jurisdiction of the Public Service Commission; excluding the setting and adjustment of rates, fees, and charges of municipal power systems from the jurisdiction of the Public Service Commission; providing for a right of appeal by customers; providing public service districts may accept payments for all fees and charges due by credit or check card; providing procedures and guidance for utilization of this method of payment; and clarifying the commission’s jurisdiction as modified by chapters 161 and 209, Acts of the Legislature, regular session, 2017, over Internet protocol-enabled service, voice-over Internet protocol-enabled service, storm water services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 522**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 10) passed.

Delegate Foster moved that the bill take effect from its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 523**), and there were—yeas 97, nays none,

absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Householder.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 10) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for H. B. 4447**, Providing for a uniform and efficient system of broadband conduit installation.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Boso, Sypolt and Plymale.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Shott, Hanshaw and Byrd.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**H. B. 4629**, Relating to broadband enhancement and expansion policies generally.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Smith, Gaunch and Jeffries.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Hanshaw, Zatazelo and Isner.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

**Com. Sub. for S. B. 244**, Specifying conditions for unlawful possession of firearm at school-sponsored activities.

On motion of Delegate Foster, the House concurred in the following Senate title amendment:

**Com. Sub. for S. B. 244** – “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to

providing that it is unlawful to possess a firearm or other deadly weapon on a school bus, in or on the grounds of any primary or secondary educational facility of any type, or at certain school-sponsored functions; providing exception for in or on the grounds of any private primary or secondary school if the institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds thereof; setting forth the conditions under which a retired law-enforcement officer may possess a firearm or other deadly weapon on a school bus, in or on the grounds of any primary or secondary educational facility of any type, or at certain school-sponsored functions; excluding certain students from the exception that applies to a person specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes; and revising conditions for which certain persons holding a valid concealed handgun permit can possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 524**), and there were—yeas 86, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Caputo, Diserio, Fleischauer, Hornbuckle, Lane, Pushkin, Pyles, Rowe, Wagner and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 244) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of



**Com. Sub. for S. B. 283**, Relating generally to procurement by state agencies.

On motion of Delegate Foster, the House concurred in the following amendment by the Senate:

On page fifteen, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**“§5A-3-37. Reciprocal preference; preference for resident vendors for certain contracts.”**

On page nineteen, by striking out section thirty-seven in its entirety and inserting in lieu thereof the following:

“(a) For purposes of this section, a vendor shall be deemed to be a resident of this state if such vendor:

(1) Is registered in accordance with §11-12-1 *et seq.* of this code to transact business within the State of West Virginia;

(2) Maintains its headquarters or principal place of business in the state;

(3) Has actually paid, and not just applied to pay, personal property taxes imposed by chapter 11 of this code on equipment used in the regular course of supplying services or commodities of the general type offered; and

(4) Has actually paid, and not just applied to pay, all required business taxes imposed by chapter 11 of this code.

(b) Except as provided in subsection (c) of this section, in any instance that a purchase of commodities or printing by the director or by a state spending unit is required under the provisions of this article to be made upon competitive bids, preference shall only be given to resident vendors of West Virginia against a nonresident vendor from any state that gives or requires a preference to bidders from that state. The amount of the preference shall be equal to the amount of the preference given or required by the state of the nonresident vendor for that particular supply.

(c)(1) In any instance that a purchase of motor vehicles or construction and maintenance equipment and machinery used in highway and other infrastructure projects by the director or by a state department is required under the provisions of this article to be made upon competitive bids, the successful bid shall be determined as provided in this subsection.

(2) For purposes of this subsection, a successful bid shall be determined and accepted as follows:

(A) From an individual resident vendor who has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted or from a partnership, association, corporation resident vendor, or from a corporation nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted: *Provided*, That for purposes of this paragraph, any partnership, association or corporation resident vendor of this state, which does not meet the requirements of this paragraph solely because of the continuous four-year residence requirement, shall be considered to meet the requirement if at least eighty percent of the ownership interest of the resident vendor is held by another individual, partnership, association or corporation resident vendor who otherwise meets the requirements of this paragraph, including the continuous four-year residency requirement: *Provided, however*, That the Purchasing Division shall promulgate rules relating to attribution of ownership among several resident vendors for purposes of determining the eighty percent ownership requirement; or

(B) From a resident vendor, if, for purposes of producing or distributing the motor vehicles or the construction and maintenance equipment and machinery used in highway and other infrastructure projects which are the subject of the vendor's bid and continuously

over the entire term of the contract, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years, and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this paragraph and made written claim for the preference, at the time the bid was submitted; or

(C) From a nonresident vendor, which employs a minimum of one hundred state residents or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and which employs a minimum of one hundred state residents, if, for purposes of producing or distributing the motor vehicles or the construction and maintenance equipment and machinery used in highway and other infrastructure projects which are the subject of the vendor's bid and continuously over the entire term of the contract, on average at least seventy-five percent of the vendor's employees or the vendor's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this paragraph and made written claim for the preference, at the time the bid was submitted; or

(D) From a vendor who meets either the requirements of both paragraphs (A) and (B) of this subdivision or paragraphs (A) and (C) of this subdivision, if the bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has certified the residency requirements above and made written claim for the preference at the time the bid was submitted; or

(E) From an individual resident vendor who is a veteran of the United States Armed Forces, the Reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a

nonresident vendor by more than three and one-half percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted; or

(F) From a resident vendor who is a veteran of the United States Armed Forces, the Reserves or the National Guard, if, for purposes of producing or distributing motor vehicles or construction and maintenance equipment and machinery used in highway and other infrastructure projects which are the subject of the vendor's bid and continuously over the entire term of the contract, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than three and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this paragraph and made written claim for the preference, at the time the bid was submitted; or

(G) Notwithstanding any provisions of paragraphs (A), (B), (C), (D), (E) or (F) of this subdivision to the contrary, if any nonresident vendor that is bidding on the purchase of motor vehicles or construction and maintenance equipment and machinery used in highway and other infrastructure projects by the director or by a state department is also certified as a small, women or minority-owned business pursuant to §5A-3-59, the nonresident vendor shall be provided the same preference made available to any resident vendor under the provisions of this subdivision.

(3) If any of the requirements or provisions set forth in this section jeopardize the receipt of federal funds, then the requirement or provisions are void and of no force and effect for that specific project.

(4) The Purchasing Division shall promulgate any rules necessary to: (A) determine that vendors have met the residence requirements described in this section; (B) establish the procedure for vendors to certify the residency requirements at the time of submitting their bids; (C) establish a procedure to audit bids which make a claim for preference permitted by this section and to reject

noncomplying bids; and (D) otherwise accomplish the objectives of this subsection.

(d) If the Purchasing Division determines under any audit procedure that a vendor who received a preference under this section fails to continue to meet the requirements for the preference at any time during the term of the contract for which the preference was received the Purchasing Division may: (1) reject the vendor's bid; or (2) assess a penalty against the vendor of not more than five percent of the vendor's bid on the contract.

(e) Political subdivisions of the state including county boards of education may grant the same preferences to any vendor of this state who has made a written claim for the preference at the time a bid is submitted, but for the purposes of this subsection, in determining the lowest bid, any political subdivision shall exclude from the bid the amount of business occupation taxes which must be paid by a resident vendor to any municipality within the county comprising or located within the political subdivision as a result of being awarded the contract which is the object of the bid; in the case of a bid received by a municipality, the municipality shall exclude only the business and occupation taxes as will be paid to the municipality: *Provided*, That prior to soliciting any competitive bids, any political subdivision may, by majority vote of all its members in a public meeting where all the votes are recorded, elect not to exclude from the bid the amount of business and occupation taxes as provided in this subsection."

On page twenty-nine, by striking out all of section four and inserting in lieu thereof a new section four, to read as follows:

**"§5G-1-4. Contracts for architectural and engineering services; selection process where total project costs are estimated to cost less than \$250,000; division of highways procurements.**

(a) In the procurement of architectural and engineering services for projects estimated to cost less than \$250,000, competition shall be sought by the agency. The agency shall conduct discussions with three or more professional firms solicited on the basis of

known or submitted qualifications for the assignment prior to the awarding of any contract: *Provided*, That if a judgment is made that special circumstances exist and that seeking competition is not practical, the agency may, with the prior approval of the director of purchasing, select a firm on the basis of previous satisfactory performance and knowledge of the agency's facilities and needs. After selection, the agency and firm shall develop the scope of services required and negotiate a contract.

(b) The Division of Highways may procure the services of architectural and engineering firms under the provisions of this section in an amount not to exceed \$750,000 for the services per project.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for S. B. 283** – “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-3-10b, §5A-3-10c, §5A-3-10e, §5A-3-33d, §5A-3-33f, §5A-3-37, and §5A-3-45 of said code; to amend said code by adding thereto a new section, designated §5A-3-61; to amend and reenact §5G-1-3 and §5G-1-4 of said code; to amend and reenact §6D-1-1 of said code; and to amend and reenact §18B-5-4 of said code, all relating generally to procurement by state agencies; defining terms; authorizing competitive bidding of certain open-ended repair and maintenance contracts; modifying use and consideration of alternates in solicitations; prohibiting alternates from being accepted out of order; modifying criteria to be considered in best value procurement awards; eliminating sole source procurement; establishing direct award procurement requirements; establishing prequalification agreements and their requirements and procedures; authorizing agency-delegated prequalification bidding and its procedure; increasing certain cost limits from \$50,000 to \$1 million; authorizing awarding contracts without competitive bidding if certain requirements are met; eliminating master contracts and direct ordering process; expanding the scope of those who may be debarred; eliminating preferences for resident vendors, vendors employing state

residents, and veteran residents; establishing the concept of ‘reciprocal preference’ for an in-state vendor over an out-of-state vendor from any state that gives or requires a preference to bidders from that state and setting forth its requirements; providing certain preferences for purchases of motor vehicles or construction and maintenance equipment and machinery used in highway and other infrastructure projects; modifying the value determination of certain motor vehicles that are to be sold; permitting funds from sale of surplus property be deposited in alternate fund if original fund no longer exists; permitting spending units to use a standardization process to purchase commodities and setting forth its requirements; permitting an architectural or engineering firm to be selected without bidding if certain conditions exist; increasing the cost of projects under which Division of Highways is permitted to procure services of architectural and engineering firms under certain provisions; increasing certain contract limits from \$100,000 to \$1 million for purposes of disclosure; modifying provisions requiring disclosure of interested parties; requiring certain reporting; removing preference requirements for higher education; and authorizing rulemaking.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 525**), and there were—yeas 67, nays 31, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Gearheart, Hartman, Hornbuckle, Iaquina, Isner, Kelly, Longstreth, Love, Lovejoy, Lynch, Miley, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Thompson and Williams.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 283) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

**Com. Sub. for S. B. 495**, Designating specific insurance coverages exempt from rate filing requirements.

On motion of Delegate Foster, the House concurred in the following Senate title amendment:

**Com. Sub. for S. B. 495** – “A Bill to amend and reenact §33-20-4 of the Code of West Virginia, 1931, as amended, relating to commercial insurance rates; and designating specific insurance coverages which are exempt from the requirements of filing rates with the insurance commissioner.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 526**), and there were—yeas 94, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Fleischauer, Robinson and Rowe.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 495) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

**S. B. 498**, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.



On motion of Delegate Foster, the House concurred in the following Senate title amendment:

**S. B. 498** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project permitting all-terrain and off-highway recreational vehicles on designated roads and trails in Cabwaylingo State Forest; permitting the Director of the Division of Natural Resources to designate roads, trails, and campgrounds and to close certain areas, or parts thereof, to public use in consultation with the Director of the Division of Forestry; permitting the Director of the Division of Natural Resources to establish special season and permit in consultation with the Director of the Division of Forestry; making it unlawful to operate an all-terrain or off-highway vehicle on any road or trail in Cabwaylingo State Forest without such special permit, should one be created; applying the ATV, UTV, and Motorcycle Responsibility Act to the project; providing the Director of the Division of Natural Resources emergency and regular legislative rule making authority; and requiring Legislative Auditor to review project and file report.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 527**), and there were—yeas 93, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Hamilton, Iaquina, Lynch, Martin and Rowe.

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 498) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 506**, Deregulating persons who perform work on heating, ventilating, and cooling systems.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

**S. B. 525**, Relating to certification for emergency medical training-mining.

Delegate Foster moved that the House of Delegates concur with further title amendment and the House concurred in the following Senate title amendment:

**S. B. 525** - “A Bill to repeal §16-4C-6c of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22A-10-3, relating to emergency medical technicians – mining; transferring certification requirements for emergency medical technician – mining to the chapter governing miners’ health, safety and training; eliminating authority of director of Miners’ Health Safety and Training to authorizing providers to administer certification courses and examination; modifying requirements for training personnel and independent trainers; and making technical corrections.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 528**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 525) passed.

On motion of Delegate Foster, the title of the bill was amended to read as follows:

**S. B. 525** - “A Bill to repeal §16-4C-6c of the Code of West Virginia, 1931, as amended; and to amend said code by adding

thereto a new section, designated §22A-10-3, relating to emergency medical technicians – mining; transferring certification requirements for emergency medical technician – mining to the chapter governing miners’ health, safety and training; eliminating the authority of the director of Miners’ Health Safety and Training to authorize providers to administer certification courses and examinations; modifying requirements for training personnel and independent trainers; and making technical corrections.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for S. B. 582**, Allowing candidate for political party executive committee serve as election official.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Clements, Maroney and Baldwin.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for S. J. R. 3**, Judicial Budget Oversight Amendment.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Trump, Weld and Woelfel.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Shott, Hanshaw and Byrd.

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

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10<sup>th</sup> day of March, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for H. B. 2693**, Relating to state ownership of wildlife,

**Com. Sub. for H. B. 2983**, Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress,

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

**Com. Sub. for H. B. 4142**, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West

Virginia Regional Jail and Correctional Facility Authority a salary adjustment,

**Com. Sub. for H. B. 4180**, Relating to wildlife resources,

**Com. Sub. for H. B. 4207**, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement,

**Com. Sub. for H. B. 4230**, Relating to credit for reinsurance,

**Com. Sub. for H. B. 4236**, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division,

**Com. Sub. for H. B. 4289**, Relating to disability pensions of municipal employees,

**Com. Sub. for H. B. 4343**, Relating to the delivery of financial statements to bank shareholders,

**Com. Sub. for H. B. 4347**, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund,

**H. B. 4422**, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds,

**H. B. 4433**, Declaring certain claims against an agency of the state to be moral obligations of the state,

And,

**H. B. 4621**, Relating to removing reference to certain entities with respect to work.

Delegate Nelson, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**S. B. 634**, Adding, increasing, and decreasing appropriations from General Revenue to DHHR,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (S. B. 634) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 529**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Marcum.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to third reading.

The bill was then read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 530**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 634) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 531**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 634) takes effect from its passage.

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

Mr. Speaker, Mr. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. C. R. 20**, U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge,

**S. C. R. 1**, US Army SGT Denver E. Short Memorial Road,

**Com. Sub. for S. C. R. 3**, Michael Angiulli Memorial Bridge,

And,

**Com. Sub. for S. C. R. 29**, US Army SGT Benny Fleming Memorial Bridge,

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

At the request of Delegate Cowles, and by unanimous consent, the resolutions (H. C. R. 20, S. C. R. 1, Com. Sub. for S. C. R. 3 and Com. Sub. for S. C. R. 29) were each taken up for immediate consideration and put upon their adoption.

The resolutions were then adopted.

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

### **Conference Committee Report Availability**

At 6:07 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for H. B. 4447**, Providing for a uniform and efficient system of broadband conduit installation, shall be available in the Clerk's Office.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 46**, Permitting pharmacists to inform customers of lower-cost alternative drugs.

### **Conference Committee Report**

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

**Com. Sub. for S. B. 46**, Permitting pharmacists to inform customers of lower-cost alternative drugs.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Com. Sub. for Senate Bill 46 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 strike and insert amendment of the House of Delegates, and that the Senate and House agree to an amendment as follows:



On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

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

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

(a) A pharmacy, a pharmacist, and a pharmacy technician shall have the right to provide a covered individual with information related to lower cost alternatives and cost share for such covered individual to assist health care consumers in making informed decisions. Neither a pharmacy, a pharmacist, nor a pharmacy technician shall be penalized by a pharmacy benefit manager for discussing information in this section or for selling a lower cost alternative to a covered individual, if one is available, without using a health insurance policy.

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

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

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

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

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

And,

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

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

Respectfully submitted,

Tom Takubo, *Chair*  
Sue Cline,  
Ron Stollings,

Kelli Sobonya, *Chair*  
Ray Hollen,  
Andrew Byrd,

*Conferees on the part of the  
Senate.*

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

On motion of Delegate Sobonya, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 532**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Householder.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 46) passed.

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 51**, Relating to domestic relations.

### **Conference Committee Report**

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

**Com. Sub. for S. B. 51**, Relating to domestic relations.

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. 51, 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 following House of Delegates amendment:

On page six, section two hundred six, line eight, after the words "have a", by inserting the word "meaningful".

That both houses recede from their respective positions as to the amendment of the House of Delegates on page seven, section two hundred six, after line forty, and that the Senate and House agreement to an amendment as follows:

(b) The Court may consider the allocation of custodial responsibility arising from temporary agreements made by the parties after separation if the Court finds, by a preponderance of the evidence, that such agreements were consensual. The Court shall afford those temporary consensual agreements the weight the Court believes the agreements are entitled to receive, based upon the evidence. The Court may not consider the temporary allocation of custodial responsibility imposed by a court order on the parties.

And,

By relettering the remaining subsections.

And,

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

**Com. Sub. for S. B. 51** – “A Bill to amend and reenact §48-6-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-205 and §48-9-206 of said code, all relating to domestic relations; removing language related to child support from code section governing the awarding of spousal support and separate maintenance; directing court to consider certain factors to decide amount and duration of spousal support and separate maintenance; removing the 24-month time frame for a description of the allocation of caretaking and other parenting responsibilities performed from the matters contained in permanent parenting plan; clarifying that the court may accommodate the preferences of a child 14 years of age and older if the court determines it is in the best interests of the child; directing court to allocate custodial responsibility so that custodial time spent with each parent achieves certain objectives; directing courts to consider which parent will encourage and accept a positive relationship between child and other parent and which parent is more likely to keep other parent involved in child’s life and activities; and allowing court to consider allocation of custodial responsibility arising from temporary agreements in certain circumstances.”

Respectfully submitted,

Charles S. Trump, IV, *Chair*,  
Randy Smith,  
Mike Woelfel,

Geoff Foster, *Chair*,  
Jason Harshbarger,  
Phil Isner,

*Conferees on the part of the  
Senate.*

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

On motion of Delegate Foster, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 533**), and there were—yeas 84, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Canestraro, Fleischauer, Fluharty, Hicks, Miley, Moye, Pushkin, Pyles, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: Deem and Householder.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 51) passed.

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

### **Conference Committee Report Availability**

At 6:47 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for H. B. 4001**, Relating to eligibility and fraud requirements for public assistance, shall be available in the Clerk's Office.

At 6:50 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. J. R. 3**, Judicial Budget Oversight Amendment, shall be available in the Clerk's Office.

At 7:10 p.m., the Clerk announced that the report of the Committee of Conference on **Com. Sub. for S. B. 392**, Reconfiguring membership of Emergency Medical Services Advisory Council, shall be available in the Clerk's Office.

At 7:11 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 7:30 p.m.

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### **Evening Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2655**, Defining and establishing the crime of cyberbullying.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.**

**§61-3C-14c. Cyberbullying or specific acts of electronic harassment of minors; definitions; penalties; exceptions.**

(a) It is unlawful for a person to knowingly and intentionally use a computer or computer network, as defined in §61-3C-3, to

engage in conduct with the intent to harass, intimidate, or bully a minor, including, but not limited to:

(1) Posting, disseminating or encouraging others to post or disseminate private, personal, or sexual information pertaining to a minor on the Internet; or

(2) Posting obscene material, as defined in §61-3C-14a of this code, in a real or doctored image of a minor on the Internet;

(b) For the purposes of this section:

(1) ‘Harass, intimidate or bully’ means any intentional gesture, or any intentional electronic, written, verbal, or physical act, communication, transmission or threat that:

(A) A reasonable person under the circumstances should know the act will have the effect of any one or more of the following:

(i) Physically harming a minor;

(ii) Damaging a minor’s property;

(iii) Placing a minor in reasonable fear of harm to his or her person; or

(iv) Placing a minor in reasonable fear of damage to his or her property; or

(B) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotionally abusive environment for a minor.

(2) ‘Minor’ means an individual under the age of 18 years old.

(c) This section does not apply to a peaceful activity intended to:

(i) Express a political view; or

(ii) Provide information to others with no intent to harass, intimidate, or bully.

(d) Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail for a period not to exceed one year, or both confined and fined.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2655** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3C-14c, relating to creating the offense of cyberbullying of minors; setting forth the essential elements of the offense; defining terms; providing exceptions; and establishing criminal penalties.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 534**), and there were—yeas 85, nays 1, absent and not voting 13, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Capito, Deem, Hamrick, Kessinger, Lane, Nelson, Phillips, Queen, Sponaugle, Storch, Upson, Westfall and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2655) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2982**, Relating to allowing draw games winners to remain anonymous.



On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“CHAPTER 29. MISCELLANEOUS BOARDS AND  
OFFICERS.**

**ARTICLE 22. STATE LOTTERY ACT.**

**§29-22-15a. Option for winners of draw games to remain anonymous.**

(a) A person entitled to collect proceeds exceeding one million dollars from a winning draw game ticket may remain anonymous: *Provided*, That such anonymity only applies to the person’s name, personal contact information, and likeness.

(b) If the person entitled to collect proceeds exceeding one million dollars from a winning draw game ticket desires to remain anonymous, he or she shall contact the State Lottery Director in writing or appear at the state lottery headquarters in person, concerning his or her desire to remain anonymous: *Provided*, That such a request only permits that the person’s name, personal contact information, and likeness remain anonymous. At the time of his or her request to remain anonymous, the person shall provide his or her contact information, including any personal telephone number, residential address, and electronic mail address.

(c) Any request to remain anonymous may be made by certified mail addressed to the West Virginia State Lottery Director, P.O. Box 2067, Charleston, West Virginia 25327, by electronic mail to an email address that is to be established by West Virginia State Lottery prior to the effective date of this section, or in person at the state lottery headquarters. Once established, the secure email address shall be posted on the West Virginia Lottery’s website prior to the effective date of this section.

(d) Upon receiving a request to remain anonymous, the director shall contact the person requesting anonymity and schedule an

appointment to meet at any county, regional, or state lottery office to confirm the winning number and to otherwise make arrangements to protect the anonymity of the requesting person.

(e) If a person elects to remain anonymous pursuant to this section, he or she shall remit 5 percent of his or her winnings to the State Lottery Fund.

(f) The requirements of this section are effective on January 1, 2019.

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

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

#### **§29B-1-4. Exemptions.**

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

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

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

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

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

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

(5) Information specifically exempted from disclosure by statute;

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

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

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

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

(10) Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of goods or materials collected or

assembled to respond to terrorist acts; and communication codes or deployment plans of law-enforcement or emergency response personnel;

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

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

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

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

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

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

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

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

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

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

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

(22) Information provided by a person when he or she elects to remain anonymous after winning a draw game prize, pursuant to of §29-22-15a of this code.

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

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

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

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 2982** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-15a; and to amend and reenact §29B-1-4 of said code, all relating to allowing certain winners of State Lottery draw games to remain anonymous; providing that a person entitled to collect proceeds exceeding one million dollars from a winning draw game ticket may remain anonymous in regards to his or her name, personal contact information, and likeness; establishing a procedure by which a draw game winner may request anonymity from the State Lottery Director; providing that a draw game winner who elects to remain anonymous must remit 5 percent of his or her winnings to the State Lottery Fund; establishing an effective date; and providing that information provided when a draw game winner elects to remain anonymous is exempt from disclosure under the Freedom of Information Act.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 535**), and there were—yeas 85, nays 6, absent and not voting 8, with the nays and absent and not voting being as follows:

Nays: Barrett, Byrd, Isner, Pushkin, Robinson and Rowe.

Absent and Not Voting: Deem, Hamrick, Kessinger, Lane, Nelson, Storch, Upson and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2982) passed.

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

### **Conference Committee Report Availability**

At 7:43 p.m., the Clerk announced that the report of the Committee of Conference on **H. B. 4629**, Relating to broadband enhancement and expansion policies generally, shall be available in the Clerk's Office.

At 7:44 p.m., the Clerk announced that a new report of the Committee of Conference on **Com. Sub. for H. B. 4001**, Relating to eligibility and fraud requirements for public assistance, shall be available in the Clerk's Office.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the title amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

**Com. Sub. for H. B. 2916**, Authorizing certain first responders to carry firearms.

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on and the passage, as amended by said report, of

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on and the passage, as amended by said report, of

**Com. Sub. for H. B. 4013**, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4156**, Establishing the qualifications of full and part time nursing school faculty members.

Delegate Cowles moved that the House of Delegates concur in the following Senate amendment, with further amendment and title amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**

**§30-7-5. Schools of nursing.**

(a) A nursing program is determined to be board approved if the program is accredited by a national nursing accrediting agency recognized by the United States Department of Education. The accreditation is considered board approved and is exempt from board rules that require ongoing approval if the school or program maintains this accreditation.

(b) By July 1, 2022, all nursing programs shall be accredited by a national accrediting agency recognized by the United States Department of Education. A program created after July 1, 2018,



shall have 5 years to obtain accreditation by an accrediting agency recognized by the United States Department of Education.

(c) The board may require information concerning the nursing program to be reported to the board by legislative rule. The requested information shall be consistent with information already being collected by the schools which is required to maintain the program's accreditation.

(d) The board shall approve a new nursing program until the program is accredited by a national nursing accrediting agency recognized by the United States Department of Education.

**§30-7-5a. Schools of nursing faculty requirements.**

(a) Full-time nursing faculty members shall:

(1) Have a graduate degree with a major in nursing; have a bachelor's degree with a major in nursing and be enrolled in a graduate degree program with a major in nursing within one year of employment as a faculty member; or have a bachelor's degree with a major in nursing and at least 10 years of direct patient care experience in nursing;

(2) Have evidence of current experience in nursing practice and education sufficient to demonstrate professional competence. For faculty with less than two years' experience in education, the nursing program administrator will submit to the board mentoring and orientation plans as defined by board guidelines and function under the guidance of a faculty member fully qualified in the specific teaching area and professional competence; and

(3) Have credentials which verify status as a registered professional nurse in West Virginia.

(b) Part-time nursing faculty members shall:

(1) Have a graduate degree with a major in nursing; have a bachelor's degree with a major in nursing and be enrolled in a graduate degree program with a major in nursing within one year of employment as a faculty member; or have a bachelor's degree

with a major in nursing and at least two years of direct patient care experience in nursing;

(2) Have evidence of current experience in nursing practice and education sufficient to demonstrate professional competence. For faculty with less than two years' experience in education, the nursing program administrator will submit to the board mentoring and orientation plans as defined by board guidelines and function under the guidance of a faculty member fully qualified in the specific teaching area and professional competence; and

(3) Have credentials which verify status as a registered professional nurse in West Virginia.

(c) The board may grant an exception to the requirements in §30-7-5a(a) and §30-7-5a(b) of this code for faculty members who have qualifications other than those set forth in these subsections which are acceptable to the board.

## **ARTICLE 7A. PRACTICAL NURSES.**

### **§30-7A-8. Schools of practical nursing.**

(a) A practical nursing program is determined to be board approved if approved by the board, or the program is accredited by a national accrediting agency recognized by the United States Department of Education. The accreditation is considered board approved and is exempt from board rules that require ongoing approval if the school or program maintains this accreditation.

(b) By July 1, 2022, all practical nursing programs shall be accredited by a national accrediting agency recognized by the United States Department of Education. A program created after July 1, 2018, shall have 5 years to obtain accreditation by an accrediting agency recognized by the United States Department of Education.

(c) The board may require information concerning the practical nursing program to be reported to the board by legislative rule. The requested information shall be consistent with information already

being collected by the schools which is required to maintain the program's accreditation.

(d) The board shall approve a new practical nursing program until the program is accredited by a national accrediting agency recognized by the United States Department of Education.”

On motion of Delegate Cowles, the House concurred in the Senate amendment with the following further amendment:

On page two, before §30-7-5, by inserting §30-7-1 to read as follows:

**“§30-7-1. Definitions.**

As used in this article:

(~~a~~) ‘Advanced practice registered nurse’ means a registered nurse who has acquired advanced clinical knowledge and skills preparing him or her to provide direct and indirect care to patients as a certified nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, or clinical nurse specialist, who has completed a board-approved graduate-level education program and who has passed a board-approved national certification examination.

(~~b~~) ‘Board’ means the West Virginia Board of Examiners for Registered Professional Nurses;

(~~e~~) ‘Collaborative relationship’ means a working relationship, structured through a written agreement, in which an advanced practice registered nurse may prescribe drugs in collaboration with a qualified physician;

‘Direct patient care’ means the provision of services to a sick, injured, mentally or physically disabled, elderly or fragile patient that requires some degree of interaction with that patient. Direct patient care may include assessment, treatment, counseling, procedures, self-care, patient education, administration of medication, and implementation of a care plan;

(d) ‘Practice of registered professional nursing’ or ‘registered professional nursing’ means the performance for compensation of any service requiring substantial specialized judgment and skill based on knowledge and application of principles of nursing derived from the biological, physical and social sciences, such as responsible supervision of a patient requiring skill in observation of symptoms and reactions and the accurate recording of the facts, or the supervision and teaching of other persons with respect to such principles of nursing, or in the administration of medications and treatments as prescribed by a licensed physician, a licensed dentist or a licensed advanced practice registered nurse, or the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient and others; and

(e) ‘Temporary permit’ means a permit authorizing the holder to practice registered professional nursing in this state until such permit is no longer effective or the holder is granted a license by the West Virginia State Board of Examiners for Registered Professional Nurses.”

The bill, as amended by the Senate, and further amended by the House of Delegates, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 536**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Deem and Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4156) passed.

On motion of Delegate Cowles, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4156** - “A Bill to amend and reenact §30-7-1 and §30-7-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated

§30-7-5a; and to amend and reenact §30-7A-8 of said code; and, all relating to the regulation of nursing schools; defining terms; modifying accreditation standards for registered nursing schools; modifying accreditation standards for practical nursing schools; requiring national accreditation of registered nursing schools; setting out school of nursing faculty requirements; establishing the qualifications nursing school faculty members; providing an exception to the qualification of nursing school faculty and permitting practical nursing programs to be regulated by the board.”

Delegate Foster moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 537**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Deem and Kelly.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4156) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on and the passage, as amended by said report, of

**Com. Sub. for H. B. 4186**, Relating generally to guaranteed asset protection waivers.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4214**, Increasing penalties for unlawfully possessing or digging ginseng.

On motion of Delegate Foster, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page eight, section thirty-five, line eight, after “\$500”, by inserting the words “nor more than \$1,000, and, for each subsequent offense, shall be fined not less than \$1,000”.

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4214** - “A Bill to amend and reenact §19-1A-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-3-35 of said code, all relating to increasing penalties for unlawfully possessing or digging ginseng; requiring ginseng dealers to maintain a photocopy of a valid identification card of all diggers, growers, and dealers involved in a ginseng transaction; and requiring written consent by the landowner to enter the lands of another to dig or prospect for ginseng.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 538**), and there were—yeas 90, nays 6, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Folk, Isner, Kessinger, McGeehan, Upson and Wilson.

Absent and Not Voting: Cowles, Deem and Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4214) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4217**, Permitting an attending physician to obtain a patient's autopsy report.

On motion of Delegate Foster, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section ten, line thirty, by striking out “§49-5D-3” and inserting in lieu thereof “§49-4-402”.

And,

On page two, section ten, line forty-two, by striking out the words “is empowered to” and inserting in lieu thereof the word “may”.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 539**), and there were—yeas 98, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4217) passed.

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

### **Speaker Pro Tempore Anderson in the Chair**

Mr. Speaker, Mr. Armstead, arose from his seat and addressed the House.

### **Mr. Speaker, Mr. Armstead, in the Chair**

At 9:08 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 9:30 p.m.

\* \* \* \* \*

**Evening Session**

\* \* \* \* \*

-continued-

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

**Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4233**, Relating generally to fraudulent transfers.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section one, line thirty-five, by striking out the words “paragraph (ii)” and inserting in lieu thereof the words “subparagraph (ii) of this paragraph”.

On page three, section one, line forty-two, by striking out the words “paragraph (iv)” and inserting in lieu thereof the words “subparagraph (iv) of this paragraph”.

On page three, section one, line forty-nine, by striking out the words “paragraph (iii)” and inserting in lieu thereof the words “subparagraph (iii) of this paragraph”.

On page seven, section six, line eleven, after “(a)”, by inserting the words “of this subsection”.

On page seven, section six, line fifteen, after “(a)”, by inserting the words “of this subsection”.

On page eight, section eight, lines twenty-five and twenty-six, by striking out the words “article nine of the uniform commercial



code” and inserting in lieu thereof the words “§46-9-1 *et seq.* of this code”.

On page nine, section eight, line forty, by striking out the words “subparagraph (i) or (ii), paragraph (A), subdivision (1)” and inserting in lieu thereof the words “subdivision (1) or (2)”.

On page nine, section fourteen, by striking out the section caption and inserting a new section caption, to read as follows:

**“§40-1A-14. Application to and recognition of a foreign series organization.”**

On page ten, section fourteen, line four, by striking out the words “subdivision (2) of this subsection” and inserting in lieu thereof the words “the definition of a series organization in §40-1A-14 of this code”.

On page ten, section fourteen, after line twenty, by inserting a new subsection, designated subsection (c), to read as follows:

“(c) A series organization includes a foreign series limited liability company, or one or more protected series thereof, which is organized as a series organization under the laws of another state or jurisdiction, and shall be recognized as a foreign series limited liability company in this state pursuant to, and in compliance with the provisions of §31B-10-1 *et seq.* of this code.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4233** - “A Bill to amend and reenact §40-1A-1, §40-1A-2, §40-1A-4, §40-1A-5, §40-1A-6, and §40-1A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §40-1A-13, §40-1A-14, and §40-1A-15, all relating generally to fraudulent transfers and voidable transactions; establishing that a presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence; providing that a creditor making a

claim for relief has the burden of proving the elements of the claim for relief by a preponderance of the evidence; setting forth rules regarding the defenses, liability and protection of transferees; establishing the governing law; providing for application to series organizations; defining terms; providing that each series organization and each protected series of the organization is a separate person; providing that a series organization includes a foreign series limited liability company; providing for the limiting, modifying or superseding of the federal Electronic Signatures in Global and National Commerce Act; and adding and modifying definitions and headings.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 540**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Deem and Hornbuckle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4233) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4251**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section one, line seven, after the word “employee”, by inserting the words “or, as appropriate, nonclassified employee”.

On page two, section one, line thirty-four, after the word “institution”, by inserting the words “or, if the respective institution does not have classified employees, a member from the institutional nonclassified employees duly elected by the nonclassified employees of the respective institution”.

On page three, section one, line seventy-one, after the word “employees”, by inserting the words “or, as appropriate, nonclassified employees”.

On page three, section one, line seventy-two, after the word “employees”, by inserting the words “or, as appropriate, nonclassified employees”.

On page five, section one, line one hundred one, after the word “employees”, by inserting the words “or, as appropriate, nonclassified employees”.

On page five, section one, line one hundred fifteen, after the word “employees”, by inserting the words “or, as appropriate, nonclassified employees”.

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4251** - “A Bill to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating to certain higher education institution boards of governors membership; permitting officers, employees, or members of any other board of governors outside of this state and employees of any institution of higher education outside of this state to be appointed to a board of governors; and including, for institutions that have no classified employees, a member from the nonclassified employees.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 541**), and there were—yeas 95, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Pyles.

Absent and Not Voting: Cooper, Deem and Hornbuckle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4251) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 542**), and there were—yeas 96, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Pyles.

Absent and Not Voting: Cooper and Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4251) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4320**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions.

Delegate Cowles moved that the House of Delegates concur with further title amendment, and the House concurred in the following amendment by the Senate:

On page four, section one hundred one, after line thirteen, by inserting a new subdivision, designated subdivision (9), to read as follows:

“(9) Exercise authority over the content of electronic communications, as defined in 18 U.S.C. Section 2510(12) sent or received by the principal.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 543**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4320) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4320** - “A Bill to amend and reenact §39B-1-114 of the Code of West Virginia, 1931, as amended; and to amend and reenact §39B-2-101 of said code, all relating to limiting the ability of an agent under a power of attorney to take self-benefiting actions; clarifying the presumption that an act is not within the scope of authority granted in a power of attorney when an agent benefits from the act to the detriment of an ancestor, spouse, heir, or descendant; requiring express grant of authority to exercise authority over the content of electronic communications sent or received by the principal; and clarifying the prohibition against an agent exercising authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a

legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 4324**, Relating to the employment of individuals by municipal paid fire departments under civil service.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

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

**§8-15-17. Form of application; age and residency requirements; exceptions.**

(a) The Firemen's Civil Service Commission in each municipality shall require individuals applying for admission to any competitive examination provided for under the civil service provisions of this article or under the rules of the commission to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

(1) His or her full name, residence, and post-office address;

(2) His or her United States citizenship, age, and the place and date of his or her birth;

(3) His or her state of health, and his or her physical capacity for the public service;

(4) His or her business and employments and residences for at least three previous years; and

(5) Any other information ~~as may~~ reasonably be required, touching upon the applicant's qualifications and fitness for the public service.

(b) Blank forms for the applications shall be furnished by the commission, without charge, to all individuals requesting the same.

(c) The commission may require, in connection with the application, certificates of citizens, physicians, and others, having pertinent knowledge concerning the applicant, as the good of the service ~~may require~~ requires.

(d) Except as provided in subsections (e) and (f) of this section, ~~no~~ the commission may not accept an application for original appointment ~~shall be received~~ if the individual applying is less than 18 years of age or more than 35 years of age at the date of his or her application.

(e) ~~In the event~~ If any applicant formerly served upon the paid fire department of the municipality to which he or she makes application for a period of more than one year, and resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant within a period of two years next preceding the date of his or her application, and at the time of his or her application resides within the corporate limits of the municipality in which the paid fire department to which he or she seeks appointment by reinstatement is located, then the individual ~~shall be~~ is eligible for appointment by reinstatement in the discretion of the Firemen's Civil Service Commission, even though the applicant ~~shall be~~ is over the age of 35 years, and the applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid fire department without a competitive examination. ~~but~~ The applicant shall undergo a medical examination; and if the individual ~~shall be~~ is so

appointed by reinstatement to the paid fire department, he or she shall be the lowest in rank in the department next above the probationers of the department and may not be entitled to seniority considerations.

(f) If an individual is presently employed by one paid fire department and is over the age of 35, he or she may make an application to another paid fire department if:

(1) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System created in §8-22A-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and ~~no~~ no prior employment service ~~can~~ may not be transferred to the West Virginia Municipal Police Officers and Firefighters Retirement System; or

(2) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Public Employees Retirement System created in §5-10-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and ~~no~~ no prior employment service ~~can~~ may not be transferred to the West Virginia Public Employees Retirement System, except for individuals and their prior employment service already credited to them in the West Virginia Public Employees Retirement System pursuant to §5-10-1 *et seq.* of this code.

(g) Individuals who are authorized to apply to a paid fire department pursuant to subsection (f) of this section shall be in the lowest rank of the department and may not be are not entitled to seniority considerations.

(h) Notwithstanding charter provisions to the contrary, any applicant for original appointment ~~must have been a resident for one year, during some period of time prior to the date of his or her application~~ need not be a resident of the municipality or the county



in which he or she seeks to become a member of the paid fire department. ~~Provided, that if the commission determines it necessary it may consider for original appointment applicants who are not residents of the municipality but who have been residents of the county in which the municipality or any portion of the territory thereof is located for a period of at least one year.~~

**§8-15-20. Appointments from list of ~~eligible~~ eligible applicants; special examinations for electricians or mechanics.**

(a) Every position, unless filled by promotion, reinstatement, or reduction, shall be filled only in the manner specified in this section. The appointing officer shall notify the firemen's civil service commission of any vacancy in a position which he or she desires to fill, and shall request the certification of ~~eligibles~~ eligible applicants. The commission shall ~~forthwith~~ immediately certify, from the eligible list, the names of the three individuals ~~thereon~~ on the eligible list who received the highest averages at preceding competitive examinations held under the civil service provisions of this article within a period of three years next preceding the date of the prospective appointment. The appointing officer shall, ~~thereupon~~, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three certified names ~~so certified~~. ~~Provided, That should he make objection if the appointing officer objects,~~ to the commission, to one or more of these individuals, for any of the reasons stated in §8-15-19 of this code, and ~~should such~~ the objection ~~be~~ is sustained by the commission, after a public hearing along the lines of the hearing provided for in §8-15-19 of this code, if ~~any such~~ a hearing is requested, the commission shall ~~thereupon~~ strike the name of ~~any such~~ the individual from the eligible list, and certify the next highest name for each individual ~~so~~ stricken. As each subsequent vacancy occurs, in the same or another position, precisely the same procedure shall be followed: *Provided, however,* That after any name has been rejected three times ~~rejected~~ for the same or another position in favor of a name or names below it on the same list, the ~~said~~ name shall be stricken from the list. When there are a number of positions of the same kind to be filled at the same time, each appointment shall, nevertheless, be made separately and in accordance with the ~~foregoing~~ provisions of this section. When an

appointment is made under the provisions of this section it shall be, in the first instance, for the probationary period of six months, as provided in §8-15-16 of this code: *Provided further*, That in the event any position as an electrician or mechanic is to be filled in any paid fire department, then the examinations to be given to applicants for either position shall be ~~se~~ drawn ~~as~~ to test only the qualifications of ~~such~~ the applicants in regard to their ability as electricians or mechanics, ~~such~~ the examinations to be special examinations.

(b) If there are not enough eligible applicants to certify a list of three, then the appointing officer may appoint a qualified individual to fill the position.”

The bill, as amended by the Senate, was put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 544**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4324) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**H. B. 4389**, Expiring funds to the Enterprise Resource Planning System Fund.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

“WHEREAS, The Governor finds that the account balances in the Auditor’s Office – Securities Regulation Fund, fund 1225, fiscal year 2018, organization 1200, and in the Treasurer’s Office, Banking Services Expense Fund, fund 1322, fiscal year 2018, organization 1300 exceed that which is necessary for the purposes for which the accounts were established; therefore

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

That the balance of funds available for expenditure in the fiscal year ending June 30, 2018, to the Auditor’s Office – Securities Regulation Fund, fund 1225, fiscal year 2018, organization 1200, be decreased by expiring the amount of \$1,133,000, and to the Treasurer’s Office, Banking Services Expense Fund, fund 1322, fiscal year 2018, organization 1300 be decreased by expiring the amount of \$1,133,000 to the West Virginia Enterprise Resource Planning Board - Enterprise Resource Planning System Fund, fund 9080, fiscal year 2018, organization 0947, and the balance of funds available for expenditure in the fiscal year ending June 30, 2018, to the Auditor’s Office – Securities Regulation Fund, fund 1225, fiscal year 2018, organization 1200, be decreased by expiring the amount of \$1,500,000 to the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund, fund \*\*\*\*, fiscal year 2018, organization 0804 to be available for expenditure during the fiscal year ending June 30, 2018.

And, chapter one, Acts of the Legislature, 1st extraordinary session, 2017, known as the budget bill, be supplemented and amended by adding to Title II, section three thereof, the following:

## **TITLE II – APPROPRIATIONS.**

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

#### **DEPARTMENT OF TRANSPORTATION**

*259a – State Rail Authority*

*West Virginia Commuter Rail Access Fund*

(WV Code Chapter 29)

Fund \*\*\*\* FY 2018 Org 0804

	<b>Appro- priation</b>	<b>Other Funds</b>
1 Current Expenses .....	13000	\$ 1,500,000”

And,

By amending the title of the bill to read as follows:

**H. B. 4389** - “A Bill expiring funds to the balance of the West Virginia Enterprise Resource Planning Board - Enterprise Resource Planning System Fund, fund 9080, fiscal year 2018, organization 0947, in the amount of \$2,266,000 and to the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund, fund \*\*\*\*, fiscal year 2018, organization 0804 in the amount of \$1,500,00 from the Auditor’s Office – Securities Regulation Fund, fund 1225, fiscal year 2018, organization 1200, and from the Treasurer’s Office, Banking Services Expense Fund, fund 1322, fiscal year 2018, organization 1300, by supplementing and amending chapter one, Acts of the Legislature, 1st extraordinary session, 2017, known as the budget bill.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 545**), and there were—yeas 93, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Bates, Eldridge and Fluharty.

Absent and Not Voting: Cooper and Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4389) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 546**), and there were—yeas 95, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates and Howell.

Absent and Not Voting: Cooper and Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4389) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

**Com. Sub. for S. B. 625**, Creating WV Volunteer Fire and Rescue Act of 2018.

On motion of Delegate Cowles, the House concurred in the following amendment by the Senate:

On page five, line twenty-three, section two, by striking out “\$50,000” and inserting in lieu thereof “\$100,000”.

On page five, section two, line twenty-seven, by striking out the word “killed” and inserting in lieu thereof the words “who died”.

On page seven, section three-d, line twenty-five, by striking out “90” and inserting in lieu thereof “75”.

On page seven, section three-d, after line twenty-eight, by creating a new subdivision (4), to read as follows:

“(4) If payment for services rendered has not been received within 90 days from the date of response, and if a payment schedule has not been established, a fire department or company may proceed in magistrate court or in other appropriate court action to recover from the responsible party all fees associated with the response, including attorney fees and court costs.”

And,

On page four of the amendment, by removing all of chapter eight, article fifteen, section three.

And,

By amending the title of the bill to read as follows:

**Com. Sub. for S. B. 625** - “A Bill to amend and reenact §5A-3-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend and reenact §8-15-3 of said code; to amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto two new sections, designated §16-4C-8a and §16-4C-24; to amend said code by adding thereto a new section, designated §17-2A-8d; to amend said code by adding thereto three new sections, designated §29-3-5e, §29-3-5f and §29-3-8; to amend and reenact §29-3-12 of said code; to amend and reenact §33-3-33 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b, all relating to creating the West Virginia Volunteer Fire and Rescue Act of 2018; requiring Director of Purchasing Division make facilities and services of the division available to fire departments and companies and certain emergency medical services agencies; authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, emergency medical services, or law-enforcement provider who dies as a proximate result of the

performance of his or her duties; increasing death benefits to be paid; providing for written designation of beneficiary to be made on forms prescribed by State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or accidents involving hazardous materials or extended search and rescue and water rescue incidents; requiring payment of amounts owed as reimbursement within 75 days; authorizing written agreements between fire department or company and responsible party; permitting fire company or department to proceed to recover costs if payment or agreement not reached within 90 days; modifying provisions relating to fire fees imposed on nonresidents of a municipality who are users of that municipality's fire service; capping the amount of the fees that can be imposed; excluding charges for certain buildings; requiring contract to impose fees for services provided to property outside municipal boundaries; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies; giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing courtesy certification program for certified emergency medical service personnel in states bordering West Virginia; relieving courtesy certification applicants from requirement to comply with state certification standards; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use of fund for grants to equip emergency medical service providers

and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for services provided relating to tree or debris removal from state highways and rights-of-way; setting conditions for and defining scope of reimbursement; retaining authority of commissioner to properly remove and dispose of cleared trees, debris, or other obstacles; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be made available to certain fire companies and departments as well as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing courtesy certification program for certified firefighters in states bordering West Virginia to serve as volunteer firefighters; relieving courtesy certification applicants from requirement to comply with state certification standards for volunteer firefighters; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Fire Service Equipment and Training Fund; authorizing use of fund for grants to equip volunteer and part-volunteer fire companies and departments and their members, and train volunteer and part-volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire Marshal prepare certain reports and make certain



recommendations; increasing surcharge on fire and casualty insurance policies; exempting certain casualty insurance policies from surcharge; prohibiting premium taxes, agent commissions, and other assessments from being charged against surcharge; designating where funds collected from surcharge are to be deposited; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation for volunteer and part-volunteer fire departments; eliminating obsolete language; and making technical corrections.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 547**), and there were—yeas 96, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: E. Evans.

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 625) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. J. R. 3**, Judicial Budget Oversight Amendment.

### **Conference Committee Report**

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

**Com. Sub. for S. J. R. 3, Judicial Budget Oversight Amendment.**

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 Com. Sub. for S. J. R. 3, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, that both houses recede from their respective positions as to the amendment of the House, striking out everything after the resolved clause, and agree to the same as follows:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that section 51, article VI thereof be amended to read as follows:

**ARTICLE VI.**

**§51. Budget and supplementary appropriation bills.**

The Legislature shall not appropriate any money out of the treasury except in accordance with the provisions of this section.

**Subsection A – Appropriation Bills**

(1) Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter provided.

**Subsection B – Budget Bills**

(2) ~~Within ten days after the convening of the regular session of the Legislature in odd numbered years, unless such time shall be extended by the Legislature,~~ On the second Wednesday of February in the year 2021 and every fourth year thereafter and on the second Wednesday of January in even-numbered all other years, unless a later time in any year be fixed by the Legislature, the Governor shall submit to the Legislature a budget for the next ensuing fiscal year. The budget shall contain a complete plan of

proposed expenditures and estimated revenues for the fiscal year and shall show the estimated surplus or deficit of revenues at the end of each fiscal year. Accompanying each budget shall be a statement showing: (a) An estimate of the revenues and expenditures for the current fiscal year, including the actual revenues and actual expenditures to the extent available, and the revenues and expenditures for the next preceding fiscal year; (b) the current assets, liabilities, reserves, and surplus or deficit of the state; (c) the debts and funds of the state; (d) an estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget; and (e) any explanation the Governor may desire to make as to the important features of the budget and any suggestions as to methods for reduction or increase of the state's revenue.

(3) Each budget shall embrace an itemized estimate of the appropriations, in such form and detail as the Governor shall determine or as may be prescribed by law: (a) For the Legislature as certified to the Governor in the manner hereinafter provided; (b) for the executive department; (c) for the judiciary department, as provided by law, certified to the Governor by the Auditor; (d) for payment and discharge of the principal and interest of any debt of the state created in conformity with the constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the state under the constitution and laws of the state; and (f) for such other purposes as are set forth in the constitution and in laws made in pursuance thereof.

(4) The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of the budget clearly itemized and classified, in such form and detail as the Governor shall determine or as may be prescribed by law; and the presiding officer of each house shall promptly cause the bill to be introduced therein, and such bill shall be known as the "Budget Bill". The Governor may, with the consent of the Legislature, before final action thereon by the Legislature, amend or supplement the budget to correct an oversight, or to provide funds contingent on passage of pending legislation, and in case of an emergency, he or she may deliver such an amendment or supplement to the presiding officers of both houses; and the

amendment or supplement shall thereby become a part of the budget bill as an addition to the items of the bill or as a modification of or a substitute for any item of the bill the amendment or supplement may affect.

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That ~~no item relating to the judiciary shall be decreased;~~ the Legislature may not decrease the total general revenue appropriations to the judiciary in the budget bill to an amount that is less than eighty-five percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals. ~~and~~ Except as otherwise provided in this constitution, the salary or compensation of any public officer shall not be increased or decreased during his or her term of office: and *Provided further however*, That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.

(6) The Chief Justice of the Supreme Court of Appeals, the Governor, and such representatives of the executive departments, boards, officers, and commissions of the state expending or applying for state moneys as have been designated by the Governor for this purpose, shall have the right, and when requested by either house of the Legislature it shall be their duty, to appear and be heard with respect to any budget bill, and to answer inquiries relative thereto.

### **Subsection C – Supplementary Appropriation Bills**

(7) Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid except: in accordance with the provisions following (a) Every such appropriation shall be embodied in a separate bill limited to some single work, object, or purpose therein stated and called therein a supplementary appropriation bill; (b) each supplementary appropriation bill shall

provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as ~~shall be~~ directed in the bill unless it appears from such budget that there is sufficient revenue available.

#### **Subsection D – General Provisions**

(8) If the budget bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the governor shall issue a proclamation extending the session for such further period as may, in his or her judgment, be necessary for the passage of the bill; but no matter other than the bill shall be considered during such an extension of a session except the matters detailed in section 14, article VII of this Constitution and a provision for the cost thereof.

(9) For the purpose of making up the budget, the Governor shall have the power and it shall be his or her duty, to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he or she shall direct. The estimates for the legislative department, certified by the presiding officer of each house, and for the judiciary, as provided by law, certified by the Auditor, shall be transmitted to the Governor in such form and at such times as he or she shall direct and shall be included in the budget.

(10) The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies and all institutions applying for state moneys. After such public hearings he or she may, in his or her discretion, revise all estimates except those for the legislative and judiciary departments.

(11) Every budget bill or supplementary appropriation bill passed by a majority of the members elected to each house of the Legislature shall, before it becomes a law, be presented to the

Governor. The Governor may veto the bill, or he or she may disapprove or reduce items or parts of items contained therein. If he or she approves, he or she shall sign it and thereupon, it shall become a law. The bill, items or parts thereof, disapproved or reduced by the Governor, shall be returned with his or her objections to each house of the Legislature.

Each house shall enter the objections at large upon its journal and proceed to reconsider. If, after reconsideration, two thirds of the members elected to each house agree to pass the bill, or such items or parts thereof, as were disapproved or reduced, the bill, items or parts thereof, approved by two thirds of such members, shall become law, notwithstanding the objections of the Governor. In all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal.

A bill, item or part thereof, which is not returned by the Governor within five days (Sundays excepted) after the bill has been presented to him or her shall become a law in like manner as if he or she had signed the bill, unless the Legislature, by adjournment, prevents such return, in which case it shall be filed in the office of the Secretary of State, within five days after such adjournment, and shall become a law; or it shall be so filed within such five days with the objections of the governor, in which case it shall become law to the extent not disapproved by the Governor.

(12) The Legislature may, from time to time, enact such laws, not inconsistent with this section, as may be necessary and proper to carry out its provisions.

(13) In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by section nineteen of this article, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

(14) If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

*Resolved further*, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Judicial Budget Oversight Amendment” and the purpose of the proposed amendment is summarized as follows: “Providing that the total general revenue appropriations to the judiciary may be reduced in the budget bill, and setting forth the required procedures to be followed by the Legislature to enact any decrease in the total general revenue appropriations to the judiciary to an amount that is less than eight-five percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget; providing that when requested by the Legislature, the Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill; and conforming language relating to the introduction of the budget and matters that may be taken up during extended sessions to more recent amendments to the constitution.”

And,

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

**Com. Sub. for S. J. R. 3** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the state budget and related matters; providing that total general revenue appropriations to the judiciary may be decreased in the budget bill; providing that the Legislature may not decrease the total general revenue appropriations to the judiciary in the budget bill to an amount that is less than eighty-five percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals; providing rights and duties of the

Chief Justice of the Supreme Court of Appeals relating to appearances before the Legislature and answering inquiries with respect to any budget bill; amending and adding language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session to conform the section to more recent amendments to the constitution; making technical corrections to gender related language; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

Respectfully submitted,

Charles S. Trump, IV, *Chair*  
Ryan Weld,  
Mike Woelfel,

John Shott, *Chair*  
Roger Hanshaw,  
Andrew Byrd,

*Conferees on the part of the  
Senate.*

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

On motion of Delegate Shott, the report of the Committee of Conference was adopted.

The resolution, as amended by said report, was then put upon its adoption.

On the adoption of the resolution, the yeas and nays were taken (**Roll No. 548**), and there were—yeas 96, nays none, absent and not voting 3, with the yeas, nays and absent and not voting being as follows:

Yeas: Adkins, Ambler, Anderson, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Campbell, Canestraro, Capito, Caputo, Cowles, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Fast, Ferro, Fluharty, Folk, Foster, Frich, Gearheart, Graves, Hamilton, Hamrick, Hanshaw, Harshbarger, Hartman, Higginbotham, Hicks, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquinta, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, Nelson, Overington, Pack, Paynter, Pethtel,



Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sobonya, Sponaugle, Statler, Storch, Summers, Sypolt, Thompson, Upson, Wagner, Ward, Westfall, White, Williams, Wilson, Zatezalo and Mr. Speaker, Mr. Armstead.

Nays: None

Absent and Not Voting: Cooper, Deem and Fleischauer.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for S. J. R. 3) adopted, as follows:

**Com. Sub. for S. J. R. 3** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the state budget and related matters; providing that total general revenue appropriations to the judiciary may be decreased in the budget bill; providing that the Legislature may not decrease the total general revenue appropriations to the judiciary in the budget bill to an amount that is less than 85 percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals; providing rights and duties of the Chief Justice of the Supreme Court of Appeals relating to appearances before the Legislature and answering inquiries with respect to any budget bill; amending and adding language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session to conform the section to more recent amendments to the constitution; making technical corrections to gender-related language; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that section 51, article VI thereof be amended to read as follows:

## **ARTICLE VI.**

### **§51. Budget and supplementary appropriation bills.**

The Legislature shall not appropriate any money out of the treasury except in accordance with the provisions of this section.

#### **Subsection A – Appropriation Bills**

(1) Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter provided.

#### **Subsection B – Budget Bills**

(2) On the second Wednesday of February in the year 2021 and every fourth year thereafter and on the second Wednesday of January in all other years, unless a later time in any year be fixed by the Legislature, the Governor shall submit to the Legislature a budget for the next ensuing fiscal year. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year and shall show the estimated surplus or deficit of revenues at the end of each fiscal year. Accompanying each budget shall be a statement showing: (a) An estimate of the revenues and expenditures for the current fiscal year, including the actual revenues and actual expenditures to the extent available, and the revenues and expenditures for the next preceding fiscal year; (b) the current assets, liabilities, reserves, and surplus or deficit of the state; (c) the debts and funds of the state; (d) an estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget; and (e) any explanation the Governor may desire to make as to the important features of the budget and any suggestions as to methods for reduction or increase of the state's revenue.

(3) Each budget shall embrace an itemized estimate of the appropriations, in such form and detail as the Governor shall determine or as may be prescribed by law: (a) For the Legislature as certified to the Governor in the manner hereinafter provided; (b) for the executive department; (c) for the judiciary department, as provided by law, certified to the Governor by the Auditor; (d) for payment and discharge of the principal and interest of any debt of the state created in conformity with the constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the state under the constitution and laws of the state; and (f) for such other purposes as are set forth in the constitution and in laws made in pursuance thereof.

(4) The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of the budget clearly itemized and classified, in such form and detail as the Governor shall determine or as may be prescribed by law; and the presiding officer of each house shall promptly cause the bill to be introduced therein, and such bill shall be known as the "Budget Bill". The Governor may, with the consent of the Legislature, before final action thereon by the Legislature, amend or supplement the budget to correct an oversight, or to provide funds contingent on passage of pending legislation, and in case of an emergency, he or she may deliver such an amendment or supplement to the presiding officers of both houses; and the amendment or supplement shall thereby become a part of the budget bill as an addition to the items of the bill or as a modification of or a substitute for any item of the bill the amendment or supplement may affect.

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That the Legislature may not decrease the total general revenue appropriations to the judiciary in the budget bill to an amount that is less than 85 percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals. Except as otherwise provided in this constitution, the

salary or compensation of any public officer shall not be increased or decreased during his or her term of office: *Provided, however,* That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.

(6) The Chief Justice of the Supreme Court of Appeals, the Governor, and such representatives of the executive departments, boards, officers, and commissions of the state expending or applying for state moneys as have been designated by the Governor for this purpose, shall have the right, and when requested by either house of the Legislature it shall be their duty, to appear and be heard with respect to any budget bill, and to answer inquiries relative thereto.

### **Subsection C – Supplementary Appropriation Bills**

(7) Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid except: in accordance with the provisions following (a) Every such appropriation shall be embodied in a separate bill limited to some single work, object, or purpose therein stated and called therein a supplementary appropriation bill; (b) each supplementary appropriation bill shall provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as directed in the bill unless it appears from such budget that there is sufficient revenue available.

### **Subsection D – General Provisions**

(8) If the budget bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the Governor shall issue a proclamation extending the session for such further period as may, in his or her judgment, be necessary for the passage of the bill; but no matter other than the bill shall be considered during such an extension of a session except the matters detailed in section 14, article VII of this constitution and a provision for the cost thereof.

(9) For the purpose of making up the budget, the Governor shall have the power and it shall be his or her duty, to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he or she shall direct. The estimates for the legislative department, certified by the presiding officer of each house, and for the judiciary, as provided by law, certified by the Auditor, shall be transmitted to the Governor in such form and at such times as he or she shall direct and shall be included in the budget.

(10) The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies and all institutions applying for state moneys. After such public hearings he or she may, in his or her discretion, revise all estimates except those for the legislative and judiciary departments.

(11) Every budget bill or supplementary appropriation bill passed by a majority of the members elected to each house of the Legislature shall, before it becomes a law, be presented to the Governor. The Governor may veto the bill, or he or she may disapprove or reduce items or parts of items contained therein. If he or she approves, he or she shall sign it and thereupon, it shall become a law. The bill, items or parts thereof, disapproved or reduced by the Governor, shall be returned with his or her objections to each house of the Legislature.

Each house shall enter the objections at large upon its journal and proceed to reconsider. If, after reconsideration, two thirds of the members elected to each house agree to pass the bill, or such items or parts thereof, as were disapproved or reduced, the bill, items or parts thereof, approved by two thirds of such members, shall become law, notwithstanding the objections of the Governor. In all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal.

A bill, item or part thereof, which is not returned by the Governor within five days (Sundays excepted) after the bill has been presented to him or her shall become a law in like manner as if he or she had signed the bill, unless the Legislature, by adjournment, prevents such return, in which case it shall be filed in the office of the Secretary of State, within five days after such adjournment, and shall become a law; or it shall be so filed within such five days with the objections of the Governor, in which case it shall become law to the extent not disapproved by the Governor.

(12) The Legislature may, from time to time, enact such laws, not inconsistent with this section, as may be necessary and proper to carry out its provisions.

(13) In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by section 19 of this article, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

(14) If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

*Resolved further,* That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment No. 1" and designated as the "Judicial Budget Oversight Amendment" and the purpose of the proposed amendment is summarized as follows: "Providing that the total general revenue appropriations to the judiciary may be reduced in the budget bill, and setting forth the required procedures to be followed by the Legislature to enact any decrease in the total general revenue appropriations to the judiciary to an amount that is less than 85 percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget; providing that when requested by the

Legislature, the Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill; and conforming language relating to the introduction of the budget and matters that may be taken up during extended sessions to more recent amendments to the constitution.

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 582**, Allowing candidate for political party executive committee serve as election official.

### **Conference Committee Report**

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

**Com. Sub. for S. B. 582**, Allowing candidate for political party executive committee serve as election official.

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 582 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House recede from its position as to the amendment on page one, section twenty-eight, line eleven, immediately following the word "committee" by inserting the following: "or delegate to the national convention of a political party";

That both parties recede from their respective positions as to the amendment on page one, section twenty-eight, line twelve, and that the Senate and the House agree to an amendment as follows:

On page one, section twenty-eight, line twelve, by deleting subsection (4) in its entirety and inserting in lieu thereof the following:

“(4) May not be the parent, child, sibling, or spouse of a candidate on the ballot for any office, other than for district, county, or state political party executive committee, or an official write-in candidate for any office, other than for district, county, or state political party executive committee, in the precinct where the official serves;”;

And,

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

**Com. Sub. for S. B. 582** - “A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to eligibility to be appointed or serve as an election official; permitting candidates for district, county, or state political party executive committee to serve as election officials; and permitting the parent, child, sibling, or spouse of a candidate for district, county, or state political party executive committee, to serve as election officials.”

Respectfully submitted,

Charles H. Clements, *Chair*  
Mike Maroney,  
Stephen Baldwin,

Charlotte Lane, *Chair*  
Moore Capito,  
Rodney Miller,

*Conferees on the part of the  
Senate.*

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

On motion of Delegate Lane, the report of the Committee of Conference was adopted.



The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 549**), and there were—yeas 88, nays 8, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Byrd, Fluharty, Isner, Pack, Pushkin, Robinson and Upton.

Absent and Not Voting: Cooper, Deem and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 582) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 550**), and there were—yeas 93, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Isner and Robinson.

Absent and Not Voting: Cooper, Deem and Fleischauer.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 582) takes effect from its passage.

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 392**, Reconfiguring membership of Emergency Medical Services.

### **Conference Committee Report**

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

**Com. Sub. for S. B. 392**, Reconfiguring membership of Emergency Medical Services Advisory Council.

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. 392 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 amendments of House of Delegates, striking everything after the enacting clause, and agree to the same as follows:

#### **“ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

##### **§16-4C-5. Emergency Medical Services Advisory Council; duties; composition; appointment; meetings; compensation and expenses.**

(a) The Emergency Medical Services Advisory Council, heretofore created and established by former §16-4C-7 of this code, is continued for the purpose of developing, with the commissioner, standards for emergency medical service personnel and for the purpose of providing advice to the Office of Emergency Medical Services and the commissioner with respect to reviewing and making recommendations for, and providing assistance to, the establishment and maintenance of adequate emergency medical services for all portions of this state.

(b) The council shall have the duty to advise the commissioner in all matters pertaining to his or her duties and functions in relation to carrying out the purposes of this article.

(c) The council shall be composed of ~~45~~ 18 members appointed by the Governor by and with the advice and consent of the Senate. The Mountain State Emergency Medical Services Association shall submit to the Governor a list of six names of representatives from its association, and a list of three names shall be submitted to the Governor of representatives of their respective organizations by the County Commissioners' Association of West Virginia, the West Virginia State Firemen's Association, the West Virginia Hospital Association, the West Virginia Chapter of the American College of Emergency Physicians, the West Virginia Emergency Medical Services Administrators Association, the West Virginia Emergency Medical Services Coalition, the Ambulance Association of West Virginia, and the State Department of Education. The Governor shall appoint from the respective lists submitted two persons who represent the Mountain State Emergency Medical Services Association, one of whom shall be a paramedic and one of whom shall be an emergency medical technician-basic; and one person from the County Commissioners' Association of West Virginia, the West Virginia State Firemen's Association, the West Virginia Hospital Association, the West Virginia Chapter of the American College of Emergency Physicians, the West Virginia Emergency Medical Services Administrators Association, the West Virginia Emergency Medical Services Coalition, the Ambulance Association of West Virginia, and the State Department of Education. In addition, the Governor shall appoint:

(1) One person to represent emergency medical service providers operating within the state;

(2) One person to represent small emergency medical service providers operating within this state; ~~and~~

~~(3) three persons to represent the general public~~ One person to represent emergency medical services training officers or representatives; and

(4) Two people to represent emergency medical services supervisors or administrators.

(5) Three persons to represent the general public who shall serve in an advisory capacity as non-voting members.

(d) Not more than six of the members may be appointed from any one congressional district.

~~(d)~~ (e) Each term is to be for three years, and no member may serve more than four consecutive terms.

~~(e)~~ (f) The council shall choose its own chairman and meet at the call of the commissioner at least twice a year.

~~(f)~~ (g) The members of the council shall receive compensation and expense reimbursement in an amount not to exceed the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or substantial portion thereof engaged in the performance of official duties.

And,

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

**Com. Sub. for S. B. 392** - “A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the Emergency Medical Services Advisory Council generally; and reconfiguring and increasing the membership of the council by adding three non-voting citizen members and requiring three members to be representative of professional groups.”

Respectfully submitted,

Gregory L. Boso, *Chair*  
Tom Takubo,  
Glenn D. Jeffries,

Vernon Criss, *Chair*  
Patrick S. Martin,  
John Williams,

*Conferees on the part of the  
Senate.*

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

On motion of Delegate Criss, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 551**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Deem and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 392) passed.

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

### **Conference Committee Report**

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

**Com. Sub. for H. B. 4001**, Relating to eligibility and fraud requirements for public assistance,

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 4001 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:

## **CHAPTER 9. HUMAN SERVICES.**

### **ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND RESPONSIBILITIES GENERALLY.**

**§9-2-6. Powers of secretary.**

Within limits of state appropriations and federal grants and subject to provisions of state and federal laws and regulations, the secretary, in addition to all other powers, duties, and responsibilities granted and assigned to that office in this chapter and elsewhere by law, is authorized to:

(1) Promulgate, amend, revise and rescind department rules respecting the organization and government of the department and the execution and administration of those powers, duties, and responsibilities granted and assigned by this chapter and elsewhere by law to the department and the secretary.

(2) Promulgate, amend, revise, and rescind department rules and regulations respecting qualifications for receiving the different classes of welfare assistance consistent with or permitted by federal laws, rules and policies, but not inconsistent with state law: *Provided*, That rules and policies respecting qualifications shall permit the expenditure of state funds to pay for care rendered in any birthing center licensed under the provisions of ~~§16-2e-1~~§16-2E-1, *et seq.* of this code by a licensed nurse midwife or midwife as this occupation is defined in §30-15-7 of this code and which care is within the scope of duties for such licensed nurse midwife or midwife as permitted by the provisions of section seven of said article.

(3) Obtain by purchase or lease grounds, buildings, office or other space, equipment, facilities and services as may be necessary for the execution and administration of those powers, duties, and responsibilities granted and assigned by this chapter and elsewhere by law to the department and the secretary.

(4) Sign and execute in the name of the state by the State Department of Health and Human Resources any contract or agreement with the federal government or its agencies, other states, political subdivisions of this state, corporations, associations, partnerships, or individuals: *Provided*, That the provisions of §5A-3-1 *et seq.* of this code are followed.

(5) Sign and execute a contract to implement professional health care, managed care, actuarial and health care-related monitoring, quality review/utilization, claims processing, and independent professional consultant contracts for the Medicaid program: *Provided*, That the provisions of §5A-3-1 *et seq.* of this code are followed: *Provided, however*, That a contract awarded under the agency purchasing process from April 1, 2009, to January 2, 2013, remains in full force and effect and the secretary retains sole authority to review, approve, and issue changes to contracts issued under the former purchasing process, and is responsible for challenges, disputes, protests, and legal actions related to such contracts.

(6) Establish such special funds as may be required by the federal Social Security Act, as amended, or by any other Act or Acts of Congress, in order for this state to take full advantage of the benefits and provisions thereof relating to the federal-state assistance and federal assistance programs administered by the department and to make payments into and disbursements out of any such special fund or funds in accordance with the requirements of the federal Social Security Act, as amended, or any other Act or Acts of Congress, and in accordance with applicable state law and the objects and purposes of this chapter. In addition, the State Department of Health and Human Resources, through the secretary, is hereby authorized to accept any and all gifts or grants, whether in money, land, services or materials, which gift or gifts, if in the form of moneys, shall be placed in a separate fund and expended solely for the purpose of public assistance programs. No part of this special fund shall revert to the General Revenue Funds of this state. No expenses incurred pursuant to this special fund shall be a charge against the General Funds of this state.

(7) Establish within the department an Office of Inspector General for the purpose of conducting and supervising investigations, performing inspections, evaluations, and review, and ~~for the purpose of~~ providing quality control for the programs of the department. The Office of Inspector General shall be headed by the Inspector General who shall report directly to the secretary. Neither the secretary nor any employee of the department may prevent, inhibit, or prohibit the Inspector General or his or her

employees from initiating, carrying out, or completing any investigation, ~~quality control~~ inspection, evaluation, review or other activity oversight of public integrity by the Office of the Inspector General. The secretary shall place within the Office of Inspector General any function he or she deems necessary. Qualification, compensation, and personnel practice relating to the employees of the Office of the Inspector General, including that of the position of Inspector General, shall be governed by the classified service provisions of §29-6-1 *et seq.* of this code and rules promulgated thereunder. The Inspector General shall supervise all personnel of the Office of Inspector General.

(8) Provide at department expense a program of continuing professional, technical, and specialized instruction for the personnel of the department.

(9) Pay from available funds all or part of the reasonable expenses incurred by a person newly employed by the department in moving his household furniture, effects, and immediate family from his or her place of residence in this state to his or her place of employment in this state; and to pay from available funds all or part of the reasonable expenses incurred by a department employee in moving his or her household furniture, effects, and immediate family as a result of a reassignment of the employee which is considered desirable, advantageous to and in the best interests of the state, but no part of the moving expenses of any one such employee shall be paid more frequently than once in 12 months or for any movement other than from one place of employment in this state to another place of employment in this state.

(10) Establish a program to provide reimbursement to employees of the department whose items of personal property, as defined by the department by policy, are damaged during the course of employment or other work-related activity as a result of aggressive behavior by a client or patient receiving services from the department: *Provided*, That such reimbursement is limited to a maximum amount of \$250 per claim.



(11) Establish and maintain such institutions as are necessary for the temporary care, maintenance, and training of children and other persons.

(12) Prepare and submit state plans which will meet the requirements of federal laws, rules governing federal-state assistance and federal assistance and which are not inconsistent with state law.

(13) Organize within the department a Board of Review, consisting of a chairman appointed by the secretary and as many assistants or employees of the department as may be determined by the secretary and as may be required by federal laws and rules respecting state assistance, federal-state assistance, and federal assistance, such Board of Review to have such powers of a review nature and such additional powers as may be granted to it by the secretary and as may be required by federal laws and rules respecting federal-state assistance and federal assistance.

(14) Provide by rules review and appeal procedures within the Department of Health and Human Resources as may be required by applicable federal laws and rules respecting state assistance, federal-state assistance, and federal assistance and as will provide applicants for, and recipients of, all classes of welfare assistance an opportunity to be heard by the Board of Review, a member thereof or individuals designated by the board, upon claims involving denial, reduction, closure, delay, or other action or inaction pertaining to public assistance.

(15) Provide by rules, consistent with requirements of applicable federal laws and rules, application forms and application procedures for the various classes of public assistance.

(16) Provide locations for making applications for the various classes of public assistance.

(17) Provide a citizen or group of citizens an opportunity to file objections and to be heard upon objections to the grant of any class of public assistance.

(18) Delegate to the personnel of the department all powers and duties vested in the secretary, except the power and authority to sign contracts and agreements.

(19) Make such reports in such form and containing such information as may be required by applicable federal laws and rules respecting federal-state assistance and federal assistance.

(20) Invoke any legal, equitable, or special remedies for the enforcement of the provisions of this chapter.

(21) Require a provider, subgrantee, or other entity performing services on behalf of the department to comply with all applicable laws, rules, and written procedures pertaining to the program for which the entity is providing or coordinating services, including, but not limited to, policy manuals, statements of work, program instructions, or other similar agreements. When submitting a claim for payment, the entity shall certify that it has complied with all material conditions for payment. Knowingly and intentionally submitting a claim or billing for services performed in material violation of any law, rule, policy, or other written agreement shall constitute fraud and the agreement for provision of services shall terminate. The entity shall be required to repay the department for any payment under the program for which the provider was not entitled, regardless of whether the incorrect payment was the result of department error, fraud, or other cause. A demand for repayment or termination of agreement for provision of services shall be subject to the due process procedures pursuant to §29A-5-1 et seq. of this code. The provisions of this subsection do not apply to fraud in the Medicaid program.

(22) Develop a data analytics pilot program to identify potential fraud and help guide policy objectives to eliminate future fraud. The Secretary shall submit a report containing the pilot program's results and recommendations to the Joint Committee on Government and Finance no later than December 31, 2020.

### **§9-7-2. Definitions.**

For the purposes of this article:

(1) “Assistance” means money payments, medical care, transportation and other goods and services necessary for the health or welfare of individuals, including guidance, counseling, and other welfare services and shall include all items of any nature contained within the definition of “welfare assistance” in §9-1-2 of this ~~chapter~~ code.

(2) “Benefits” means money payments, goods, services, or any other thing of value.

(3) “Board and Care Facility” means a residential setting where two or more unrelated adults receive nursing services or personal care services.

(4) “Claim” means an application for payment for goods or services provided under the medical programs of the Department of Health and Human Resources.

(5) “Entity” means any corporation, association, partnership, limited liability company, or other legal entity.

(6) “Financial Exploitation” means the intentional misappropriation or misuse of funds or assets of another.

“Fraud” means a knowing misrepresentation, knowing concealment, or reckless statement of a material fact.

(7) “Medicaid” means that assistance provided under a state plan implemented pursuant to the provisions of subchapter nineteen, chapter seven, Title 42, United States Code, as that chapter has been and may hereafter be amended.

(8) “Person” means any individual, corporation, association, partnership, proprietor, agent, assignee, or entity.

(9) “Provider” means any individual or entity furnishing goods or services under the medical programs of the Department of Health and Human Resources.

(10) “Unit” means the Medicaid Fraud Control Unit established under §9-7-1 of this ~~article~~ code.

**§9-7-5. Bribery; false claims; conspiracy; criminal penalties; failure to maintain records.**

(a) A person shall not solicit, offer, pay, or receive any unlawful remuneration, including any kickback, rebate or bribe, directly or indirectly, with the intent of causing an expenditure of moneys from the medical services fund established pursuant to §9-4-2 of this ~~chapter~~ code, which is not authorized by applicable laws or rules and regulations.

(b) A person shall not make or present or cause to be made or presented to the Department of Health and Human Resources a claim under the medical programs of the Department of Health and Human Resources knowing the claim to be false, fraudulent, or fictitious.

(c) A person shall not enter into an agreement, combination or conspiracy to obtain or aid another to obtain the payment or allowance of a false, fraudulent, or fictitious claim under the medical programs of the Department of Health and Human Resources.

(d) Any person found to be in violation of §9-7-5 (a), §9-7-5(b) or §9-7-5(c) of this ~~section~~ code is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than one nor more than 10 years or shall be fined not to exceed \$10,000, or both fined and imprisoned.

(e) Any provider who, having submitted a claim for or received a benefit, payment, or allowance under the medical programs of the Department of Health and Human Resources, knowingly fails to maintain such records as are necessary to disclose fully the nature of a good or service for which a claim was submitted or benefit, payment, or allowance was received, or such records as are necessary to disclose fully all income and expenditures upon which rate of payment were based, for a period of at least five years following the date on which payment was received, shall be guilty of a misdemeanor and, upon conviction, may be imprisoned in a state correctional facility not to exceed one year or may be fined up to \$1,000, or both fined and imprisoned. Any person who

knowingly destroys such records within five years from the date the benefit, payment, or allowance was received, shall be guilty of a felony, and may be imprisoned in a state correctional facility not less than one nor more than 10 years or may be fined not to exceed \$10,000, or both fined and imprisoned.

**§9-7-6. Civil remedies; statute of limitations.**

(a) ~~Any person, firm, corporation, or other entity which willfully, by means of a false statement or representation, or by concealment of any material fact, or by other fraudulent scheme, devise or artifice on behalf of himself, herself, itself, or others, obtains or attempts to obtain benefits or payments or allowances under the medical programs of the Department of Health and Human Resources to which he or she or it is not entitled, or, in a greater amount than that to which he or she or it is entitled, makes or attempts to make, or causes to be made, a claim for benefits, payments, or allowances under the medical programs of the Department of Health and Human Resources, when such person, firm, corporation, or entity knows, or reasonably should have known, such claim to be false, fictitious, or fraudulent, or fails to maintain such records as are necessary shall be liable to the Department of Health and Human Resources in an amount equal to three times the amount of such benefits, payments, or allowances to which he or she or it is not entitled, and shall be liable for the payment of reasonable attorney fees and all other fees and costs of litigation.~~

(b) No criminal action or indictment need be brought against any person, firm, corporation or other entity as a condition for establishing civil liability hereunder.

(c) A civil action under this section may be prosecuted and maintained on behalf of the Department of Health and Human Resources by the Attorney General and the Attorney General's assistants or a prosecuting attorney and the prosecuting attorney's assistants or by any attorney in contract with or employed by the Department of Health and Human Resources to provide such representation.

(d) Any civil action brought under this section shall be brought within five years from the time the false, fraudulent, or fictitious claim was made. Claims will be judged based on the Medicaid or program rules in existence at the time of the claim submission.

## **ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.**

### **§9-8-1. Definitions.**

As used in this article:

“Able bodied adult” means a person between the ages of 18 and 49 years of age without dependents and who does not meet any of the exemptions set forth in §9-8-2(a) of this code.

“Applicant” or “recipient” means a person who is applying for, or currently receiving, public assistance in the State of West Virginia from the department.

“Department” means the West Virginia Department of Health and Human Resources.

“Electronic benefit transfer” or “EBT” means any electronic system which allows the department to issue and track benefits via a magnetically encoded payment card.

“Good cause” means circumstances beyond the household’s control, including, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, natural disaster, a declared state of emergency due to inclement weather, or the unavailability of transportation.

“Public assistance” means government benefits provided to qualifying individuals on the basis of need to provide basic necessities to individuals and their families. These shall include, but are not limited to, the following:

(A) Supplemental Nutrition Assistance Program, or SNAP;

(B) Medicaid; and

(C) Temporary Assistance to Needy Families, or TANF.

“Secretary” means the Secretary of the West Virginia Department of Health and Human Resources.

“Work” or “working” means:

(A) Work in exchange for money;

(B) Work in exchange for goods or services (“in kind” work);

(C) Unpaid work, verified under standards established by the department in rule; or

(D) Any combination thereof.

### **§9-8-2. Work requirements.**

(a) All able bodied adults may receive Supplemental Nutrition Assistance benefits for only three months in each 36-month period. Recipients are exempt from the time limit if they are employed or are participating and complying with the requirements of a work, education, or volunteer program for at least 20 hours per week. *Provided*, That further exemptions may apply and shall be determined in accordance with federal law. *Provided, however*, that any such exemptions shall not exceed those granted by federal law.

(b) Beginning October 1, 2018, the department shall discontinue and shall not seek federal waivers granted pursuant to 7 U.S.C. § 2015(o) for Able Bodied Adults Without Dependents (ABAWD) for any county that cannot be demonstrated to have, through data in conformance with U.S. Bureau of Labor Statistics methodology set forth under federal law, a recent 12-month average unemployment rate above 10 percent; a recent 24-month average unemployment rate 20 percent above the national average for the same 24-month period; qualification for extended unemployment benefits; or designation as a “labor surplus area” by the U.S. Department of Labor. These waivers exempt able bodied adults with no children from work requirements for receipt of SNAP benefits. Notwithstanding any provision in this code to the

contrary, all counties shall be ineligible for any such waiver effective October 1, 2022.

(c) The department shall submit a report to the Legislative Oversight Committee on Health and Human Resources Accountability, no later than October 1, 2020, on the employment impact of ABAWD requirements in those counties where they were implemented as of October 1, 2018. The report shall include, on a county-by-county basis, information on the number of SNAP recipients subject to work requirements; the number exempted from work requirements and the reasons for exemption; the number of applicants denied benefits due to non-compliance with work requirements; the dollar amount of benefits withheld due to non-compliance; the estimated fiscal impact on SNAP retailers of withholding those benefits; the number of recipients who engaged in work, education, or volunteerism in order to maintain benefits; the efforts made to assist recipients with meeting work requirements in order to maintain benefits; and any such recommendations pertaining to work requirements as the department deems advisable.

(d) If a recipient resides in a county subject to the provisions of this article, an applicant shall be deemed as complying with the requirements of a work, education, or volunteer program if any of the following requirements are satisfied:

(1) Working at least 20 hours per week, averaged monthly, or 80 hours a month;

(2) Participating in, and complying with, the requirements of a work force training program of 20 hours per week, as determined by the department in rule;

(3) Volunteering 20 hours a week, as determined by the department in rule;

(4) Any combination of working, volunteering and/or participating in a work program for a total of 20 hours per week, as determined by the department in legislative rule; or



(5) Participating in, and complying with, a workfare program as set out in 7 C.F.R. 273.24(a)(3).

(e) As determined by the department, if a recipient would have worked an average of 20 hours per week but missed some work for good cause, the recipient shall be considered to have met the work requirement if the absence from work is temporary and the recipient retains his or her job. Good cause includes circumstances beyond the household's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, natural disaster, a declared state of emergency due to inclement weather, or the unavailability of transportation.

(f) If the department determines that a waiver, or an amendment to a waiver, is necessary to implement a policy that complies with 7 C.F.R. 273.24, it shall request the waiver or the amendment to the waiver from the United States Department of Agriculture.

(g) The department shall propose legislative rules in accordance with the provisions of this code for a plan for implementation of the requirements set forth in this section in counties that are subject to the requirements set forth in §9-8-2 (d) of this code.

### **§9-8-3. Income and identity verification.**

(a) By December 31, 2018, the department shall redesign an existing system or establish a new computerized income, asset, and identity eligibility verification system or contract with a third-party vendor to verify eligibility, eliminate the duplication of assistance, and deter waste, fraud, and abuse in each public assistance program which it administers.

(b) The department may contract with a third-party vendor to develop a system to provide a service or verify income, assets, and identity eligibility of applicants to prevent fraud, misrepresentation, and inadequate documentation when determining eligibility for public assistance. This system or service

shall be accessed prior to determining eligibility, periodically between eligibility redeterminations, and during eligibility redeterminations and reviews. The department may contract with a vendor to provide information to facilitate reviews of recipient eligibility conducted by the department.

(c) A contract made pursuant to this section may not include a provision that provides the vendor with a monetary incentive for reducing the number of recipients.

(d) Nothing in this article precludes the department from continuing to conduct additional eligibility verification processes currently in practice.

#### **§9-8-4. Eligibility verification.**

All applications for benefits must be processed through a system as set forth in this article. Complete applications, including the interview, shall be processed within 10 days of receipt or the maximum period required by federal law. Prior to determining eligibility, the department shall access information for every applicant from federal, state, and other sources: *Provided*, That such access does not violate any federal law.

#### **§9-8-5. Identity authentication.**

(a) Prior to awarding public assistance, applicants for benefits must complete a computerized identity authentication process to confirm the identity of the applicant. This shall be done with a knowledge-based questionnaire consisting of financial and/or personal questions. The questionnaire must contain questions tailored to assist persons without a bank account or those who have poor access to financial and banking services or who do not have an established credit history. The questionnaire may be submitted online, in-person, or via telephone.

(b) The department shall submit a report to the Legislative Oversight Committee on Health and Human Resources Accountability regarding the feasibility of implementing the photo EBT card option under 7 U.S.C. § 2016(h)(9). The study shall address certain operational issues to ensure that state

implementation would be consistent with all federal requirements, and that program access is protected for participating households, including, but not limited to, allowing the recipient to designate permitted users for purposes of utilizing the photo EBT card.

**§9-8-6. Case review.**

(a) If the information obtained from the review provided in this article does not result in the department finding a discrepancy or change in an applicant's or recipient's circumstances affecting eligibility, the department shall not take any further action and shall continue processing the application.

(b) If the review results in a discrepancy, the department shall promptly redetermine eligibility.

**§9-8-7. Notice and right to be heard.**

(a) An applicant shall be given written notice and the opportunity to explain any issues with the application or redetermination as set forth in §9-8-6 of this code. Self-declarations by applicants or recipients shall be accepted as verification of categorical and financial eligibility if no other verification source is available. In cases requiring expedited services an applicant's statement may be temporarily accepted until such time as verification is possible.

(b) The notice given to the applicant or recipient is required to describe the circumstances of the issue, the manner in which the applicant or recipient may respond, and the consequences of failing to take action. If the applicant does not respond timely as required by federal law, the department shall take appropriate action. The department may request additional information as it finds necessary to reach a decision.

(c) An individual may respond in writing, electronically, or verbally. If an individual responds verbally, staff shall note the time and contents of the response in the individual's file. The response by the individual may:

(1) Disagree with the findings of the department. The department shall reinvestigate the matter if the applicant or recipient disagrees. If the department finds that there has been an error, the department shall take immediate action to correct it. If the department determines that there is no error, the department shall determine the effect of the response on the applicant's or recipient's case and take appropriate action. Written notice of the department's action shall be given to the applicant or recipient; or

(2) Agree with the findings of the department. The department shall determine the effect on the applicant's or recipient's case and take appropriate action. Written notice of the department's action shall be given to the applicant or recipient.

(d) If the applicant fails to respond to the notice, the department shall deny or discontinue assistance for failure to verify information. Eligibility for assistance may not be established or reestablished until the issue has been resolved.

**§9-8-8. Referrals for fraud, misrepresentation or inadequate documentation.**

(a) After the case review as set forth in §9-8-6 of this code, the department shall refer cases of suspected fraud to the Office of Inspector General within the department. That office shall take appropriate action, including civil penalties or referral to an appropriate prosecuting attorney for criminal prosecution.

(b) In cases of substantiated fraud, upon conviction, the state shall review all appropriate legal options. These may include, but are not limited to, removal from other public assistance programs and garnishment of wages or state income tax refunds until the department recovers an equal amount of benefits fraudulently claimed.

(c) The department may refer suspected cases of fraud, misrepresentation, or inadequate documentation to appropriate agencies, divisions, or departments for review of eligibility issues in other public assistance programs. This should also include cases

in which an individual is determined to be no longer eligible for the original program.

**§9-8-9. Reporting to the Governor and Legislature.**

The department shall prepare an annual report by January 15 each year to the Governor and Legislative Oversight Commission on Health and Human Resources Accountability. The report shall contain information on the effectiveness and general findings of the eligibility verification system, including the number of cases reviewed, the number of case closures, the number of referrals for criminal prosecution, recovery of improper payment, collection of civil penalties, the outcomes of cases referred to the Office of Inspector General, and any savings that have resulted from the system.

**§9-8-10. Prohibitions on use of electronic benefit transfer cards.**

(a) To ensure that public assistance program funds are used for their intended purposes, funds available on electronic benefit transfer cards may not be used to purchase alcohol, liquor or imitation liquor, cigarettes, tobacco products, bail, gambling activities, lottery tickets, tattoos, travel services provided by a travel agent, money transmission to locations abroad, sexually oriented adult materials, concert tickets, professional or collegiate sporting event tickets, or tickets for other entertainment events intended for the general public.

(b) Electronic benefit transfer card transactions are prohibited at all casinos, gaming establishments, tattoo parlors, massage parlors, body piercing parlors, spas, nail salons, lingerie shops, vapor cigarette stores, psychic or fortune-telling businesses, bail bond companies, video arcades, movie theaters, swimming pools, cruise ships, theme parks, dog or horse racing facilities, pari-mutuel facilities, sexually oriented businesses, retail establishments which provide adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, and businesses or retail establishments where minors under age 18 are not permitted.

(c) Upon enrollment, the department shall provide all applicants with an itemized list of prohibited purchases, including those specified in this section, and make such list available on the department's website.

(d) If a recipient is found to have violated the provisions of this section, the department shall issue a warning in writing to the recipient. The recipient is subject to disqualification of benefits for up to three months following the first offense, for up to one year following the second offense, and a permanent termination of benefits following the third offense, unless expressly prohibited by federal law.

**§9-8-11. Tracking out-of-state spending.**

(a) The department shall post on its website and provide to the Joint Committee on Government and Finance a report of Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families benefit spending on or before January 15 of each year.

(b) The report required by this section shall include:

(1) The dollar amount and number of transactions of Supplemental Nutrition Assistance Program benefits that are accessed or spent out-of-state, by state;

(2) The dollar amount and number of transactions of Temporary Assistance for Needy Families benefits that are accessed or spent out-of-state, by state;

(3) The dollar amount, number of transactions and times of transactions of Supplemental Nutrition Assistance Program benefits that are accessed or spent in-state, by retailer, institution or location; and

(4) The dollar amount, number of transactions and times of Temporary Assistance for Needy Families transactions of benefits that are accessed or spent in-state, disaggregated by retailer, institution, or location.

(c) The report required pursuant to this section shall not identify individual recipients.

**§9-8-12. Rulemaking.**

The secretary may promulgate rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code which he or she finds necessary to effectuate the provisions of this article.

**CHAPTER 61. CRIMES AND PUNISHMENT.**

**ARTICLE 3. CRIMES AGAINST PROPERTY.**

**§61-3-54. Taking identity of another person; penalty.**

Any person who knowingly takes the name, birth date, social security number, or other identifying information of another person, without the consent of that other person, with the intent to fraudulently represent that he or she is the other person for the purpose of making financial or credit transactions in the other person's name, or for the purpose of gaining employment, is guilty of a felony and, upon conviction, shall be punished by confinement in the penitentiary not more than five years, or fined not more than \$1,000, or both: *Provided*, That the provisions of this section do not apply to any person who obtains another person's drivers license or other form of identification for the sole purpose of misrepresenting his or her age.

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. 4001** - "A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-7-2, §9-7-5, and §9-7-6 of said code; to amend said code by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, and §9-8-12; and to amend and reenact §61-3-54 of said code, all relating to investigations, inspections, evaluations, and review

conducted by the Department of Health and Human Resources to prevent fraud and abuse; disenrolling providers who commit fraud and requiring repayment; authorizing secretary to develop a data analytics pilot program to identify potential fraud and help guide policy objectives to eliminate future fraud; requiring a report on the pilot project to the Legislature; defining fraud as it relates to Medicaid; creating criminal penalties against providers for failure to keep medical records for a specific time period; authorizing a civil cause of action for fraud when a person or entity knew or reasonably should have known a claim to be false; enlarging the statute of limitations to file health care fraud civil actions; defining terms relating to public assistance; requiring the Department of Health and Human Resources to implement work requirements for applicants of Supplemental Nutrition Assistance Program (SNAP); to limit recipients to 3 months of benefits in any 36-month period unless the recipient is working or participating in a work, educational, or volunteer program for at least 20 hours a week; providing further exemptions to work requirements; requiring discontinuance of a federal waiver in certain counties; requiring a study of the impact of the SNAP work requirements in those counties where they were implemented; eliminating the federal waiver statewide within a certain time-period; requiring a report to the legislature; establishing work requirements; authorizing a waiver to if necessary to implement a policy that complies with federal law; authorizing rulemaking; requiring a design or establishment of a computerized income, asset, and identity verification system for each public assistance program administered by the Department of Health and Human Resources; allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state, and miscellaneous sources for eligibility verification; requiring identity authentication as a condition to receive public assistance; requiring the department to study the feasibility of requiring photos on EBT cards; specifying procedures for case review of public assistance benefits; setting forth notice requirements and right to a hearing; requiring referrals for fraud, misrepresentation, and inadequate documentation; authorizing referrals of suspected cases of fraud for criminal prosecution; requiring report to the Governor and Legislature; setting forth



prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; providing for rulemaking; and providing a penalty for taking the identity of another person for the purpose of gaining employment.”

Respectfully submitted,

John Shott, *Chair*  
Ray Hollen,  
Joe Canestraro,

Michael Maroney, *Chair*  
Ryan Weld,  
Robert Plymale,

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

*Conferees on the part of the  
Senate.*

On motion of Delegate Shott, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 552**), and there were—yeas 73, nays 23, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bates, Byrd, Caputo, Diserio, Eldridge, E. Evans, Fluharty, Hicks, Hornbuckle, Iaquina, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Thompson and Williams.

Absent and Not Voting: Cooper, Deem and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4001) passed.

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

### **Conference Committee Report**

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

**H. B. 4447**, Providing for a uniform and efficient system of broadband conduit installation,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for House Bill 4447 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:

**ARTICLE 2E. DIG ONCE POLICY.**

**§17-2E-1. Legislative findings.**

(a) The Legislature finds that it is in the public interest to accommodate telecommunications facilities on Division of Highways right-of-way when the use of the right-of-way does not adversely affect the safety of the traveling public or impair the highway or its aesthetic quality or conflict with any federal, state, or local laws, rules, regulations, or policies.

(b) The Legislature further finds that a broadband connection is an essential part of developing the state and local economies, enhancing the transportation system and creating a safer and more secure environment for our citizens.

(c) The Legislature further finds that expanding telecommunication facilities will allow the state to participate in the E-Rate Program of funding for digital education in America to provide reliable services opportunities for education and training.

(d) The Legislature further finds that fast, reliable broadband connections enhance telemedical opportunities for our rural doctors and hospitals, linking them to our major medical centers. Thereby overcoming distance barriers, and improving access to

medical services that often are not consistently available in rural communities.

(e) The Legislature further finds that instituting a dig once policy encourages telecommunications carriers to coordinate installation of broadband conduit to minimize costs to the carriers and minimize disruption and inconvenience to the traveling public.

### **§17-2E-2. Definitions.**

In this article, unless the context otherwise requires:

(1) “Broadband conduit” or “conduit” means a conduit, innerduct or microduct for fiber optic cables that support facilities for broadband service.

(2) “Broadband service” has the same meaning as defined in §31G-1-2 of this code.

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

(4) “Division” means the Division of Highways.

(5) “Longitudinal access” means access to or the use of any part of a right-of-way that extends generally parallel to the traveled right-of-way.

(6) “Permit” means an encroachment permit issued by the Commissioner of the Division of Highways under the authority of this Code, and pursuant to the “*Accommodation of Utilities On Highway Right-Of-Way and Adjustment and Relocation Of Utility Facilities On Highway Projects Policy*”, or equivalent policy, as currently enforced by the Division of Highways, that specifies the requirements and conditions for performing work in a right-of-way.

(7) “Right-of-way” means land, property, or any interest therein acquired or controlled by the West Virginia Division of Highways for transportation facilities or other transportation purposes or specifically acquired for utility accommodation.

(8) “Telecommunications carrier” means a telecommunications carrier:

(A) As determined by the Public Service Commission of West Virginia; or

(B) That meets the definition of telecommunications carrier with respect to the Federal Communications Commission, as contained in 47 U.S.C. §153.

(9) “Telecommunications facility” means any cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment or other equipment, system or device that is used to transmit, receive, produce or distribute a signal for telecommunications purposes via wireline, electronic or optical means.

(10) “Utility facility” has the meaning ascribed to it in §17-2A-17a of this Code.

(11) “Wireless access” means access to and use of a right-of-way for the purpose of constructing, installing, maintaining, using, or operating telecommunications facilities for wireless telecommunications.

**§17-2E-3. Use of rights-of-way. Broadband conduit installation in rights of way; permits; agreements; compensation; valuation of compensation.**

(a) Before obtaining a permit for the construction or installation of a telecommunications facility in a right-of-way, a telecommunications carrier must enter into an agreement with the Division consistent with the requirements of this article.

(b) Before granting permitted longitudinal access or wireless access to a right-of-way, the Division of Highways shall

(1) First enter into an agreement with a telecommunications carrier that is competitively neutral and nondiscriminatory as to other telecommunications carriers.

(2) Upon receipt of any required approval or concurrence by the Federal Highway Administration the division may issue a permit granting access under this section: *Provided*, That the Division of Highways shall comply with all applicable federal regulations with respect to approval of an agreement, including but not limited to 23 C.F.R. § 710.403 and 23 C.F.R. §710.405. The agreement shall be approved by the Commissioner of Highways in order to be effective and, without limitation:

(A) Specify the terms and conditions for renegotiation of the agreement;

(B) Set forth the maintenance requirements for each telecommunications facility;

(C) Be nonexclusive; and

(D) Be for a term of not more than 30 years.

(c) Unless specifically provided for in an agreement entered into pursuant to §17-2E-3(a) of this code, the Division of Highways may not grant a property interest in a right-of-way pursuant to this article.

(d) A telecommunications carrier shall compensate the Division of Highways for access to a right-of-way for the construction, installation, and maintenance of telecommunication facilities, the use of spare conduit or related facilities of the Division of Highways as part of any longitudinal access or wireless access granted to a right-of-way pursuant to this section. The compensation must be, without limitation:

(1) At fair market value;

(2) Competitively neutral;

(3) Nondiscriminatory;

(4) Open to public inspection;

(5) Calculated based on the geographic region of this state, taking into account the population and the impact on private right-

of-way users in the region; and once calculated, set at an amount that encourages the deployment of digital infrastructure within this State:

(6) Paid in monetary compensation or with in-kind compensation, or a combination of monetary compensation and in-kind compensation; and

(7) Paid in a lump-sum payment or in annual installments, as agreed to by the telecommunications carrier and the Division of Highways.

(e) The division may consider adjustments for areas, the Division in conjunction with the Council, determines are underserved or unserved areas of the state and may consider the value to such areas for economic development, enhancing the transportation system, expanding opportunities for digital learning, and telemedicine.

(f) For the purpose of determining the amount of compensation a telecommunications carrier must pay the Division of Highways for the use of spare conduit or excess conduit or related facilities of the Division of Highways as part of any longitudinal access or wireless access granted to a right-of-way pursuant to this section, the division may:

(1) Conduct an analysis once every five years, in accordance with the rules, policies, or guidelines of the Division of Highways, to determine the fair market value of a right-of-way to which access has been granted pursuant to this section; and

(2) If compensation is paid in-kind, determine the fair market value of the in-kind compensation based on the incremental costs for the installation of conduit and related facilities.

(g) The value of in-kind compensation, or a combination of money and in-kind compensation, must be equal to or greater than the amount of monetary compensation that the Division of Highways would charge if the compensation were paid solely with money.

(h) The provisions of this article shall not apply to the relocation or modification of existing telecommunication facilities in a right-of-way, nor shall these provisions apply to aerial telecommunications facilities or associated apparatus or equipment in a right-of-way. Relocation of telecommunications facilities within rights-of-way for state highways shall be in accordance with the provisions of §17-4-17b of this code.

**§17-2E-4. Highway safety.**

(a) The Division of Highways, in its sole discretion, may deny any longitudinal access or wireless access if such access would compromise the safe, efficient, and convenient use of any road, route, highway, or interstate in this state for the traveling public.

(b) Any longitudinal access or wireless access to a right-of-way granted by the Division of Highways pursuant to this article does not abrogate, limit, supersede, or otherwise affect access granted or authorized pursuant to the division's rules, policies, and guidelines related to accommodation of utilities on highways' rights-of-way and adjustment and relocation of utility facilities on highway projects.

**§17-2E-5. Telecommunications carrier initiated construction and joint use.**

(a) The Division of Highways shall provide for the proportionate sharing of costs between telecommunications carriers for joint trenching or trench sharing based on the amount of conduit innerduct space or excess conduit that is authorized in the agreements entered into pursuant to this article. If the division plans to use the trench, it shall pay its proportional share unless it is utilizing the trench as in-kind payment for use of the right-of-way.

(b) Upon application for a permit, the carrier will notify, by email, the West Virginia Broadband Enhancement Council and all other carriers on record with the West Virginia Broadband Enhancement Council of the application. Other carriers have 30 calendar days to notify the applicant if they wish to share the

applicant's trench. This requirement extends to all underground construction technologies.

(c) The carrier shall also meet the following conditions for a permit:

(1) The telecommunications carrier will be required to place, at its sole expense, a Class II legal advertisement, in accordance with §59-3-2(a) of this code, and of a form and content approved by the Division of Highways, in the local project area newspaper, in the Charleston newspaper, on industry and the Division of Highways' websites, and within other pertinent media, announcing the general scope of the proposed installation within the right-of-way and providing competing telecommunications carriers the opportunity to timely express an interest in installing additional telecommunication facilities during the initial installation. The legal advertisement is to run at least two consecutive weeks, and the telecommunications carrier is to notify the division of any interest of other parties received.

(2) If a competing telecommunications carrier expresses interest in participating in the project, an agreement between the two (or more) telecommunications carriers will be executed by those entities, outlining the responsibilities and financial obligations of each, with respect to the installation within the right-of-way. A copy of the executed agreement shall be provided to the Division of Highways.

(3) The telecommunications carrier that placed the legal advertisement is responsible for resolving in good faith all disputes between any competing telecommunications carriers that timely responded to the advertisement and that wishes to install facilities within the same portion of the rights-of-way to be occupied. Should a dispute arise between the initial telecommunications carrier and a competing telecommunications carrier, the initial telecommunications carrier will attempt to mediate the dispute. Any dispute that is not resolved by the telecommunications carriers shall be adjudicated by the Public Service Commission.



(d) If two or more telecommunications carriers are required or authorized to share a single trench, each carrier in the trench must share the cost and benefits of the trench in a fair, reasonable, competitively neutral, and nondiscriminatory manner. This requirement extends to all underground construction technologies.

(e) The Commissioner of the Division of Highways shall promulgate Rules governing the relationship between the telecommunications carriers, as hereinafter provided in this article.

**§17-2E-6. Monetary and in-kind compensation.**

(a) All monetary compensation collected by the Division of Highways pursuant to this article shall be deposited in the State Road Fund.

(b) In-kind compensation paid to the Division of Highways under an agreement entered into pursuant to this article may include, without limitation:

(1) Conduit or excess conduit;

(2) Innerduct;

(3) Dark fiber;

(4) Access points;

(5) Telecommunications equipment or services;

(6) Bandwidth; and

(7) Other telecommunications facilities as a component of the present value of the trenching.

(c) The Division of Highways shall value any in-kind compensation based on fair market value at the time of installation or review, and may also consider any valuation or cost information provided by the telecommunications carrier.

(d) In-kind compensation paid to the Division of Highways may be disposed of if both of the following conditions are met:

(1) The telecommunications facility received as in-kind payment has not been used within 10 years of its installation; and

(2) The Commissioner of the Division of Highways determines that the division does not have an immediately foreseeable need for the telecommunications facility.

(e) Upon determining that it is appropriate to dispose of the telecommunications facility, the division shall determine its current fair market value. The division shall offer the provider or providers who made the in-kind payment the option to purchase any telecommunications facility obtained from such provider. If the provider or providers do not purchase the telecommunications facility, it shall be offered for public auction in the same manner as the division auctions excess rights-of-way.

**§17-2E-7. Multiple carriers in a single trench.**

(a) If the Division of Highways enters into an agreement with two or more telecommunications carriers, a consortium or other entity whose members, partners or other participants are two or more telecommunications carriers, or, if the division requires or allows two or more telecommunications carriers to share a single trench, the agreements entered into pursuant to this article shall require that the telecommunications carriers share the obligation of compensating the Division of Highways on a fair, reasonable and equitable basis, taking into consideration the proportionate uses and benefits to be derived by each telecommunications carrier from the trench, conduits, and other telecommunications facilities installed under the agreements.

(b) The provisions of §17-2E-7(a) of this code do not prevent the Division of Highways from requiring every participating telecommunications carrier to bear joint and several liability for the obligations owed to the Division of Highways under the agreements.

(c) Any agreement requiring two or more telecommunications carriers to share the obligation of compensating the Division of Highways shall provide the division the right to review and audit

the records and contracts of and among the participating carriers to ensure compliance with §17-2E-7(a) of this code.

**§17-2E-8. Existing policies.**

(a) The requirements set forth in this article do not alter existing rules, policies, and procedures relating to other utility facilities within a right-of-way or for accommodating utility facilities or other facilities under the control of the Division of Highways.

(b) The Division of Highways may consider the financial and technical qualifications of a telecommunications carrier when determining specific insurance requirements for contractors authorized to enter a right-of-way to construct, install, inspect, test, maintain, or repair telecommunications facilities with longitudinal access or wireless access to the right-of-way.

(c) If the Division of Highways authorizes longitudinal access, wireless access, or the use of, and access to, conduit or related facilities of the division for construction and installation of a telecommunications facility, the division may require an approved telecommunications carrier to install the telecommunications facility in the same general location as similar facilities already in place, coordinate their planning and work with other contractors performing work in the same geographic area, install in a joint trench when two or more telecommunications carriers are performing installations at the same time and equitably share costs between such carriers.

(d) The placement, installation, maintenance, repair, use, operation, replacement, and removal of telecommunications facilities with longitudinal access or wireless access to a right-of-way or that use or access conduit or related facilities of the division shall be accommodated only when in compliance with this code and Division of Highways rules, policies and guidelines.

(e) Access to a right-of-way must be administered in compliance with the Telecommunications Act of 1996, 47 U.S.C. §151 *et seq.*, as amended.

**§17-2E-9. Rule-making authority.**

The Commissioner of the Division of Highways may promulgate rules pursuant to the provisions of §29A-3-15 of this code as may be necessary to carry out the purpose of this article, and as may have been specifically delineated within this article.;

And,

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

**Com. Sub. for H. B. 4447** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2E-1, §17-2E-2, §17-2E-3, §17-2E-4, §17-2E-5, §17-2E-6, §17-2E-7, §17-2E-8, and §17-2E-9, all relating to providing a uniform and efficient system of broadband conduit installation coinciding with the construction, maintenance, or improvement of highways and rights-of-way under the oversight of the Division of Highways; making legislative findings; defining terms; providing procedures for broadband conduit installation in rights-of-way; providing for highway safety guidelines; establishing a procedure for joint use between telecommunications carriers; setting forth a procedure for monetary and in-kind compensation; providing a method for Division of Highways to offer excess conduit to a telecommunications carrier; setting forth standards to be utilized in agreements entered into by the Division of Highways and two or more telecommunications carriers in a single trench; providing that existing rules, policies, and procedures of the Division of Highways and United States Code shall control; and providing that the Commissioner of the Division of Highways may promulgate rules.”

Respectfully submitted,

John Shott, *Chair*  
Roger Hanshaw,  
Andrew Byrd,

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

Greg Boso, *Chair*  
Dave Sypolt,  
Robert Plymale,

*Conferees on the part of the  
Senate.*

On motion of Delegate Hanshaw, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 553**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4447) passed.

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

### **Conference Committee Report**

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

**H. B. 4629**, Relating to broadband enhancement and expansion policies generally.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed House Bill 4629 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:

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

**ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.****§31G-1-10. Pilot Project for cooperatives by political subdivisions.**

[Repealed].

**ARTICLE 2. COOPERATIVE ASSOCIATIONS.****§31G-2-1. Definitions.**

As used in this article:

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

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

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

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

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

And,

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

**H. B. 4629** - “A Bill to repeal §31G-1-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §31G-2-1 of said code; all relating to broadband enhancement and expansion

policies generally; repealing language relating to pilot project for cooperative associations by political subdivisions; and providing that a political subdivision of this state may be a qualified person for the purposes of forming a cooperative association.”

Respectfully submitted,

Roger Hanshaw, *Chair*  
Mark Zatezalo,  
Phil Isner,

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

Randy Smith, *Chair*  
Edward Gaunch,  
Glenn Jeffries,

*Conferees on the part of  
Senate.*

On motion of Delegate Hanshaw, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 554**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4629) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 555**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4629) takes effect from its passage.

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 545**, Relating to driving privileges and requirements for persons under 18.

### **Conference Committee Report**

Delegate Zatezalo, from the committee of conference on matters of disagreement between the two houses, as to

**S. B. 545**, Relating to driving privileges and requirements for persons under 18.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Senate Bill No. 545 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 amendment of the House of Delegates to the bill striking out everything after the enacting clause, excepting section three-a, subsection (e).

That the House recede from its amendment on page five, section three-a, subsection (e), and that both houses agree to a new section three-a, subsection (e), to read as follows:



(e) Level three, full Class E license Terms and conditions of level three, full Class E driver's license. — The level three license is valid until 30 days after the date the licensee attains his or her twenty-first birthday. A holder of a level three, full Class E driver's license who is under the age of 18 years is prohibited from using a wireless communication device while operating a motor vehicle, unless the use of the wireless communication device is for contacting a 9-1-1 system. Unless otherwise provided in this section or any other section of this code, the holder of a level three, full Class E license is subject to the same terms and conditions as the holder of a regular Class E driver's license.

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

(1) Has reached the age of 17 years; and

(A) Presents a completed application as prescribed by ~~the provisions of §17B-2-6~~ of this code;

(B) Has held the level two intermediate license conviction free for the 12-month period immediately preceding the date of the application;

(C) Has completed any driver improvement program required under ~~paragraph (G), subdivision (2), subsection (d) of this section §17B-2-3a(d)(2)(H)~~ of this code; and

(D) Pays a fee of \$2.50 for each year the license is valid. An additional fee of 50 cents shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund established in §3-2-12 of this code;

(E) Presents a driver's eligibility certificate or otherwise shows compliance with ~~the provisions of §18-8-11~~ of this code; or

(2) Reaches the age of 18 years; and

(A) Presents a completed application as prescribed by ~~the provisions of~~ §17B-2-6 of this code; and

(B) Pays a fee of \$5 for each year the license is valid. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not exceed 10 percent of the total fee amount in a single year. An additional fee of 50 cents shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund established in §3-2-12 of this code.;

And,

That the Senate agree to the House amended title.

Respectfully submitted,

Charles S. Trump, IV, *Chair*  
Ryan W. Weld,  
Michael A. Woelfel,

Mark Zatezalo, *Chair*  
Ray Hollen,  
Phil Isner,

*Conferees on the part of the  
Senate.*

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

On motion of Delegate Zatezalo, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 556**), and there were—yeas 25, nays 72, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Atkinson, Cowles, Criss, A. Evans, Fleischauer, Foster, Hamilton, Hanshaw, Hicks, Hollen, Isner, Lane, C. Miller, Overington, Phillips, R. Romine, Rowe, Shott, Sobonya, Sypolt, Wagner, Westfall, Zatezalo and Mr. Speaker, Mr. Armstead.

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (S. B. 545) rejected.

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4424**, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 1. SHORT TITLE; LEGISLATIVE FINDINGS, PURPOSES AND INTENT; CONSTRUCTION AND APPLICATION OF CHAPTER; SEVERABILITY.**

#### **§6B-1-3. Definitions.**

As used in this chapter, unless the context in which used clearly requires otherwise:

(a) ‘Review Board’ means the Probable Cause Review Board created by §6B-2-2a of this code.

(b) ‘Business’ means any entity through which business for-profit is conducted including a corporation, partnership, proprietorship, franchise, association, organization, or self-employed individual.

(c) ‘Compensation’ means money, thing of value, or financial benefit. The term ‘compensation’ does not include reimbursement

for actual reasonable and necessary expenses incurred in the performance of one's official duties.

(d) 'Employee' means any person in the service of another under any contract of hire, whether express or implied, oral, or written, where the employer or an agent of the employer or a public official has the right or power to control and direct such person in the material details of how work is to be performed and who is not responsible for the making of policy nor for recommending official action.

(e) 'Ethics Commission' or 'commission' means the West Virginia Ethics Commission.

(f) 'Immediate family', with respect to an individual, means a spouse with whom the individual is living as husband and wife and any dependent child or children, dependent grandchild or grandchildren, and dependent parent or parents.

(g) 'Ministerial functions' means actions or functions performed by an individual under a given state of facts in a prescribed manner in accordance with a mandate of legal authority, without regard to, or without the exercise of, the individual's own judgment as to the propriety of the action being taken.

(h) 'Person' means an individual, corporation, business entity, labor union, association, firm, partnership, limited partnership, committee, club, or other organization or group of persons, irrespective of the denomination given such organization or group.

(i) 'Political contribution' means and has the same definition as is given that term under the provisions of §3-8-1 *et seq.* of this code.

(j) 'Public employee' means any full-time or part-time employee of any state, county or municipal governmental body or any political subdivision thereof, including county school boards.

(k) "Public official" means any person who is elected ~~or appointed to~~ to, appointed to, or given the authority to act in any state, county, or municipal office or position, whether compensated

or not, and who is responsible for the making of policy or takes official action which is either ministerial or nonministerial, or both, with respect to: (1) Contracting for, or procurement of, goods or services; (2) administering or monitoring grants or subsidies; (3) planning or zoning; (4) inspecting, licensing, regulating, or auditing any person; or (5) any other activity where the official action has an economic impact of greater than a de minimis nature on the interest or interests of any person. The term “public official” includes a public servant volunteer.

(l) ‘Public servant volunteer’ means any person who, without compensation, performs services on behalf of a public official and who is granted or vested with powers, privileges, or authorities ordinarily reserved to public officials.

(m) ‘Relative’ means spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law.

(n) ‘Respondent’ means a person who is the subject of an investigation by the commission or against whom a complaint has been filed with the commission.

(o) ‘Thing of value’, ‘other thing of value’, or ‘anything of value’ means and includes: (1) Money, bank bills, or notes, United States treasury notes and other bills, bonds or notes issued by lawful authority and intended to pass and circulate as money; (2) goods and chattels; (3) promissory notes, bills of exchange, orders, drafts, warrants, checks, bonds given for the payment of money, or the forbearance of money due or owing; (4) receipts given for the payment of money or other property; (5) any right or chose in action; (6) chattels real or personal or things which savor of realty and are, at the time taken, a part of a freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the severing and the taking away thereof; (7) any interest in realty, including, but not limited to, fee simple estates, life estates, estates for a term or period of time, joint tenancies, cotenancies, tenancies in common, partial interests, present or future interests, contingent or vested interests, beneficial

interests, leasehold interests, or any other interest or interests in realty of whatsoever nature; (8) any promise of employment, present or future; (9) donation or gift; (10) rendering of services or the payment thereof; (11) any advance or pledge; (12) a promise of present or future interest in any business or contract or other agreement; or (13) every other thing or item, whether tangible or intangible, having economic worth. ‘Thing of value’, ‘other thing of value’ or ‘anything of value’ shall not include anything which is *de minimis* in nature nor a lawful political contribution reported as required by law.

**ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION;  
POWERS AND DUTIES; DISCLOSURE OF  
FINANCIAL INTEREST BY PUBLIC OFFICIALS AND  
EMPLOYEES; APPEARANCES BEFORE PUBLIC  
AGENCIES; CODE OF CONDUCT FOR  
ADMINISTRATIVE LAW JUDGES.**

**§6B-2-5. Ethical standards for elected and appointed officials  
and public employees.**

(a) *Persons subject to section.* — The provisions of this section apply to all elected and appointed public officials and public employees, whether full or part-time and whether compensated or not, in state, county, municipal governments and their respective boards, agencies, departments, and commissions and in any other regional or local governmental agency, including county school boards.

(b) *Use of public office for private gain.* — (1) A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in *de minimis* private gain does not constitute use of public office for private gain under this subsection. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or

constituent services, without compensation, does not constitute the use of prestige of office for private gain.

(2) Notwithstanding the general prohibition against use of office for private gain, public officials and public employees may use bonus points acquired through participation in frequent traveler programs while traveling on official government business: *Provided*, That the official's or employee's participation in such program, or acquisition of such points, does not result in additional costs to the government.

(3) The Legislature, in enacting this subsection, recognizes that there may be certain public officials or public employees who bring to their respective offices or employment their own unique personal prestige which is based upon their intelligence, education, experience, skills and abilities, or other personal gifts or traits. In many cases, these persons bring a personal prestige to their office or employment which inures to the benefit of the state and its citizens. Those persons may, in fact, be sought by the state to serve in their office or employment because, through their unusual gifts or traits, they bring stature and recognition to their office or employment and to the state itself. While the office or employment held or to be held by those persons may have its own inherent prestige, it would be unfair to those individuals and against the best interests of the citizens of this state to deny those persons the right to hold public office or to be publicly employed on the grounds that they would, in addition to the emoluments of their office or employment, be in a position to benefit financially from the personal prestige which otherwise inheres to them. Accordingly, the commission is directed, by legislative rule, to establish categories of public officials and public employees, identifying them generally by the office or employment held, and offering persons who fit within those categories the opportunity to apply for an exemption from the application of the provisions of this subsection. Exemptions may be granted by the commission, on a case-by-case basis, when it is shown that: (A) The public office held or the public employment engaged in is not such that it would ordinarily be available or offered to a substantial number of the citizens of this state; (B) the office held or the employment engaged in is such that it normally or specifically requires a person who

possesses personal prestige; and (C) the person's employment contract or letter of appointment provides or anticipates that the person will gain financially from activities which are not a part of his or her office or employment.

(4) A public official or public employee may not show favoritism or grant patronage in the employment or working conditions of his or her relative or a person with whom he or she resides: *Provided*, That as used in this subdivision, 'employment or working conditions' shall only apply to government employment: *Provided, however*, That government employment includes only those governmental entities specified in subsection (a) of this section.

(c) *Gifts*. — (1) A public official or public employee may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official or employee or his or her immediate family: *Provided*, That no public official or public employee may solicit for a charitable purpose any gift from any person who is also an official or employee of the state and whose position is subordinate to the soliciting official or employee: *Provided, however*, That nothing herein shall prohibit a candidate for public office from soliciting a lawful political contribution. No official or employee may knowingly accept any gift, directly or indirectly, from a lobbyist or from any person whom the official or employee knows or has reason to know:

(A) Is doing or seeking to do business of any kind with his or her agency;

(B) Is engaged in activities which are regulated or controlled by his or her agency; or

(C) Has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his or her official duties.



(2) Notwithstanding the provisions of subdivision (1) of this subsection, a person who is a public official or public employee may accept a gift described in this subdivision, and there shall be a presumption that the receipt of such gift does not impair the impartiality and independent judgment of the person. This presumption may be rebutted only by direct objective evidence that the gift did impair the impartiality and independent judgment of the person or that the person knew or had reason to know that the gift was offered with the intent to impair his or her impartiality and independent judgment. The provisions of subdivision (1) of this subsection do not apply to:

(A) Meals and beverages;

(B) Ceremonial gifts or awards which have insignificant monetary value;

(C) Unsolicited gifts of nominal value or trivial items of informational value;

(D) Reasonable expenses for food, travel, and lodging of the official or employee for a meeting at which the official or employee participates in a panel or has a speaking engagement;

(E) Gifts of tickets or free admission extended to a public official or public employee to attend charitable, cultural, or political events, if the purpose of such gift or admission is a courtesy or ceremony customarily extended to the office;

(F) Gifts that are purely private and personal in nature; or

(G) Gifts from relatives by blood or marriage, or a member of the same household.

(3) The commission shall, through legislative rule promulgated pursuant to chapter 29A of this code, establish guidelines for the acceptance of a reasonable honorarium by public officials and elected officials. The rule promulgated shall be consistent with this section. Any elected public official may accept an honorarium only when:

(A) That official is a part-time elected public official;

(B) The fee is not related to the official's public position or duties;

(C) The fee is for services provided by the public official that are related to the public official's regular, nonpublic trade, profession, occupation, hobby, or avocation; and

(D) The honorarium is not provided in exchange for any promise or action on the part of the public official.

(4) Nothing in this section shall be construed so as to prohibit the giving of a lawful political contribution as defined by law.

(5) The Governor or his designee may, in the name of the State of West Virginia, accept and receive gifts from any public or private source. Any gift so obtained shall become the property of the state and shall, within 30 days of the receipt thereof, be registered with the commission and the Division of Culture and History.

(6) Upon prior approval of the Joint Committee on Government and Finance, any member of the Legislature may solicit donations for a regional or national legislative organization conference or other legislative organization function to be held in the state for the purpose of deferring costs to the state for hosting of the conference or function. Legislative organizations are bipartisan regional or national organizations in which the Joint Committee on Government and Finance authorizes payment of dues or other membership fees for the Legislature's participation and which assist this and other State Legislatures and their staff through any of the following:

(A) Advancing the effectiveness, independence, and integrity of Legislatures in the states of the United States;

(B) Fostering interstate cooperation and facilitating information exchange among State Legislatures;

(C) Representing the states and their Legislatures in the American federal system of government;

(D) Improving the operations and management of State Legislatures and the effectiveness of legislators and legislative staff, and to encourage the practice of high standards of conduct by legislators and legislative staff;

(E) Promoting cooperation between State Legislatures in the United States and Legislatures in other countries.

The solicitations may only be made in writing. The legislative organization may act as fiscal agent for the conference and receive all donations. In the alternative, a bona fide banking institution may act as the fiscal agent. The official letterhead of the Legislature may not be used by the legislative member in conjunction with the fund raising or solicitation effort. The legislative organization for which solicitations are being made shall file with the Joint Committee on Government and Finance and with the Secretary of State for publication in the State Register as provided in §29A-2-1 *et seq.* of this code, copies of letters, brochures, and other solicitation documents, along with a complete list of the names and last known addresses of all donors and the amount of donations received. Any solicitation by a legislative member shall contain the following disclaimer:

‘This solicitation is endorsed by [name of member]. This endorsement does not imply support of the soliciting organization, nor of the sponsors who may respond to the solicitation. A copy of all solicitations are on file with the West Virginia Legislature’s Joint Committee on Government and Finance, and with the Secretary of State and are available for public review.’

(7) Upon written notice to the commission, any member of the board of Public Works may solicit donations for a regional or national organization conference or other function related to the office of the member to be held in the state for the purpose of deferring costs to the state for hosting of the conference or function. The solicitations may only be made in writing. The organization may act as fiscal agent for the conference and receive all donations.

In the alternative, a bona fide banking institution may act as the fiscal agent. The official letterhead of the office of the Board of Public Works member may not be used in conjunction with the fund raising or solicitation effort. The organization for which solicitations are being made shall file with the Joint Committee on Government and Finance, with the Secretary of State for publication in the State Register as provided in §29A-2-1 *et seq.* of this code and with the commission, copies of letters, brochures, and other solicitation documents, along with a complete list of the names and last known addresses of all donors and the amount of donations received. Any solicitation by a member of the board of Public Works shall contain the following disclaimer: 'This solicitation is endorsed by (name of member of Board of Public Works.) This endorsement does not imply support of the soliciting organization, nor of the sponsors who may respond to the solicitation. Copies of all solicitations are on file with the West Virginia Legislature's Joint Committee on Government and Finance, with the West Virginia Secretary of State and with the West Virginia Ethics Commission and are available for public review.' Any moneys in excess of those donations needed for the conference or function shall be deposited in the Capitol Dome and Capitol Improvement Fund established in §5A-4-2 *et seq.* of this code.

(d) Interests in public contracts. —

(1) In addition to the provisions of §61-10-15 of this code, no elected or appointed public official or public employee or member of his or her immediate family or business with which he or she is associated may be a party to or have an interest in the profits or benefits of a contract which the official or employee may have direct authority to enter into, or over which he or she may have control: *Provided*, That nothing herein shall be construed to prevent or make unlawful the employment of any person with any governmental body: *Provided, however*, That nothing herein shall be construed to prohibit a member of the Legislature from entering into a contract with any governmental body, or prohibit a part-time appointed public official from entering into a contract which the part-time appointed public official may have direct authority to enter into or over which he or she may have control when the

official has not participated in the review or evaluation thereof, has been recused from deciding or evaluating and has been excused from voting on the contract and has fully disclosed the extent of his or her interest in the contract.

(2) In the absence of bribery or a purpose to defraud, an elected or appointed public official or public employee or a member of his or her immediate family or a business with which he or she is associated shall not be considered as having a prohibited financial interest in a public contract when such a person has a limited interest as an owner, shareholder, or creditor of the business which is awarded a public contract. A limited interest for the purposes of this subsection is:

(A) An interest which does not exceed \$1,000 in the profits or benefits of the public contract or contracts in a calendar year;

(B) An interest as a creditor of a public employee or official who exercises control over the contract, or a member of his or her immediate family, if the amount is less than \$5,000.

(3) If a public official or employee has an interest in the profits or benefits of a contract, then he or she may not make, participate in making, or in any way attempt to use his office or employment to influence a government decision affecting his or her financial or limited financial interest. Public officials shall also comply with the voting rules prescribed in subsection (j) of this section.

(4) Where the provisions of subdivisions (1) and (2) of this subsection would result in the loss of a quorum in a public body or agency, in excessive cost, undue hardship, or other substantial interference with the operation of a state, county, municipality, county school board, or other governmental agency, the affected governmental body or agency may make written application to the Ethics Commission for an exemption from subdivisions (1) and (2) of this subsection.

(e) *Confidential information.* — No present or former public official or employee may knowingly and improperly disclose any confidential information acquired by him or her in the course of his

or her official duties nor use such information to further his or her personal interests or the interests of another person.

(f) *Prohibited representation.* — No present or former elected or appointed public official or public employee shall, during or after his or her public employment or service, represent a client or act in a representative capacity with or without compensation on behalf of any person in a contested case, rate-making proceeding, license or permit application, regulation filing or other particular matter involving a specific party or parties which arose during his or her period of public service or employment and in which he or she personally and substantially participated in a decision-making, advisory or staff support capacity, unless the appropriate government agency, after consultation, consents to such representation. A staff attorney, accountant or other professional employee who has represented a government agency in a particular matter shall not thereafter represent another client in the same or substantially related matter in which that client's interests are materially adverse to the interests of the government agency, without the consent of the government agency: *Provided*, That this prohibition on representation shall not apply when the client was not directly involved in the particular matter in which the professional employee represented the government agency, but was involved only as a member of a class. The provisions of this subsection shall not apply to legislators who were in office and legislative staff who were employed at the time it originally became effective on July 1, 1989, and those who have since become legislators or legislative staff and those who shall serve hereafter as legislators or legislative staff.

(g) *Limitation on practice before a board, agency, commission or department.* — Except as otherwise provided in §8A-2-3, §8A-2-4, or §8A-2-5 of this code: (1) No elected or appointed public official and no full-time staff attorney or accountant shall, during his or her public service or public employment or for a period of one year after the termination of his or her public service or public employment with a governmental entity authorized to hear contested cases or promulgate or propose rules, appear in a representative capacity before the governmental entity in which he

or she serves or served or is or was employed in the following matters:

(A) A contested case involving an administrative sanction, action or refusal to act;

(B) To support or oppose a proposed rule;

(C) To support or contest the issuance or denial of a license or permit;

(D) A rate-making proceeding; and

(E) To influence the expenditure of public funds.

(2) As used in this subsection, 'represent' includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person: *Provided*, That nothing contained in this subsection shall prohibit, during any period, a former public official or employee from being retained by or employed to represent, assist or act in a representative capacity on behalf of the public agency by which he or she was employed or in which he or she served. Nothing in this subsection shall be construed to prevent a former public official or employee from representing another state, county, municipal, or other governmental entity before the governmental entity in which he or she served or was employed within one year after the termination of his or her employment or service in the entity.

(3) A present or former public official or employee may appear at any time in a representative capacity before the Legislature, a county commission, city or town council, or county school board in relation to the consideration of a statute, budget, ordinance, rule, resolution, or enactment.

(4) Members and former members of the Legislature and professional employees and former professional employees of the Legislature shall be permitted to appear in a representative capacity on behalf of clients before any governmental agency of the state or of county or municipal governments, including county school boards.

(5) An elected or appointed public official, full-time staff attorney or accountant who would be adversely affected by the provisions of this subsection may apply to the Ethics Commission for an exemption from the one year prohibition against appearing in a representative capacity, when the person's education and experience is such that the prohibition would, for all practical purposes, deprive the person of the ability to earn a livelihood in this state outside of the governmental agency. The Ethics Commission shall, by legislative rule, establish general guidelines or standards for granting an exemption or reducing the time period, but shall decide each application on a case-by-case basis.

(h) Employment by regulated persons and vendors. — (1) No full-time official or full-time public employee may seek employment with, be employed by, or seek to purchase, sell or lease real or personal property to or from any person who:

(A) Had a matter on which he or she took, or a subordinate is known to have taken, regulatory action within the preceding 12 months; or

(B) Has a matter before the agency on which he or she is working or a subordinate is known by him or her to be working.

(C) Is a vendor to the agency where the official serves or public employee is employed and the official or public employee, or a subordinate of the official or public employee, exercises authority or control over a public contract with such vendor, including, but not limited to:

(i) Drafting bid specifications or requests for proposals;

(ii) Recommending selection of the vendor;

(iii) Conducting inspections or investigations;

(iv) Approving the method or manner of payment to the vendor;

(v) Providing legal or technical guidance on the formation, implementation or execution of the contract; or



(vi) Taking other nonministerial action which may affect the financial interests of the vendor.

(2) Within the meaning of this section, the term 'employment' includes professional services and other services rendered by the public official or public employee, whether rendered as employee or as an independent contractor; 'seek employment' includes responding to unsolicited offers of employment as well as any direct or indirect contact with a potential employer relating to the availability or conditions of employment in furtherance of obtaining employment; and 'subordinate' includes only those agency personnel over whom the public official or public employee has supervisory responsibility.

(3) A full-time public official or full-time public employee who would be adversely affected by the provisions of this subsection may apply to the Ethics Commission for an exemption from the prohibition contained in subdivision (1) of this subsection.

(A) The Ethics Commission shall, by legislative rule, establish general guidelines or standards for granting an exemption, but shall decide each application on a case-by-case basis;

(B) A person adversely affected by the restriction on the purchase of personal property may make such purchase after seeking and obtaining approval from the commission or in good faith reliance upon an official guideline promulgated by the commission, written advisory opinions issued by the commission, or a legislative rule.

(C) The commission may establish exceptions to the personal property purchase restrictions through the adoption of guidelines, advisory opinions or legislative rule.

(4) A full-time public official or full-time public employee may not take personal regulatory action on a matter affecting a person by whom he or she is employed or with whom he or she is seeking employment or has an agreement concerning future employment.

(5) A full-time public official or full-time public employee may not personally participate in a decision, approval, disapproval,

recommendation, rendering advice, investigation, inspection, or other substantial exercise of nonministerial administrative discretion involving a vendor with whom he or she is seeking employment or has an agreement concerning future employment.

(6) A full-time public official or full-time public employee may not receive private compensation for providing information or services that he or she is required to provide in carrying out his or her public job responsibilities.

(i) *Members of the Legislature required to vote.* — Members of the Legislature who have asked to be excused from voting or who have made inquiry as to whether they should be excused from voting on a particular matter and who are required by the presiding officer of the House of Delegates or Senate of West Virginia to vote under the rules of the particular house shall not be guilty of any violation of ethics under the provisions of this section for a vote so cast.

(j) *Limitations on voting.* —

(1) Public officials, excluding members of the Legislature who are governed by subsection (i) of this section, may not vote on a matter:

(A) In which they, an immediate family member, or a business with which they or an immediate family member is associated have a financial interest. Business with which they are associated means a business of which the person or an immediate family member is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class.

(B) If a public official is employed by a financial institution and his or her primary responsibilities include consumer and commercial lending, the public official may not vote on a matter which directly affects the financial interests of a customer of the financial institution if the public official is directly involved in approving a loan request from the person or business appearing before the governmental body or if the public official has been

directly involved in approving a loan for that person or business within the past 12 months: *Provided*, That this limitation only applies if the total amount of the loan or loans exceeds \$15,000.

(C) The employment or working conditions of the public official's relative or person with whom the public official resides.

(D) The appropriations of public moneys or the awarding of a contract to a nonprofit corporation if the public official or an immediate family member is employed by, or a compensated officer or board member of, the nonprofit: *Provided*, That if the public official or immediate family member is an uncompensated officer or board member of the nonprofit, then the public official shall publicly disclose such relationship prior to a vote on the appropriations of public moneys or award of contract to the nonprofit: *Provided, however*, That for purposes of this paragraph, public disclosure shall mean disclosure of the public official's, or his or her immediate family member's, relationship to the nonprofit (i) on the agenda item relating to the appropriation or award contract, if known at time of agenda, (ii) by the public official at the meeting prior to the vote, and (iii) in the minutes of the meeting.

(2) A public official may vote:

(A) If the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses; or

(B) If the matter affects a publicly traded company when:

(i) The public official, or dependent family members individually or jointly own less than five percent of the issued stock in the publicly traded company and the value of the stocks individually or jointly owned is less than \$10,000; and

(ii) Prior to casting a vote the public official discloses his or her interest in the publicly traded company.

(3) For a public official's recusal to be effective, it is necessary to excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests, and recusing him or herself from voting on the issue. The recusal shall also be reflected in the meeting minutes.

(k) *Limitations on participation in licensing and rate-making proceedings.* — No public official or employee may participate within the scope of his or her duties as a public official or employee, except through ministerial functions as defined in §6B-1-3 of this code, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or his or her immediate family owns or controls more than 10 percent. No public official or public employee may participate within the scope of his or her duties as a public official or public employee, except through ministerial functions as defined §6B-1-3 of this code, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or public employee or his or her immediate family, or a partnership, trust, business trust, corporation or association of which the public official or employee, or his or her immediate family, owns or controls more than 10 percent, has sold goods or services totaling more than \$1,000 during the preceding year, unless the public official or public employee has filed a written statement acknowledging such sale with the public agency and the statement is entered in any public record of the agency's proceedings. This subsection shall not be construed to require the disclosure of clients of attorneys or of patients or clients of persons licensed pursuant to §30-3-1 *et seq.*, §30-8-1 *et seq.*, §30-14-1 *et seq.*, §30-14A-1 *et seq.*, §30-15-1 *et seq.*, §30-16-1 *et seq.*, §30-20-1 *et seq.*, §30-21-1 *et seq.*, or §30-31-1 *et seq.* of this code.

(l) *Certain compensation prohibited.* — (1) A public employee may not receive additional compensation from another publicly-funded state, county, or municipal office or employment for working the same hours, unless:

(A) The public employee's compensation from one public employer is reduced by the amount of compensation received from the other public employer;

(B) The public employee's compensation from one public employer is reduced on a pro rata basis for any work time missed to perform duties for the other public employer;

(C) The public employee uses earned paid vacation, personal or compensatory time or takes unpaid leave from his or her public employment to perform the duties of another public office or employment; or

(D) A part-time public employee who does not have regularly scheduled work hours or a public employee who is authorized by one public employer to make up, outside of regularly scheduled work hours, time missed to perform the duties of another public office or employment maintains time records, verified by the public employee and his or her immediate supervisor at least once every pay period, showing the hours that the public employee did, in fact, work for each public employer. The public employer shall submit these time records to the Ethics Commission on a quarterly basis.

(2) This section does not prohibit a retired public official or public employee from receiving compensation from a publicly-funded office or employment in addition to any retirement benefits to which the retired public official or public employee is entitled.

(m) *Certain expenses prohibited.* — No public official or public employee shall knowingly request or accept from any governmental entity compensation or reimbursement for any expenses actually paid by a lobbyist and required by the provisions of this chapter to be reported, or actually paid by any other person.

(n) Any person who is employed as a member of the faculty or staff of a public institution of higher education and who is engaged in teaching, research, consulting, or publication activities in his or her field of expertise with public or private entities and thereby derives private benefits from such activities shall be exempt from the prohibitions contained in subsections (b), (c) and (d) of this

section when the activity is approved as a part of an employment contract with the governing board of the institution or has been approved by the employee's department supervisor or the president of the institution by which the faculty or staff member is employed.

(o) Except as provided in this section, a person who is a public official or public employee may not solicit private business from a subordinate public official or public employee whom he or she has the authority to direct, supervise or control. A person who is a public official or public employee may solicit private business from a subordinate public official or public employee whom he or she has the authority to direct, supervise or control when:

(A) The solicitation is a general solicitation directed to the public at large through the mailing or other means of distribution of a letter, pamphlet, handbill, circular, or other written or printed media; or

(B) The solicitation is limited to the posting of a notice in a communal work area; or

(C) The solicitation is for the sale of property of a kind that the person is not regularly engaged in selling; or

(D) The solicitation is made at the location of a private business owned or operated by the person to which the subordinate public official or public employee has come on his or her own initiative.

(p) The commission may, by legislative rule promulgated in accordance with chapter 29A of this code, define further exemptions from this section as necessary or appropriate."

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4424** – "A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6B-2-5 of said code, all relating to providing that the West Virginia Governmental Ethics Act applies to public servant volunteers; defining terms; and providing that the requirements of

the West Virginia Governmental Ethics Act apply to a person who is granted or vested with powers, privileges or authorities ordinarily reserved to public officials or who performs services, without compensation, on behalf of a public official.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 557**), and there were—yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Deem and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4424) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 4488**, Relating to the Hatfield-McCoy Recreation Authority.

Delegate Cowles moved that the House of Delegates concur with further title amendment, and the House concurred in the following amendment by the Senate:

On page four, section three, line twenty-one, by striking out the word “may” and inserting in lieu thereof the word “shall”.

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 558**), and there were—yeas 92, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Dean, Eldridge, Marcum, Maynard and Paynter.

Absent and Not Voting: Cooper and Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4488) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

**H. B. 4488** - “A Bill to amend and reenact §20-14-1, §20-14-2, §20-14-3, §20-14-4, and §20-14-8 of the Code of West Virginia, 1931, as amended, all relating to the Hatfield-McCoy Recreation Authority; updating legislative findings; adding the counties of Braxton, Clay, Fayette, Nicholas, and Webster to the list of participating counties; modifying the number of board members; providing that 10 members of the board constitutes a quorum; prohibiting persons from consuming non-intoxicating beer, nonintoxicating craft beer, or wine at any time within the Hatfield-McCoy Recreation Area; prohibiting a child under the age of six from being allowed on any trail within the Hatfield-McCoy Recreation Area; prohibits children under the age of eight years who are required to be in a child passenger safety device while occupying a motor vehicle from being allowed on any trail within the Hatfield-McCoy Recreation Area; and requiring all persons operating or riding upon an ATV, UTV, or motorcycle to follow the manufacturer’s recommendations for that vehicle relating to age and size limitations for operators and passengers.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 4524**, Establishing guidelines for the substitution of certain biological pharmaceuticals.



On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS,  
PHARMACY INTERNS AND PHARMACIES.**

**§30-5-12c. Substitution of biological product: Definitions; selection of interchangeable biological products; exceptions; records; labels; manufacturing standards; emergency rules; complaints; and immunity.**

(a) As used in this section:

‘Biological product’ means the same as that term is defined in 42 U.S.C. § 262.

‘Brand name’ means the proprietary or trade name selected by the manufacturer and placed upon a drug or drug product, its container, label, or wrapping at the time of packaging.

‘Interchangeable biological product’ means a biological product that the federal Food and Drug Administration has:

(1) Licensed and determined meets the standards for interchangeability pursuant to 42 U.S.C § 262(k)(4); or

(2) Determined is therapeutically equivalent as set forth in the latest edition of or supplement to the federal Food and Drug Administration’s Approved Drug Products with Therapeutic Equivalence Evaluations.

‘Proper name’ means the nonproprietary name of a biological product.

‘Substitute’ means to dispense without the prescriber’s express authorization an interchangeable biological product in the place of the drug ordered or prescribed.

(b) Except as limited by subsection (c) and unless instructed otherwise by the patient, a pharmacist who receives a prescription for a specific biological product shall select a less expensive interchangeable biological product unless in the exercise of his or her professional judgment the pharmacist believes that the less expensive drug is not suitable for the particular patient. The pharmacist shall provide notice to the patient or the patient's designee regarding the selection of a less expensive interchangeable biological product.

(c) If, in the professional opinion of the prescriber, it is medically necessary that an equivalent drug product or interchangeable biological product not be selected, the prescriber may so indicate by certifying that the specific brand-name drug product prescribed, or the specific brand-name biological product prescribed, is medically necessary for that particular patient. In the case of a prescription transmitted orally, the prescriber must expressly indicate to the pharmacist that the specific brand-name drug product prescribed, or the specific biological product prescribed is medically necessary.

(d) (1) Within five business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall communicate the specific product provided to the patient, including the name of the product and the manufacturer, to the prescriber through any of the following electronic records systems:

(A) An interoperable electronic medical records system;

(B) An electronic prescribing technology;

(C) A pharmacy benefit management system; or

(D) A pharmacy record.

(2) Communication through an electronic records system as described in §30-5-12c(d)(1) of this code is presumed to provide notice to the prescriber.

(3) If the pharmacist is unable to communicate pursuant to an electronic records system the pharmacist shall communicate to the prescriber which biological product was dispensed to the patient using facsimile, telephone, electronic transmission, or other prevailing means.

(4) Communication is not required under this subsection when:

(A) There is no Federal Food and Drug Administration approved interchangeable biological product for the product prescribed; or

(B) A refill prescription is not changed from the product dispensed on the prior filling of the prescription.

(e) The pharmacist shall maintain a record of the biological product dispensed for at least two years. Such record shall include the manufacturer and proper name of the interchangeable biological product selected.

(f) All biological products shall be labeled in accordance with the instructions of the practitioner.

(g) Unless the practitioner directs otherwise, the prescription label on all biological products dispensed by the pharmacist shall indicate the proper name using abbreviations, if necessary, and either the name of the manufacturer or packager, whichever is applicable, in the pharmacist's discretion. The same notation will be made on the original prescription retained by the pharmacist.

(h) A pharmacist may not dispense a product under the provisions of this section unless the manufacturer has shown that the biological product has been manufactured with the following minimum good manufacturing standards and practices by:

(1) Labeling products with the name of the original manufacturer and control number;

(2) Maintaining quality control standards equal to or greater than those of the United States Food and Drug Administration;

(3) Marking products with identification code or monogram; and

(4) Labeling products with an expiration date.

(i) The West Virginia Board of Pharmacy shall promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code setting standards for substituted interchangeable biological products, obtaining compliance with the provisions of this section, and enforcing the provisions of this section.

(j) Any person shall have the right to file a complaint with the West Virginia Board of Pharmacy regarding any violation of the provisions of this article. Such complaints shall be investigated by the Board of Pharmacy.

(k) No pharmacist or pharmacy complying with the provisions of this section shall be liable in any way for the dispensing of an interchangeable biological product substituted under the provisions of this section, unless the interchangeable biological product was incorrectly substituted.

(l) In no event where the pharmacist substitutes an interchangeable biological product under the provisions of this section shall the prescribing physician be liable in any action for loss, damage, injury, or death of any person occasioned by or arising from, the use of the substitute biological product unless the original biological product was incorrectly prescribed.

(m) Failure of a practitioner to specify that a specific brand name is necessary for a particular patient shall not constitute evidence of negligence unless the practitioner had reasonable cause to believe that the health of the patient required the use of a certain product and no other.”

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4524** - “A Bill to amend the Code of West Virginia, 1931, as amended, by enacting a new section designated as §30-5-12c relating to establishing guidelines for the substitution of certain biological pharmaceuticals by pharmacists; defining terms; providing for guidelines relating to substitution of interchangeable biological products; establishing communication requirements between the pharmacists and prescriber relating to substitution of interchangeable biological products; requiring maintenance of records relating to biological products dispensed for at least two years; providing for emergency rules; establishing manufacturing standards; clarifying process for complaints; and providing for immunity for certain actions.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 559**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4524) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

**H. B. 4626**, Relating to West Virginia innovative mine safety technology tax credit act.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

**H. B. 4627**, Relating to providing a limitation on the eminent domain authority of a municipal park board.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 21. BOARD OF PARK AND RECREATION COMMISSION.**

**§8-21-8. Purchase, lease or condemnation of real property.**

The board is hereby granted the power and authority to acquire in its name or in the name of the city by purchase, lease, or by exercise of the power of eminent domain, or otherwise, such land or lands as it shall determine to be necessary, appropriate, convenient or incidental to the establishment, construction, improvement, extension, development, maintenance or operation of a system of public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities for the city, whether of a like or different nature: *Provided, That any such acquisition by the board made by exercise of the power of eminent domain must be approved by a majority vote of the governing body of that municipality. Approval by the governing body must be granted as to each specific parcel or tract of land to be acquired by power of eminent domain.*”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 560**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4627) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 2**, U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 9**, U. S. Air Force Major Neil L. Ferrell Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**Com. Sub. for H. C. R. 13**, U. S. Army SGM Bill E. Jeffrey Memorial Road.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 25**, U. S. Army SPC David A. Hess Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**Com. Sub. for H. C. R. 30**, U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 35**, USMC LCpl George W. Henry, Jr. Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**Com. Sub. for H. C. R. 45**, U. S. Air Force Reserves 2nd Lieutenant Richard E. Tyson Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 61**, U. S. Army PFC Cornelious Wiley Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 62**, Pocahontas County Veterans Memorial Bridge.



On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page two, in the Resolved clause, line four, by striking out the words “be named the Pocahontas County Veterans Memorial Bridge” and inserting in lieu thereof the words the “Pocahontas County Veterans Memorial Bridge”.

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

**H. C. R. 62** - “Requesting the Division of Highways to name bridge number 38-39-21.66 (38A053), locally known as Marlinton City Bridge, carrying WV 39 over the Greenbrier River in Pocahontas County, the ‘Pocahontas County Veterans Memorial Bridge’.”

The resolution, as amended by the Senate, was then adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 65**, U. S. Army CPL George Browning Memorial Road.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 68**, U. S. Army SGT Douglas Thompson Memorial Road.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 75**, PVT George Howell, Continental Army Memorial Highway.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment of the resolution by the Senate:

On page two, in the Resolved clause, line one, by striking out the words “PVT George Howell, Continental Army Memorial Highway” and inserting in lieu thereof the words Continental Army PVT George Howell Memorial Highway”.

On page two, in the first Further Resolved clause, lines two and three, by striking out the words “PVT George Howell, Continental Army Memorial Highway” and inserting in lieu thereof the words “Continental Army PVT George Howell Memorial Highway”.

And,

By amending the title of the resolution to read as follows:

**H. C. R. 75** - “Requesting the Division of Highways name WV Route 46, from its intersection with County Route 3 to its intersection with County Route 42/3 in Mineral County the ‘Continental Army PVT George Howell Memorial Highway’.”

The resolution, as amended by the Senate, was then adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 77**, Deputy Sheriff Jesse R. Browning Memorial Road.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 78**, U. S. Marine Corps PFC Danny Marshall Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 88**, U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

**Com. Sub. for S. B. 275**, Relating to tax on purchases of intoxicating liquors.

On motion of Delegate Cowles, the House concurred in the following title amendment by the Senate:

**Com. Sub. for S. B. 275** - "A Bill to amend and reenact §11-10-5d of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-9d of said code; and to amend and reenact §60-3A-21 of said code, all relating to the excise tax on sales of intoxicating liquors and wine; defining terms; providing that tax collected on sales sourced within the corporate limits of a municipality be remitted to the municipality; providing that the tax collected on sales sourced outside the corporate limits of a municipality be remitted to the county; providing rule-making authority; providing sourcing rules for determining whether tax is collected within or outside of the corporate limits of a municipality;

permitting counties to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the county and the municipalities in the county or the remittance of tax to such county or municipalities; and permitting municipalities to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the municipality and within the county in which the municipality is located, but outside of the corporate limits of another municipality, and the remittance of tax to such municipality and county.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 561**), and there were—yeas 94, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Caputo, Longstreth and Ward.

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 275) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title, as follows:

**S. C. R. 23** - “Requesting the Division of Highways name bridge number 23-14-0.05 (23A368), locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, the ‘Betty Jo Delong Memorial Bridge’.”

Whereas, Betty Jo Chambers, the daughter of coal miner, Harry Chambers, and Postmaster, Geraldine Lowe, attended Dehue-Chambers Grade School, in Dehue, Logan County, West Virginia; and

Whereas, Betty Jo Chambers was a Golden Horseshoe winner and graduated from Logan High School in Logan County; and

Whereas, Betty Jo Chambers married Don Thomas Delong from Lyburn, West Virginia, and the couple had two children: Donnetta Rainwater, a teacher at Logan Middle School; and Donald Rex Delong, owner of Eastern Petroleum; and

Whereas, Betty Jo Delong grew up with her siblings: Donna Lou Hipshire, Dorothy Young, Grover Chambers, Thelma Willis Eplin, Harry Chambers, Gerri Ball, Cora Tooley, and Alice Price; and

Whereas, Betty Jo Delong was proud of the Chambers' family's long association with the Rum Creek area; and

Whereas, At one time the Chambers family owned property reaching from Rum Creek to Lowe's Mountain; and

Whereas, Betty Jo Delong worked at several jobs in Logan County but later in her career was employed at the Logan County Courthouse, where she worked in the record room and was in charge of the deed books; and

Whereas, Betty Jo Delong is still remembered for updating the county's system of obtaining deeds and land proposals; and

Whereas, Betty Jo Delong worked tirelessly to help members of her community, especially the elderly; and

Whereas, Betty Jo Delong assisted with the visit to Logan County of John F. Kennedy when he was a presidential candidate; and

Whereas, Betty Jo Delong died of cancer at the age of 42; and

Whereas, At the time of her death, all offices of the courthouse were closed out of respect for Betty Jo Delong's service to the many people of Logan County; and

Whereas, It is fitting that an enduring memorial be established in the name of Betty Jo Delong in an area where she and her family have, for so long, been a part of the fabric of the community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-14-0.05 (23A368), locally known as Rum Creek Connector over Guyandotte River, carrying County Route 14 over Guyandotte River in Logan County, the "Betty Jo Delong Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Betty Jo Delong Memorial Bridge"; and, be it

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

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 23) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title, as follows:

**S. C. R. 48** - "Requesting the Division of Highways name bridge number 20-77-130.80, NB and SB, (18A157, 18A156),

carrying Interstate 77 over County Route 21/28, locally known as CR 21/28 Overpass Bridge in Jackson County, the ‘U. S. Army MSG Monty Ray Skeen, Sr., Memorial Bridge’.”

Whereas, MSG Monty Ray Skeen, Sr., was born on June 23, 1957, the son of Barbara Jean Scott and Charles Wayne Skeen; and

Whereas, MSG Monty Ray Skeen, Sr., married Regina Mae Skeen and had two children: Monty Ray Skeen, Jr and Shery Ann Zimmermann, and lived in Jackson County; and

Whereas, MSG Monty Ray Skeen, Sr., joined the U. S. Army in 1976 and began serving his country. He attained the rank of Master Sergeant after 20 years of service, including Desert Storm and the Gulf War. While serving, he was awarded the following medals: Two Meritorious Service Medals; four Army Commendation Medals, Southwest Asia Service Medal; three Overseas Service Ribbon, Expert Badge M-16 Rifle; and many others; and

Whereas, In 1997, MSG Monty Ray Skeen, Sr., retired from the Army and worked as a shift supervisor for Rite Aid Distribution Center in Poca, West Virginia, where he worked for 20 years; and

Whereas, MSG Monty Ray Skeen, Sr., passed away suddenly due to onset complications of acute myeloid leukemia on November 4, 2016, at Charleston Area Medical Center, Memorial Hospital; and his family still misses him immensely; and

Whereas, It is fitting that an enduring memorial be established to commemorate MSG Monty Ray Skeen’s service to his state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-77-130.80, NB and SB, (18A157, 18A156), carrying Interstate 77 over County Route 21/28, locally known as CR 21/28 Overpass Bridge in Jackson County, the “U. S. Army MSG Monty Ray Skeen, Sr., Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army MSG Monty Ray Skeen, Sr., Memorial Bridge”; and, be it

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

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 48) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title, as follows:

**S. C. R. 49** - “Requesting the Division of Highways name bridge number 22-77-103.66, NB and SB, (20A442, 25A443), locally known as I-77 Surface Drive Overpass, carrying Interstate 77 over Surface Drive CR 119/37 in Kanawha County, the ‘U. S. Army PFC Robert “Bobby” Tate, Jr., Memorial Bridge’.”

Whereas, Robert “Bobby” Tate, Jr., was born in Charleston, West Virginia, on February 22, 1949, and was a lifelong resident of the Kanawha Two-Mile area, from a family that has lived in Kanawha County for more than 100 years; and

Whereas, Robert “Bobby” Tate, Jr., attended Bonham Elementary School, Woodrow Wilson Junior High School, and Sissonville High School and was always known as a hard-working young man. When he was not in school, he helped to support his family by working as a stock boy at Pickway Grocery; and



Whereas, Robert “Bobby” Tate, Jr., joined the U. S. Army and began a tour of duty in Vietnam in January 1969 as an Indirect Fire Infantryman in the 196th Infantry Brigade; and

Whereas, PFC Robert “Bobby” Tate, Jr., died in the line of duty due to hostile groundfire on March 20, 1969, and was posthumously recognized with the Purple Heart medal; and

Whereas, PFC Robert “Bobby” Tate, Jr., has been interred in the Lane Cemetery at Eden’s Fork in Kanawha County; and

Whereas, It is fitting that a permanent memorial be established to honor the service and sacrifice of PFC Robert “Bobby” Tate, Jr.; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name bridge number 22-77-103.66, NB and SB, (20A442, 25A443), locally known as I-77 Surface Drive Overpass, carrying Interstate 77 over Surface Drive CR 119/37 in Kanawha County, the “U. S. Army PFC Robert “Bobby” Tate, Jr., Memorial Bridge”; and be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC Robert ‘Bobby’ Tate, Jr., Memorial Bridge”; and, be it

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

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (S. C. R. 49) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title, as follows:

**Com. Sub. for S. C. R. 52** - "Requesting the Division of Highways name bridge number 40-64-36.24, EB-WB, (40A067, 40A069), locally known as Cow Creek Road Bridge, carrying Interstate 64 over Cow Creek Road in Putnam County, the 'Deputy Sheriff Jonathan Janey Memorial Bridge'."

Whereas, Jonathan Wayne Janey was born on March 2, 1957, in South Charleston, West Virginia; and

Whereas, Jonathan Wayne Janey was a lifelong resident of Putnam County, West Virginia, and became a deputy in the Putnam County Sheriff's Office in 1980. He dutifully served the people of his community for nine years; and

Whereas, In August 1989, Deputy Jonathan Janey received information that a house located on Cow Creek Road in Putnam County may be targeted for arson and he conducted a stakeout of this residence; and

Whereas, During the night of his stakeout, he saw a man enter the house carrying two jugs and the man spread the contents of the jugs on the floor of the house. The man saw Deputy Jonathan Janey and attempted to flee. Deputy Jonathan Janey apprehended him and managed to put one handcuff on him, but the man spun around and struck Deputy Jonathan Janey on the head with the other portion of the handcuffs. The man grabbed Deputy Jonathan Janey's firearm and shot him twice in the chest. After Deputy Jonathan Janey fell to the ground, the man shot him once more, this time in the head. So ended Deputy Jonathan Janey's final shift shortly after 1:15 a.m. on August 17, 1989. The culprit was later convicted and sentenced to life in prison and has never been paroled; and

Whereas, It is fitting that an enduring memorial be established to commemorate Deputy Sheriff Jonathan Janey and his contributions to his county and state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 40-64-36.24, EB-WB, (40A067, 40A069), locally known as Cow Creek Road Bridge, carrying Interstate 64 over Cow Creek Road in Putnam County, the “Deputy Sheriff Jonathan Janey Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to make and place signs identifying the bridge as the “Deputy Sheriff Jonathan Janey Memorial Bridge”; and, be it

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

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolution (Com. Sub. for S. C. R. 52) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

### **Committee Reports**

Mr. Speaker, Mr. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**S. C. R. 14,** US Army SPC 4 William L. Amos Memorial Bridge,

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

At the request of Delegate Cowles, and by unanimous consent, the resolution (S. C. R. 14) was taken up for immediate consideration and put upon its adoption.

The resolution (S. C. R. 14) was then adopted.

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 282**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

### **Conference Committee Report**

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

**S. B. 282**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Senate Bill 282, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses agree to recede from their respective positions as to the amendment of the House of Delegates on page two, section three, line thirty-three, and that both houses further agree to an amendment on page two, section three, line thirty-three after the word “Services:” to read as follows:

*And provided further,* That the provisions of this subdivision shall not apply to contracts for any natural disaster recovery activities entered into by the West Virginia State Conservation Committee or the West Virginia Conservation Agency.

And,

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

**S. B. 282** – “A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to exempting the State Conservation Committee and the Conservation Agency from the Purchasing Division requirements for contracts related to natural disaster recovery activities and joint funding agreements with the United States Geological Survey.”

Respectfully submitted,

Greg Boso, *Chair*  
Corey Palumbo,  
Mark R. Maynard,

Roger Hanshaw, *Chair*  
George Ambler,  
Andrew Byrd,

*Conferees on the part of the  
Senate.*

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

On motion of Delegate Hanshaw, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 562**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 282) passed.

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

Delegate Byrd arose to a point of inquiry regarding the status of **Com. Sub. for H. B. 4345**. Delegate Byrd subsequently asked unanimous consent and, objection being heard, then moved that the message from the Senate be taken up for immediate consideration.

The Speaker replied that the Gentleman's motion was not in order and that, until the message was received by the House of Delegates, it was not before the House to be acted upon.

Delegate Byrd then asked unanimous consent that the message be received.

The Speaker replied that this motion was also out of order.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

**Com. Sub. for S. B. 313**, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

Delegate Cowles moved that the House concur in the following amendment by the Senate:

On page one, section twenty-two, line one, and inserting in lieu thereof the following:

On page one, section twenty-two, line three, by striking out the phrase "This includes individuals" and inserting in lieu thereof the

phrase “This means individuals in the local labor market as defined in §21-1C-2 of this code.”

On page one, section twenty-two, line eight, by striking out the word “includes” and inserting in lieu thereof the word “means”.

And,

On page one, section twenty-two, line twelve, by striking out the phrase “This includes applicants” and inserting in lieu thereof the phrase “This means individuals in the local labor market as defined in §21-1C-2 of this code”.

And,

By amending the title of the bill to read as follows:

**S. B. 313** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to waiver of occupational licensing fees for certain individuals; requiring boards and licensing authorities to waive certain occupational licensing fees for low-income individuals, military families, and young workers; defining terms; requiring individuals seeking waiver of occupational licensing fees to apply on a form provided by the board or licensing authority; and granting rule-making authority.”

Delegate Folk demanded the previous question, which demand was sustained.

On this question, “Shall the previous question be put?”, the yeas and nays were taken (**Roll No. 563**), and there were—yeas 58, nays 39, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Adkins, Ambler, Anderson, Atkinson, Brewer, Butler, Campbell, Caputo, Cowles, Criss, Eldridge, A. Evans, Frich, Graves, Harshbarger, Hicks, Iaquina, Isner, Jennings, Kelly, Kessinger, Love, Lynch, Marcum, Martin, C. Miller, Overington, Pethel, Pyles, Rodighiero, Rohrbach, C. Romine, R. Romine,

Rowan, Sobonya, Sypolt, Westfall, Zatezalo and Mr. Speaker, Mr. Armstead.

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

On motion of Delegate Cowles, the House of Delegates then concurred in the amendment by the Senate.

The question before the House being the passage of the bill, Delegate Folk demanded the previous question, which demand was sustained.

On the question, "Shall the previous question be put?", the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 564**), and there were—yeas 58, nays 39, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Adkins, Ambler, Anderson, Atkinson, Butler, Campbell, Canestraro, Cowles, Criss, Diserio, Eldridge, A. Evans, Ferro, Frich, Graves, Harshbarger, Hicks, Hollen, Iaquina, Isner, Kelly, Kessinger, Longstreth, Lovejoy, Marcum, Martin, C. Miller, Overington, Pyles, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Sobonya, Sypolt, Westfall, Zatezalo and Mr. Speaker, Mr. Armstead.

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 565**), and there were—yeas 90, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Fleischauer, Lynch, R. Miller, Pushkin, Robinson and Rowe.



Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 313) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

**Com. Sub. for S. B. 446**, Creating Agritourism Responsibility Act.

Delegate Cowles moved that the House concur in the following amendment by the Senate:

On page one, section one, line fifteen, after the word “agritourism”, by inserting the word “business”.

And,

By amending the title of the bill to read as follows:

**Com. Sub. for S. B. 446** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, and §19-36-5, all relating to agritourism generally; creating the Agritourism Responsibility Act; making findings; establishing authority and duties of the Commissioner of Agriculture related to agritourism business; authorizing Commissioner of Agriculture, in consultation with the Secretary of Commerce, to promulgate and propose rules; defining terms; establishing duties of agritourism businesses and participants in agritourism activities; immunizing agritourism business, employees, and volunteers associated therewith from certain acts of simple negligence and creating exceptions thereto; requiring notice of certain rights, limitations on liability, and responsibilities of participants in agritourism activities; clarifying

that operation of agritourism business does not change status of the facilities and property used for building code and tax purposes; and exempting structures of agritourism business occasionally used for events from building code requirements for entities engaged in such activities on a full-time basis.”

Delegate Folk demanded the previous question, which demand was sustained.

On this question, “Shall the previous question be put?”, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 566**), and there were—yeas 57, nays 39, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Anderson, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Cowles, Criss, Diserio, Eldridge, E. Evans, Ferro, Fluharty, Frich, Hartman, Hornbuckle, Iaquina, Isner, Kelly, Longstreth, Love, Lovejoy, Lynch, Miley, R. Miller, Moye, Overington, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaugle, Williams and Zatezalo.

Absent and Not Voting: Barrett, Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

On motion of Delegate Cowles, the House then concurred in the amendment by the Senate.

The question before the House being the passage of the bill, Delegate Folk demanded the previous question, which demand was sustained and the motion was adopted.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 567**), and there were—yeas 83, nays 14, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Brewer, Byrd, Campbell, Canestraro, E. Evans, Fast, Ferro, Fluharty, Gearheart, Hornbuckle, Miley, Robinson and Rowe.

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 446) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

**Com. Sub. for H. B. 4607**, Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails.

Delegate Cowles moved that the House concur in the following amendment by the Senate:

On page four, section two, line eighty-eight, by striking out the word “drones” and inserting in lieu thereof the words “an unmanned aircraft system”.

On page four, section two, line eighty-nine, by striking out the word “drone” and inserting in lieu thereof the words “unmanned aircraft system”.

On page four, section two, line ninety-one, by striking out the word “drone” and inserting in lieu thereof the words “unmanned aircraft system”.

On page four, section two, line ninety-four, by striking out the word “drone” and inserting in lieu thereof the words “unmanned aircraft system”.

And,

On page four, section two, line ninety-five, by striking out the word “drones” and inserting in lieu thereof the words “an unmanned aircraft system”.

And,

By amending the title of the bill to read as follows:

**Com. Sub. for H. B. 4607** - “A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to the Division of Natural Resources permitting the use of recreational unmanned aircraft systems in state parks, state forests, and on rail trails; requiring persons who intend to operate unmanned aircraft systems to register with the superintendent prior to participating in the use of any unmanned aircraft system; establishing certain criteria for the restricted operation of unmanned aircraft systems within state parks, forests, and rail trails; and clarifying that persons who operate unmanned aircraft systems assume full responsibility and liability.”

Delegate Folk demanded the previous question, which demand was sustained, and the motion was adopted.

On motion of Delegate Cowles, the House of Delegates then concurred in the amendment by the Senate.

The question being on the passage of the bill, Delegate Folk demanded the previous question, which demand was sustained.

On this question, “Shall the previous question be put?”, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 568**), and there were—yeas 65, nays 32, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Criss, Diserio, Eldridge, E. Evans, Ferro, Fluharty, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Miley, Overington, Pethtel, Robinson, Rodighiero, Rohrbach, Rowe, Sobonya, Sponaugle, Thompson, Williams and Zatezalo.

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 569**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cooper and Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4607) passed.

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

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 141**, Expanding county assessment and collection of head tax on breeding cows,

**Com. Sub. for S. B. 271**, Creating centralized Shared Services Section of Department of Administration,

**S. B. 339**, Relating to WV Retirement Health Benefit Trust Fund within PEIA,

**Com. Sub. for S. B. 375**, Relating to farmers markets,

**Com. Sub. for S. B. 401**, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders,

**Com. Sub. for S. B. 408**, Licensing of nursing homes and assisted living residences.

**Com. Sub. for S. B. 434**, Specifying documents not subject to discovery in certain proceedings,

**Com. Sub. for S. B. 438**, Relating to debt service on bonds secured by State Excess Lottery Revenue Fund,

**Com. Sub. for S. B. 442**, Establishing universal forms and deadlines when submitting prior authorization electronically,

**Com. Sub. for S. B. 443**, Terminating parental rights when certain conditions are met,

**Com. Sub. for S. B. 445**, Allowing DOH acquire real or personal property for utility accommodation,

**S. B. 468**, Changing date and recipients for submission of Auditor's annual report,

And,

**Com. Sub. for S. B. 601**, Relating to personal income tax.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 152**, Budget Bill,

**Com. Sub. for S. B. 230**, Authorizing Department of Commerce promulgate legislative rules,

**S. B. 406**, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement,

And,

**S. B. 633**, Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund.

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, to take effect July 1, 2018, of

**Com. Sub. for H. B. 4009**, State Settlement and Recovered Funds Accountability Act.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, of

**S. B. 343**, Limiting expenses in preparing list for notice to redeem,

**Com. Sub. for S. B. 469**, Converting Addiction Treatment Pilot Program to permanent program,

**S. B. 525**, Relating to certification for emergency medical training - mining,

And,

**Com. Sub. for S. B. 603**, Relating to proceedings for involuntary custody for examination.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2018, of

**Com. Sub. for S. B. 501**, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System,

And,

**Com. Sub. for S. B. 521**, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendments and passed, a bill of the House of Delegates as follows:

**H. B. 2869**, Providing for paid leave for certain state officers and employees during a declared state of emergency.

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the title amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

**Com. Sub. for H. B. 4150**, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient,

**Com. Sub. for H. B. 4320**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions,

**Com. Sub. for H. B. 4392**, Relating to Medicaid subrogation liens for the Department of Health and Human Resources,

And,

**H. B. 4488**, Relating to the Hatfield-McCoy Recreation Authority.

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

**Com. Sub. for H. B. 4156**, Establishing the qualifications of full and part time nursing school faculty members,

**Com. Sub. for H. B. 4338**, Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety,

And,

**Com. Sub. for H. B. 4603**, Providing immunity from civil liability to facilities and employees providing crisis stabilization.

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on and the passage, as amended by said report, of

**Com. Sub. for H. B. 4001**, Relating to eligibility and fraud requirements for public assistance,



**H. B. 4447**, Providing for a uniform and efficient system of broadband conduit installation,

And,

**H. B. 4629**, Relating to broadband enhancement and expansion policies generally, shall be available in the Clerk's Office.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of concurrent resolutions of the House of Delegates as follows:

**Com. Sub. for H. C. R. 53**, Pastor Robert L. 'Bob' Barker Memorial Bridge,

And,

**H. C. R. 85**, Requesting the legislatures and departments of transportation of Maryland, Pennsylvania, and Virginia to endorse and pursue the construction of a new four-lane, limited access highway.

### **Committee Reports**

In accordance with House Rule 68, Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, and Delegate Westfall, Vice Chair of the Joint Committee on Enrolled Bills, filed the following reports with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the dates listed, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

### **March 14, 2018**

**H. B. 4376**, Expiring funds to the balance of the Department of Health and Human Resources,

**H. B. 4379**, Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation,

**H. B. 4389**, Expiring funds to the Enterprise Resource Planning System Fund,

**Com. Sub. for S. B. 47**, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child,

**Com. Sub. for S. B. 102**, Creating WV Uniform Fiduciary Access to Digital Assets Act,

**Com. Sub. for S. B. 133**, Exempting renewal of certain contracts entered into during declared state of emergency,

**Com. Sub. for S. B. 152**, Budget Bill,

**Com. Sub. for S. B. 272**, Relating generally to drug control,

**Com. Sub. for S. B. 319**, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma,

**S. B. 385**, Decreasing and adding appropriations out of Treasury to DHHR and MAPS,

**Com. Sub. for S. B. 404**, Relating to sex offender registry information,

**Com. Sub. for S. B. 412**, Relating to authority of county litter control officers,

**S. B. 427**, Modifying form of notice for certain tax delinquencies,

**S. B. 441**, Relating to health care providers taxes,

**Com. Sub. for S. B. 451**, Relating generally to hunting and fishing,

**S. B. 633**, Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund,

And,

**S. B. 634**, Adding, increasing, and decreasing appropriations from General Revenue to DHHR.

### **March 15, 2018**

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

**Com. Sub. for H. B. 4024**, Relating generally to direct cremation or direct burial expenses for indigent persons,

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

**Com. Sub. for H. B. 4336**, Updating the schedule of controlled substances,

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

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

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

**H. B. 4462**, Allowing off duty members and officers of the department of public safety to guard private property,

**Com. Sub. for H. B. 4473**, Relating to use of state funds for advertising to promote a public official or government office,

**Com. Sub. for H. B. 4478**, Authorizing public schools to distribute excess food to students,

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

**H. B. 4529**, Relating to oath by municipal official certifying list of delinquent business and occupation taxes,

**Com. Sub. for H. B. 4546**, Relating to where an application for a marriage license may be made,

**Com. Sub. for H. B. 4618**, Relating to the authority of the Division of Protective Services,

And,

**H. B. 4622**, Relating to authorizing legislative rules regarding higher education.

### **March 16, 2018**

**Com. Sub. for H. B. 2028**, Relating to the venue for suits and other actions against the state,

**Com. Sub. for H. B. 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods,

**Com. Sub. for H. B. 3005**, Relating to regulation of unmanned aircraft systems,

**Com. Sub. for H. B. 4023**, Relating to the regulation of dialysis technicians,

**H. B. 4025**, Permitting reciprocity for licensure as a pharmacy technician,

**Com. Sub. for H. B. 4027**, Creating an education permit for allopathic physician resident,

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

**Com. Sub. for H. B. 4042**, Redefining school zone to facilitate placement of school zone signs,

**Com. Sub. for H. B. 4079**, Promulgating administrative rules by various executive or administrative agencies of the state,

**H. B. 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies,

**H. B. 4183**, Relating generally to standardized testing requirements for nonpublic schools,

**Com. Sub. for H. B. 4276**, Allowing magistrates to grant work release privileges,

**Com. Sub. for H. B. 4279**, Relating to adult protective services system,

**Com. Sub. for H. B. 4400**, Relating to the West Virginia Physicians Mutual Insurance Company,

And,

**Com. Sub. for H. B. 4509**, Relating to the establishment of substance abuse treatment facilities.

### **March 19, 2018**

**Com. Sub. for H. B. 2008**, Relating to the Dealer Recovery Program,

**Com. Sub. for H. B. 2655**, Defining and establishing the crime of cyberbullying,

**H. B. 2869**, Providing for paid leave for certain state officers and employees during a declared state of emergency,

**Com. Sub. for H. B. 2982**, Relating to allowing draw games winners to remain anonymous,

**Com. Sub. for H. B. 3089**, Relating to the adoption of instructional resources for use in the public schools,

**Com. Sub. for H. B. 4013**, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state,

**Com. Sub. for H. B. 4036**, Increasing the maximum salaries of family case coordinators and secretary-clerks,

**Com. Sub. for H. B. 4186**, Relating generally to guaranteed asset protection waivers,

**H. B. 4626**, Relating to West Virginia innovative mine safety technology tax credit act,

**H. B. 4628**, Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019,

**Com. Sub. for S. B. 36**, Relating generally to DNA testing,

**S. B. 242**, Requiring health insurance providers provide coverage for certain Lyme disease treatment,

**Com. Sub. for S. B. 290**, Relating to DEP standards of water quality and effluent limitations,

**S. B. 322**, Relating to employees of Department of Agriculture,

**Com. Sub. for S. B. 359**, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates,

**Com. Sub. for S. B. 465**, Relating to mandated reporting of child abuse and neglect,

**S. B. 479**, Establishing local government monitoring by Auditor,

**Com. Sub. for S. B. 493**, Relating to guaranty associations,

**Com. Sub. for S. B. 499**, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees,

**Com. Sub. for S. B. 500**, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund,

**Com. Sub. for S. B. 510**, Designating hospitals for stroke treatment,

**Com. Sub. for S. B. 522**, Relating generally to Administrative Procedures Act,

**Com. Sub. for S. B. 543**, Relating to confidentiality of medical records,

**Com. Sub. for S. B. 555**, Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities,

**Com. Sub. for S. B. 574**, Relating to crime of misrepresentation of military honors,

**Com. Sub. for S. B. 575**, Approving additional beds for intermediate care facilities,

**S. B. 576**, Relating to Patient Injury Compensation Fund,

**S. B. 584**, Finding certain claims against state to be moral obligations of state,

**Com. Sub. for S. B. 589**, Relating to issuance of personalized plates for antique motor vehicles,

And,

**Com. Sub. for S. B. 616**, Establishing maximum gross weight for certain wood-bearing trucks.

**March 20, 2018**

**S. B. 298**, Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes,

**S. B. 299**, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas,

**Com. Sub. for S. B. 347**, Relating to operation of motorboats,

**Com. Sub. for S. B. 456**, Physical Therapy Licensure Compact Act,

**Com. Sub. for S. B. 461**, Extending time to file petition for motor fuel excise tax refund,

**Com. Sub. for S. B. 475**, Industrial Hemp Development Act,

**Com. Sub. for S. B. 590**, Providing special license plate for curing childhood cancer,

**S. B. 612**, Relating to sale of municipal property,

**S. B. 626**, Relating generally to coal mining,

And,

**S. B. 631**, Relating generally to one-call system.

**March 21, 2018**

**Com. Sub. for H. B. 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit,

**Com. Sub. for H. B. 2916**, Authorizing certain first responders to carry firearms,

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



**Com. Sub. for H. B. 4001**, Relating to eligibility and fraud requirements for public assistance,

**Com. Sub. for H. B. 4002**, Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020,

**Com. Sub. for H. B. 4006**, Revising the processes through which professional development is delivered for those who provide public education,

**Com. Sub. for H. B. 4009**, State Settlement and Recovered Funds Accountability Act,

**Com. Sub. for H. B. 4150**, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient,

**Com. Sub. for H. B. 4156**, Establishing the qualifications of full and part time nursing school faculty members,

**Com. Sub. for H. B. 4157**, Eliminating the refundable exemption for road construction contractors,

**Com. Sub. for H. B. 4187**, Business Liability Protection Act,

**Com. Sub. for H. B. 4214**, Increasing penalties for unlawfully possessing or digging ginseng,

**Com. Sub. for H. B. 4217**, Permitting an attending physician to obtain a patient's autopsy report,

**Com. Sub. for H. B. 4251**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors,

**Com. Sub. for H. B. 4270**, Providing for the timely payment of moneys owed from oil and natural gas production,

**Com. Sub. for H. B. 4320**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions,

**H. B. 4324**, Relating to the employment of individuals by municipal paid fire departments under civil service,

**Com. Sub. for H. B. 4338**, Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety,

**Com. Sub. for H. B. 4350**, Eliminating the regulation of upholstery,

**Com. Sub. for H.B. 4392**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources,

**Com. Sub. for H. B. 4394**, Relating to forest fires,

**Com. Sub. for H. B. 4401**, Relating to the registration of business,

**Com. Sub. for H. B. 4424**, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials,

**Com. Sub. for H. B. 4447**, Providing for a uniform and efficient system of broadband conduit installation,

**H.B. 4486**, Relating to persons required to obtain a license to engage in the business of currency exchange,

**H. B. 4488**, Relating to the Hatfield-McCoy Recreation Authority,

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

**Com. Sub. for H. B. 4524**, Establishing guidelines for the substitution of certain biological pharmaceuticals,

**Com. Sub. for H.B. 4558**, Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office,

**Com. Sub. for H. B. 4571**, Relating to the final day of filing announcements of candidates for a political office,

**Com. Sub. for H. B. 4603**, Providing immunity from civil liability to facilities and employees providing crisis stabilization,

**Com. Sub. for H. B. 4607**, Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails,

**H. B. 4627**, Relating to providing a limitation on the eminent domain authority of a municipal park board,

**H. B. 4629**, Relating to broadband enhancement and expansion policies generally,

**Com. Sub. for S. B. 10**, Relating generally to PSC jurisdiction,

**Com. Sub. for S. B. 46**, Permitting pharmacists to inform customers of lower-cost alternative drugs,

**Com. Sub. for S. B. 51**, Relating to domestic relations,

**Com. Sub. for S. B. 82**, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation,

**Com. Sub. for S. B. 141**, Expanding county assessment and collection of head tax on breeding cows,

**Com. Sub. for S. B. 230**, Authorizing Department of Commerce promulgate legislative rules,

**Com. Sub. for S. B. 244**, Specifying conditions for unlawful possession of firearm at school-sponsored activities,

**Com. Sub. for S. B. 261**, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund,

**Com. Sub. for S. B. 271**, Creating centralized Shared Services Section of Department of Administration,

**Com. Sub. for S. B. 273**, Reducing use of certain prescription drugs,

**Com. Sub. for S. B. 275**, Relating to tax on purchases of intoxicating liquors,

**S. B. 282**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery,

**Com. Sub. for S. B. 283**, Relating generally to procurement by state agencies,

**Com. Sub. for S. B. 313**, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers,

**Com. Sub. for S. B. 336**, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance,

**S. B. 339**, Relating to WV Retirement Health Benefit Trust Fund within PEIA,

**Com. Sub. for S. B. 375**, Relating to farmers markets,

**Com. Sub. for S. B. 392**, Reconfiguring membership of Emergency Medical Services Advisory Council,

**Com. Sub. for S. B. 401**, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders,

**S. B. 406**, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement,

**S. B. 407**, Licensing and approval of child care programs,

**Com. Sub. for S. B. 408**, Licensing of nursing homes and assisted living residences,

**S. B. 411**, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians,

**S. B. 425**, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan,

**Com. Sub. for S. B. 434**, Specifying documents not subject to discovery in certain proceedings,

**Com. Sub. for S. B. 438**, Relating to debt service on bonds secured by State Excess Lottery Revenue Fund,

**Com. Sub. for S. B. 442**, Establishing universal forms and deadlines when submitting prior authorization electronically,

**Com. Sub. for S. B. 443**, Terminating parental rights when certain conditions are met,

**Com. Sub. for S. B. 446**, Creating Agritourism Responsibility Act,

**Com. Sub. for S. B. 445**, Allowing DOH acquire real or personal property for utility accommodation,

**S. B. 463**, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture,

**S. B. 468**, Changing date and recipients for submission of Auditor's annual report,

**Com. Sub. for S. B. 469**, Converting Addiction Treatment Pilot Program to permanent program,

**Com. Sub. for S. B. 495**, Designating specific insurance coverages exempt from rate filing requirements,

**S. B. 498**, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest,

**Com. Sub. for S. B. 501**, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System,

**Com. Sub. for S. B. 506**, Deregulating persons who perform work on heating, ventilating, and cooling systems,

**Com. Sub. for S. B. 521**, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer,

**S. B. 525**, Relating to certification for emergency medical training - mining,

**Com. Sub. for S. B. 528**, Providing additional circuit judge for nineteenth judicial circuit,

**Com. Sub. for S. B. 548**, Authorizing county commissions to pay election officials,

**Com. Sub. for S. B. 582**, Allowing candidate for political party executive committee serve as election official,

**S. B. 585**, Altering boundary line between Doddridge and Harrison counties,

**Com. Sub. for S. B. 603**, Relating to proceedings for involuntary custody for examination,

**Com. Sub. for S. B. 625**, Creating WV Volunteer Fire and Rescue Act of 2018,

And,

**S. B. 635**, Relating to 2019 salary adjustment for employees of DHHR.

**March 23, 2017**

**Com. Sub. for H. B. 4166**, Establishing a special revenue fund to be known as the “Capital Improvements Fund — Department of Agriculture Facilities”.

### **Messages from the Executive**

Actions of His Excellency, the Governor, on other bills are indicated in communications, addressed to the Secretary of State, as follows:

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East

Charleston, WV 25305

March 15, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled House Bill 4376

Dear Secretary Warner:

Pursuant to the provisions of section fifty-one, article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill 4376, passed March 8, 2018, approved with the following objections:

My first objection to the Bill is contained in the title of the bill, on page 1, lines 1-16, which state:

**“AN ACT expiring funds to the balance of the Department of Health and Human Resources, Division of Health — Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, in the amount of \$2,953,990 from the Department of Health and Human Resource, Division of Health - The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resource, Division of Health - The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2018, organization 0506, to the Department of Health and Human Resource, Division of Health - Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, and to the Department of Health and Human Resources, Division of Human Services - Health Care Provider Tax, Medicaid State Share Fund, fund 5090, fiscal year 2018, organization 0511, by supplementing and amending chapter one, Acts of the Legislature, 1st extraordinary session, 2017, known as the budget bill.”**

Included in this supplemental bill is an expiration to the Medical Cannabis Program Fund to fund startup costs associated with the Medical Cannabis Program. Since the program's inception, the State Treasurer has stated his objection to processing funds in the State Treasury related to cannabis due to federal banking regulations. To alleviate any of those concerns, I am going to veto this expiration to the Medical Cannabis Program Fund and search for a solution that will resolve this issue and allow the program to be implemented as mandated in the statute.

Therefore, on page 1, line 3, I am reducing the amount in the language by \$2,953,990 to \$0.

My second objection to the Bill is contained on page 2, lines 4-9, which state:

**“That the balance of funds available for expenditure in the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Health - The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, be decreased by expiring the amount of \$2,953,330 to the Department of Health and Human Resources, Division of Health — Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, to be available for expenditure during the fiscal year ending June 30, 2018.”**

Having deleted language in the title of the Bill in objection one above, I am reducing the amount in the language on page 2, line 7 by \$2,953,330 to \$0.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill 4376.

Sincerely,

Jim Justice,  
Governor

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 15, 2018



**Veto Message**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill No. 152

Dear President Warner:

Pursuant to the provisions of section fifty-one, article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for Senate Bill No. 152, passed March 10, 2018, approved with the following objections:

My first objection to the Bill is contained in Item 58, page 46, lines 24-29, which state:

**“From the above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500), together with available funds from the Division of Health – Hospital Services Revenue Account (fund 5156, appropriation 33500), on July 1, 2018, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.”**

The Department of Agriculture has requested this mandate for our health institutions to purchase food through them be eliminated due to the burden it places on the department in sourcing appropriate food products for these institutions. Therefore, I am reducing the amount in the language on page 46, line 26, by \$160,000 to \$0.

My second objection to the Bill is contained in Item 68, pages 55 and 56, lines 44-48, which state:

**“From the above appropriation to Unclassified (fund 0450, appropriation 09900), on July 1, 2018, the sum of \$300,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase**

**of food products; actual payments for such purchases shall not be required until such credits have been completely expended.”**

Provisions in HB 4338 that reorganized the state correctional agencies into a Division of Corrections and Rehabilitation eliminated the requirement that correctional institutions buy food products from the Department of Agriculture. Therefore, I am reducing the amount in the language on page 55, line 45, by \$300,000 to \$0.

My third objection to the Bill is contained in Item 72, page 59, lines 21-24, which state:

**“From the above appropriations, on July 1, 2018, the sum of \$50,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.”**

Provisions in HB 4338 that reorganized the state correctional agencies into a Division of Corrections and Rehabilitation eliminated the requirement that correctional institutions buy food products from the Department of Agriculture. Therefore, I am reducing the amount in the language on page 59, line 21, by \$50,000 to \$0.

My fourth objection to the Bill is contained in Item 202, pages 110 and 111, lines 16-21, which state:

**“From the above appropriation to Institutional Facilities Operations, together with available funds from the Consolidated Medical Services Fund (fund 0525, appropriation 33500) on July 1, 2018, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.”**

The Department of Agriculture has requested this mandate for our health institutions to purchase food through them be eliminated due to the burden it places on the department in sourcing appropriate food products for these institutions. Therefore, I am

reducing the amount in the language on page 110, line 18, by \$160,000 to \$0.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for Senate Bill No. 152.

Sincerely,

Jim Justice,  
Governor

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for the Committee Substitute for Senate Bill 141

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for the Committee Substitute for Senate Bill 141.

Enrolled Committee Substitute for the Committee Substitute for Senate Bill 141 amends and reenacts current West Virginia Code §7-7-6e. The current law requires the assessment and collection of \$1 on all breeding age sheep and goats to participate

in the Coyote Control Program. It creates a new fee for cow owners. It could be the first step toward making the fee for cow owners mandatory.

For these reasons, I must disapprove and return Enrolled Committee Substitute for the Committee Substitute for Senate Bill 141.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 313

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 313.

Enrolled Committee Substitute for Senate Bill 313 exempts all licensure fees for three groups of individuals: low income individuals, military families and young workers (ages 18 - 25). This exemption applies to all licensing boards included in WV Code Chapter 30 and apply to all licensing fees for the board, as long as the applicant continues to meet the exemption.

Although the intentions behind this bill were noble, the implementation of the exemptions are overly broad by incorporating an exemption for a group of young workers (age 18 - 25), who are applying for a professional license and beginning what could be a very lucrative career. Allowing an exemption for this group does not serve the laudable goals that the bill intended.

In addition, the fees that would be waived by this bill make up a substantial component of their annual budget, which is used for the oversight, investigation and discipline of the license holders. If a board's budget is reduced by the waiving of these licensing fees, it will damage the public safety efforts that the board is charged with instituting.

For these reasons, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 313.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Senate Bill 322

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 322.

Enrolled Senate Bill 322 amends and reenacts current West Virginia Code §19-1-3. The bill authorized the Department of Agriculture's Commissioner of Agriculture to employ a general counsel and other such personnel necessary to perform the duties of the office.

The Attorney General's office currently provides legal services to the Department of Agriculture. The bill would provide for an expansion of government within the Department of Agriculture by authorizing the employment of a general counsel and other support staff.

For this reason, I must disapprove and return Enrolled Senate Bill 322.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Senate Bill 343

Dear Secretary of State Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 343.

The provisions of this bill conflict with W. Va. Code §11A-3-56. The bill increases, from \$200 to \$500, the maximum amount that a county sheriff is to pay the purchaser of a redeemed tax delinquent property for additional expenses incurred in preparing the list for the notice to redeem and an incidental title examination, W.Va. Code §11A-3-58 requires a sheriff to pay the purchaser for such expenses once the land has been redeemed pursuant to §11A-3-56 and the deputy commissioner has delivered the redemption money to the sheriff. The bill does not amend W.Va. Code §11A-3-56, which requires a person redeeming property to pay the deputy commissioner up to \$200 for additional expenses incurred in preparing this list for the notice to redeem and any incidental title examination. Therefore, enactment of this bill could result in county sheriffs paying more to purchasers than is received from owners of redeemed property. For this reason, I disapprove and return Enrolled Senate Bill 343.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 392

Dear Secretary of State Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 392.

The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). The bill attempts to modify the membership of the Emergency Medical Services Advisory Council. The bill's title provides that it relates to "reconfiguring and increasing the membership of the council by *adding three nonvoting citizen members* and requiring three members to be representative of professional groups." (Emphasis added). However, the bill does not add any additional citizen members to the council. W.Va. Code §16C-4C-5 currently requires that the council include three persons to represent the general public. In regard to citizen members, the bill actually strips away the voting rights of the three members currently required to represent the general public. In addition to this technical defect, I also disapprove of the policy eliminating the voting privileges of council members whose sole responsibility is to represent the interests of the general public. For these reasons, I disapprove and return Enrolled Committee Substitute for Senate Bill No. 392.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia



Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 434

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 434.

Enrolled Committee Substitute for Senate Bill 434 makes confidential and not subject to disclosure documents regarding the hiring, discipline, terminating, credentialing, issuing and renewing of staff privileges, as well as alleged misconduct of a health care provider. It further mandates nondisclosure for performance improvement, review, recommendation and audit documents regarding the performance of health care professionals.

To shield such documents from disclosure does not allow patients harmed in the course of their treatment, to fully seek redress of their damages and be made whole. It puts patients at a disadvantage as they pursue their claims. The bill is bad public policy for West Virginia because it does not promote patient rights and public safety.

For these reasons, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 434.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 442

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 442.

Enrolled Committee Substitute for Senate Bill No. 442 requires the Public Employees Insurance Agency (PEIA), managed care organizations (MCOs) and private commercial insurance companies to develop forms and accept electronic prior authorization requests by specific deadlines. Most notably, the legislation purports to void existing contractual agreements governing the prior authorization process by declaring them “unenforceable”.

Enrolled Community Substitute for Senate Bill 442 is concerning because it voids current contracts governing prior authorization response times would be ruled as unconstitutional. WV Code §33-4-22(i) of the bill violates the Contracts Clause of both the Constitutions of the United States (U.S. Const. Art. I, § 10, cl. 1) and of West Virginia (W.Va. Const. Art. III, § 3, cl. 4). Both the Supreme Court of Appeals of West Virginia and the United States Supreme Court have held state laws unconstitutional where a state statute “impairs the obligation of an existing contract” Devon Corp. v. Miller, 167, W. Va. 362, 280 S.E.2d. 108 (1981), cert. denied, 455 U.S. 933, 102 S. Ct. 1622, 7 L. Ed. 2d 855 (1982). If this provision would become law, insurance companies, with current contracts that govern response times for prior authorizations, would have no alternative but to unilaterally alter these contracts based on the requirements of this bill. This legislative interference with current contracts would be unconstitutional.

For these reasons, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 442.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4009

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 4009.

Enrolled Committee Substitute for House Bill 4009 requires the award or recovery of funds or assets, because of lawsuit or settlement, to the state of any kind be deposited in the General Revenue Fund. Funds or assets collected would be required to be dispersed only through a legislative appropriation which would significantly delay any implementation of correcting the problem or redress of the damages awarded.

Although this bill was intended to disallow unfettered use of an officeholder's discretionary settlement funds, its application to the Executive Branch is ill conceived and does not take into consideration

the practical effect on an agency when actual monetary damages are incurred because of a breach of contract. For example, if the roof on a state building is being repaired, is damaged during performance and there is a failed completion of the initial contractor's work, the state agency may have to bring an action against the contractor for the damages. In this instance, the state agency may be required to hire another contractor to repair the damages and complete the work, causing the agency to incur substantial additional damages. The agency would be required to recover by court action, then the damages received for the roof are then deposited to the General Fund. Under this bill, only in the event if the Legislature chose to re-appropriate, would the agency recover for its loss.

Additionally, when the recovery of settlement funds are damages because of a fraud investigation against a vendor or constituent, to reallocate the money to the General Fund impedes the purpose of the state's litigation against a fraudulent vendor and limits the agency's ability to complete the contract.

Also, the bill does not allow for the return of any administrative costs on behalf of the state agency in a damage award to the state agency involved in the litigation or prosecution of the case. However, the bill does specifically to the Attorney General to recover those costs. The lack of administrative costs contemplated in this bill could discourage state agencies from bringing lawsuits or assisting in the prosecution of cases in the future.

Finally, to require that any damages awarded to a state agency be deposited in the General Revenue Fund and then be re-appropriated through the legislative process would significantly delay the timely operation of state contracts and perhaps result in more damages, especially in instances where mitigation of damages is required.

I look forward to the opportunity to address this important issue with the WV Legislature, however, for these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 4009.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4166

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 4166.

Enrolled Committee Substitute for House Bill No. 4166 creates a new West Virginia Code §19-1-4e and amends and reenacts West Virginia Code §19-12A-6a. The new section establishes a new Capital Improvements Fund for Department of Agriculture facilities that is not needed. The Department of Agriculture construction and improvements can be funded by annual appropriations through the regular budget process.

For these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 4166.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East

Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4199

Dear Secretary of State Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 4199. The provisions of this bill would allow authorized medication assistive personnel, instead of certified nurses, to dispense medication to nursing home residents. Nursing home residents are among our most vulnerable citizens and deserve the highest level of professional care. Lessening the professional standards for the those caring for nursing home residents would inevitably result in diminished care. For this reason, I disapprove and return Enrolled Committee Substitute for House Bill 4199.

Sincerely,

Jim Justice,  
*Governor.*

State of West Virginia  
Office of the Governor  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

**Veto Message**

The Honorable Mac Warner  
Secretary of State

State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4392

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 4392 for technical reasons.

Enrolled Committee Substitute for House Bill 4392 contains a significant technical flaw that inadvertently creates an incorrect burden of proof that the allocation agreed to by the parties was proper on the WV Department of Health and Human Resources. This technical error would require that the WVDHHR take a contrary legal position than it should be taking, undercutting the Department's case and causing confusion. This technical error is sufficient to require a technical veto.

For these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 4392.

Sincerely,

Jim Justice,  
*Governor.*

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on March 10, 2018, he approved **Com. Sub. for H. B. 4142**; on March 15, 2018, he approved **H. B. 4389, H. B. 4379, S. B. 385, S. B. 633**; on March 20, 2018, he approved **Com. Sub. for H. B. 2008, Com. Sub. for H. B. 2483, Com. Sub. for H. B. 2890, Com. Sub. for H. B. 4022, H. B. 4025, Com. Sub. for H. B. 4036, Com. Sub. for H. B. 4079, Com. Sub. for H. B. 4138, Com. Sub. for H. B. 4400, H. B. 4410, H. B. 4436, Com. Sub. for H. B. 4444, H. B. 4621, H. B. 4622, H. B. 4626, Com. Sub. for S. B. 37, S. B. 47, Com. Sub. for**

S. B. 110, Com. Sub. for S. B. 133, Com. Sub. for S. B. 134, S. B. 143, Com. Sub. for S. B. 146, Com. Sub. for S. B. 181, S. B. 242, Com. Sub. for S. B. 307, Com. Sub. for S. B. 319, Com. Sub. for S. B. 327, S. B. 338, S. B. 346, Com. Sub. for S. B. 348, S. B. 350, S. B. 351, Com. Sub. for S. B. 359, S. B. 364, S. B. 365, Com. Sub. for S. B. 395, S. B. 427, S. B. 444, S. B. 464, Com. Sub. for S. B. 522 and S. B. 584; on March 21, 2018, he approved Com. Sub. for H. B. 2028, Com. Sub. for H. B. 2995, Com. Sub. for H. B. 4002, Com. Sub. for H. B. 4156, Com. Sub. for H. B. 4157, Com. Sub. for H. B. 4187, Com. Sub. for H. B. 4217, H. B. 4488, Com. Sub. for H. B. 4558, Com. Sub. for S. B. 46, Com. Sub. for S. B. 230, Com. Sub. for S. B. 261, Com. Sub. for S. B. 271, Com. Sub. for S. B. 273, Com. Sub. for S. B. 336, Com. Sub. for S. B. 397, S. B. 411, Com. Sub. for S. B. 451, S. B. 525 and S. B. 635; on March 22, 2018, he approved Com. Sub. for H. B. 2693, Com. Sub. for H. B. 2696, Com. Sub. for H. B. 2799, H. B. 2869, Com. Sub. for H. B. 2983, Com. Sub. for H. B. 3104, Com. Sub. for H. B. 4027, Com. Sub. for H. B. 4035, Com. Sub. for H. B. 4042, H. B. 4183, Com. Sub. for H. B. 4238, Com. Sub. for H. B. 4251, H. B. 4285, Com. Sub. for H. B. 4343, Com. Sub. for H. B. 4368, Com. Sub. for H. B. 4394, H. B. 4433, H. B. 4434, H. B. 4462, H. B. 4486, Com. Sub. for H. B. 4522, Com. Sub. for H. B. 4619, H. B. 4627, H. B. 4628, Com. Sub. for S. B. 51, S. B. 298, S. B. 339, Com. Sub. for S. B. 347, Com. Sub. for S. B. 438, Com. Sub. for S. B. 461, S. B. 539, S. B. 576 and Com. Sub. for S. B. 616; on March 27, 2018, he approved Com. Sub. for H. B. 2464, Com. Sub. for H. B. 2654, Com. Sub. for H. B. 2655, Com. Sub. for H. B. 2694, Com. Sub. for H. B. 2843, Com. Sub. for H. B. 2916, Com. Sub. for H. B. 2982, Com. Sub. for H. B. 3005, Com. Sub. for H. B. 3089, Com. Sub. for H. B. 4001, Com. Sub. for H. B. 4013, Com. Sub. for H. B. 4015, Com. Sub. for H. B. 4016, Com. Sub. for H. B. 4023, Com. Sub. for H. B. 4024, Com. Sub. for H. B. 4150, Com. Sub. for H. B. 4156, Com. Sub. for H. B. 4169, Com. Sub. for H. B. 4175, H. B. 4178, Com. Sub. for H. B. 4180, Com. Sub. for H. B. 4207, Com. Sub. for H. B. 4214, Com. Sub. for H. B. 4230, Com. Sub. for H. B. 4233, Com. Sub. for H. B. 4236, Com. Sub. for H. B. 4270, Com. Sub. for H. B. 4275, Com. Sub. for H. B. 4276, Com. Sub. for H. B. 4279, Com. Sub. for H. B. 4289, Com. Sub. for H. B. 4320, H.



**B. 4324, H. B. 4332, Com. Sub. for H. B. 4336, H.B. 4338, Com. Sub. for H. B. 4347, Com. Sub. for H. B. 4350, Com. Sub. for H. B. 4401, H. B. 4402, H. B. 4422, Com. Sub. for H. B. 4424, Com. Sub. for H. B. 4447, Com. Sub. for H. B. 4453, Com. Sub. for H. B. 4473, Com. Sub. for H. B. 4478, Com. Sub. for H. B. 4502, Com. Sub. for H. B. 4509, Com. Sub. for H. B. 4524, H. B. 4529, Com. Sub. for H. B. 4546, Com. Sub. for H. B. 4571, Com. Sub. for H. B. 4603, Com. Sub. for H. B. 4607, Com. Sub. for H. B. 4618, H. B. 4624, H. B. 4629, Com. Sub. for S. B. 10, Com. Sub. for S. B. 36, Com. Sub. for S. B. 73, Com. Sub. for S. B. 82, Com. Sub. for S. B. 102, Com. Sub. for S. B. 244, Com. Sub. for S. B. 272, Com. Sub. for S. B. 273, Com. Sub. for S. B. 275, S. B. 282, Com. Sub. for S. B. 283, Com. Sub. for S. B. 290, S. B. 299, Com. Sub. for S. B. 375, S. B. 397, Com. Sub. for S. B. 401, Com. Sub. for S. B. 404, S. B. 406, S. B. 407, Com. Sub. for S. B. 408, Com. Sub. for S. B. 412, S. B. 425, S. B. 441, Com. Sub. for S. B. 443, Com. Sub. for S. B. 445, Com. Sub. for S. B. 446, Com. Sub. for S. B. 451, Com. Sub. for S. B. 456, S. B. 463, Com. Sub. for S. B. 465, S. B. 468, Com. Sub. for S. B. 469, Com. Sub. for S. B. 475, S. B. 479, Com. Sub. for S. B. 493, Com. Sub. for S. B. 495, S. B. 498, Com. Sub. for S. B. 499, Com. Sub. for S. B. 501, Com. Sub. for S. B. 506, Com. Sub. for S. B. 510, Com. Sub. for S. B. 521, Com. Sub. for S. B. 528, Com. Sub. for S. B. 543, Com. Sub. for S. B. 548, Com. Sub. for S. B. 555, Com. Sub. for S. B. 561, Com. Sub. for S. B. 574, Com. Sub. for S. B. 575, Com. Sub. for S. B. 582, S. B. 585, Com. Sub. for S. B. 589, Com. Sub. for S. B. 590, Com. Sub. for S. B. 603, S. B. 612, Com. Sub. for S. B. 625, S. B. 626 and S. B. 631; on March 28, 2018, he approved **Com. Sub. for H. B. 4006.****

The following bills became law without the signature of the Governor:

**Com. Sub. for S. B. 415**, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities,

**Com. Sub. for S. B. 500**, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund,

**Com. Sub. for H. B. 3004**, Relating to filling vacancies in certain offices,

And,

**Com. Sub. for H. B. 4186**, Relating generally to guaranteed asset protection waivers.

### **Miscellaneous Business**

Delegate E. Evans announced that he was absent on today when the vote was taken on Com. Sub. for H. B. 2799 (Roll No. 501), and that had he been present, he would have voted “Yea” thereon.

Delegate Fleischauer announced that she was absent on today when the vote was taken on Com. Sub. for H. B. 4001 (Roll No. 552), and that had she been present, she would have voted “Nay” thereon.

Delegates Nelson, Westfall and White noted to the Clerk that they were absent on today when the vote was taken on Roll No. 534, and that had they been present, they would have voted “Yea” thereon.

Delegates Nelson and White noted to the Clerk that they were absent on today when the vote was taken on Roll No. 535, and that had they been present, they would have voted “Yea” thereon.

Delegate Caputo submitted a card to the Clerk requesting to be recorded in the Journal as voting against the adoption of S. C. R. 54 and S. C. R. 55.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Hornbuckle regarding Marshall University
- All Delegate farewell speeches

On motion of Delegate Overington, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed the business of this Second Regular Session of the 83<sup>rd</sup> Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates C. Miller, Hamilton and Canestraro.

On motion of Delegate Overington, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates Kelly, Blair and Moye.

The hour of midnight having arrived, on motion of Delegate Overington, the House of Delegates adjourned *sine die*.

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*We hereby certify that the forgoing record of the proceedings of the House of Delegates, Second Regular Session, 2018, is the Official Journal of the House of Delegates for said session.*

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Tim Armstead  
*Speaker of the House of Delegates*

---

Stephen J. Harrison  
*Clerk of the House of Delegates*









West Virginia Legislature  
Journal  
of the  
House of Delegates

Eighty-Third Legislature  
First Extraordinary Session

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Charleston, Sunday, May 20, 2018

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[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

Pursuant to the Proclamation of His Excellency, the Governor, issued the eighteenth day of May, 2018, and hereinafter set forth, convening the Legislature in Extraordinary Session on the twentieth day of May, 2018 at 6:00 p.m., the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston and was called to order by the Speaker, the Honorable Tim Armstead.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

### **Messages from the Executive**

A communication was laid before the House of Delegates, which was read by the Clerk as follows:

#### STATE OF WEST VIRGINIA

Jim Justice  
Governor of West Virginia

March 22, 2018

The Honorable Mac Warner  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Sharon Lewis Malcolm, 303 Beacon Terrace, Charleston, Kanawha County, West Virginia 25825, as a Delegate representing the Thirty-Ninth District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Ron Walters.

Sincerely,

Jim Justice,  
*Governor.*

The Clerk announced that Delegate Malcolm had taken the oath of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia on March 30, 2018.

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 570**), and 90 members being present, the Speaker declared the presence of a quorum. The absent being as follows:



Absent: Blair, Espinosa, Gearheart, Hartman, Higginbotham, Hill, Lane, McGeehan, White and Wilson.

### **Messages from the Executive**

The Speaker laid before the House of Delegates a Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk.

### **A P R O C L A M A T I O N**

By the Governor

**I, JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at six p.m. on the twentieth day of May, Two Thousand Eighteen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

**FIRST:** A bill that continues the Division of Culture and History as the Department of Arts, Culture and History with a Curator of Arts, Culture and History, and that organizes the West Virginia Education Broadcasting Authority and the State Library Commission within the department; and

**SECOND:** A bill to amend sections contained in Enrolled Committee Substitute for Senate Bill 625 to eliminate the one-payment requirement and provide for a distribution of payments consistent with intestate statutes if there is no beneficiary designated by the decedent, and to provide a retroactive effective date of January 1, 2018; and

**THIRD:** A bill to amend sections contained in Enrolled Committee Substitute of House Bill 4015 to address technical issues, provide clarifying language, and modify rulemaking and reporting requirements; and

**FOURTH:** A bill to amend sections contained in Enrolled Committee Substitute for House Bill 4169 to correct technical

issues, provide rulemaking authority, provide clarifying language, and modify criminal penalties; and

**FIFTH:** A bill returning to original introduced language for Section 7.A.2 and 7.A.3; 7.C.5; Section 9.A; and Section 10.D.2; all contained in WV Code 30-41-2 in Enrolled Committee Substitute for Senate Bill 456; and

**SIXTH:** A bill to modify dates and deadlines related to the sale of tax delinquent property; and

**SEVENTH:** A supplemental appropriation bill to fund 0407; fiscal year 2019, organization 0506, of the Department of Health and Human Resources - Division of Health - Central Office; and

**EIGHTH:** A surplus supplemental appropriation bill to fund 0433, fiscal year 2018, organization 0603, of the Department of Military Affairs and Public Safety - Adjutant General - State Militia; and to fund 0546, fiscal year 2018, organization 0620, of the Department of Military Affairs and Public Safety - Division of Justice and Community Services; and

**NINTH:** Legislation authorizing and appropriating the expenditure of public funds to pay the expenses for the Extraordinary Session.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**DONE** at the Capitol in the City of Charleston, State of West Virginia, this eighteenth day of May, in the year of our Lord, Two Thousand Eighteen, and in the One Hundred Fifty-Fifth year of the State.

Jim Justice,  
*Governor*

By the Governor

Mac Warner,  
*Secretary of State*

### **Messages from the Senate**

A message from the Senate, by  
Senators Maynard, Romano and Sypolt announced that the Senate had assembled with a quorum present, and was ready to proceed with the business of this session.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Ambler, Sypolt and Lynch.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Kelly, Sobonya and Hicks.

### **Messages from the Executive and Other Communications**

A communication was laid before the House of Delegates, which was read by the Clerk as follows:

House of Delegates  
West Virginia Legislature  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305

March 28, 2018

The Honorable Tim Armstead  
Speaker, WV House of Delegates  
Building 1, Room 228M  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Speaker Armstead,

I, Marshall W. Clay, do hereby resign my position as West Virginia House of Delegates Sergeant at Arms effective Sunday, April 1, 2018 at 11:59 p.m.

It has been an honor and privilege to serve in this position and under your leadership.

Sincerely,

Marshall W. Clay

STATE OF WEST VIRGINIA

Jim Justice  
Governor of West Virginia

May 20, 2018

**HOUSE EXECUTIVE MESSAGE NO. 1  
2018 FIRST EXTRAORDINARY SESSION**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Building 1, Room M-228  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Speaker Armstead:

The following amends and replaces the FY 2018 “General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted to you on January 10, 2018 as part of my Budget Document for the fiscal year ending June 30, 2019:

General Revenue Fund

Statement of Revenues, Expenditures, and Changes in Cash  
Balance

(Nearest Dollar)

Actual Beginning Cash Balance July 1, 2017	\$398,066,711
Less: 31 Day Disbursements (July 1, 2017 - July 31, 2017)	(35,856,031)
Plus: Prior Year Reimbursements (July 1, 2017 - July 31, 2017)	20
Less: Prior Year Appropriations Forwarded	(285,143,465)
Less: Cash Balance - Adjustments and Accruals	<u>(1,023,695)</u>
Accumulated Surplus from FY 2017@ July 31, 2017	\$76,043,540
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	(38,021,770)
Less: FY 2018 Surplus Appropriation (FY 2018 Budget Bill)	(38,021,770)
Plus: FY 2018 Suplus Appropriation (2018 Regular Session) SB633  (Expire Special Rev)	   1,620,000

Less:	FY 2018 Surplus Appropriation (2018 Regular Session) SB633	(1,620,000)
Plus:	Prior Year Reimbursements and adjustments (August 1, 2017 - May 15, 2018)	2,586,819
Less:	<b>Recommended</b> FY 2018 Surplus Appropriations (2018 1st Special Session)	<u>(1,050,000)</u>
	Estimated Unappropriated Surplus Balance @ June 30, 2018	<b>\$1,536, 819</b>
Plus:	FY 2018 Revenue Estimate	\$4,225,050,000
Less:	FY 2018 Appropriations	(4,225,050,000)
Plus:	FY 2018 Appropriations (FY 2018 Budget Bill) veto	<u>0</u>
	Estimated Unappropriated Balance from FY 2018 Activity @ June 30, 2018	<b>\$0</b>
Plus:	FY 2019 Revenue Estimate	\$4,439,920,000
Less:	FY 2019 Appropriations (FY 2019 Budget Bill)  (2018 Regular Session)	<u>(4,381,808,884)</u>
	Estimated Unappropriated Balance from FY 2019 Activity @ June 30, 2019	<u><b>\$58,111,116</b></u>
	Total Estimated Unappropriated Balance @ June 30, 2019	<u><b>\$59,647,935</b></u>

Note: General Revenue FY2019 Surplus Appropriations of up to \$13,765,000 are to be appropriated from any available surplus balance at the end of FY 2018.

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice,  
*Governor.*

### **Bills Introduced**

Bills were introduced, pursuant to House Rule 92, as follows:

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 101** - "A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended, as contained in Chapter 105, Acts of the Legislature, Regular Session, 2018; and to amend and reenact §29-1-1 and §29-1-2 of said code, all relating to the Division of Culture and History continuing as the Department of Arts, Culture and History; providing that the Library Commission and the West Virginia Educational Broadcasting Authority shall be organized within the Department of Arts, Culture and History for administrative support; providing that any references throughout this code to the 'Commissioner of Culture and History' means the 'Curator of Arts, Culture and History' and any references throughout this code to the 'Division of Culture and History' means the 'Department of Arts, Culture and History'; organizing the Department of Arts, Culture and History as a separate independent agency within the Executive Branch; continuing the Commissioner of Culture and History as the Curator of Arts, Culture and History; specifying that the curator reports directly to Governor in furtherance of purposes and duties of the department; specifying the role of the curator; specifying that the curator is to represent the department as a full participating member in meetings of department secretaries convened by the Governor."

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 101) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 102** - “A Bill to amend and reenact §5H-1-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 211, Acts of the Legislature, Regular Session, 2018, relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act; creating a retroactive effective date; deleting a one-payment requirement for the benefit; requiring benefit distribution be consistent with the intestate statutes when no beneficiary documents are found; requiring the fire, EMS, or law-enforcement program to provide documentation of surviving spouse, descendants or parents of the decedent; and correcting terms for consistency of requirements.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 102) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 103** - “A Bill to amend and reenact §5A-12-5, §5A-12-6, §5A-12-7, and §5A-12-10 of the Code of West Virginia, 1931, as amended, as contained in Chapter 106, Acts of the Legislature, Regular Session, 2018; and to amend and reenact §17A-3-23, §17A-3-25, and §17A-3-26 of said code, as contained in Chapter 106, Acts of the Legislature, Regular Session, 2018, all relating to the management and inventory of state vehicles; requiring spending units to prepare and maintain a list of all employees provided a state vehicle that sets forth the specific bona fide noncompensatory business reasons for which the state vehicle is being provided to each employee and submit such list to the fleet management division; modifying vehicle log requirements; modifying reporting requirements; eliminating language related to perjury penalties; and eliminating provisions related to traffic citations.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 103) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.



**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 104** - “A Bill to amend and reenact §15-9A-4 of the Code of West Virginia, 1931, as amended, as contained in Chapter 216, Acts of the Legislature, Regular Session, 2018, relating to modifying the type of businesses and establishments required to post human trafficking assistance notices; modifying the criminal penalties for failure to comply with posting of notices once given notice of lawful duty to post; providing that a business or establishment that does not correct a violation within 30 days from the receipt of notice is guilty of a misdemeanor and, upon a first conviction thereof, shall be fined not more than \$250; and providing that a second or subsequent conviction is punishable by a fine of not less than \$250 nor more than \$500.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 104) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 105** - “A Bill to amend and reenact §30-41-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 177, Acts of the Legislature, Regular Session, 2018, related to creating the Physical Therapy Licensure Compact Act; establishing Commission rule-making authority; providing for legal enforcement of compact rules and provisions; and establishment of proper venue, and retention of sovereign immunity.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 105) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 106** - “A Bill to amend and reenact §11A-3-19, §11A-3-20, §11A-3-23, §11A-3-27, §11A-3-55, §11A-3-56 and §11A-3-59 of the Code of West Virginia, 1931, as amended, all relating

generally to purchasers of liens securing a deed; amending dates and timeframes for securing deeds; allowing property to be redeemed prior to recording of deed; and amending the timeframe for notice to be provided or published.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 106) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 107** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 107) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

**By Mr. Speaker (Mr. Armstead) and Delegate Miley  
[By Request of the Executive]:**

**H. B. 108** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Adjutant General – State Militia, fund 0433, fiscal year 2018, organization 0603, and to the Department of Military Affairs and Public Safety, Division of Justice and Community Services, fund 0546, fiscal year 2018, organization 0620, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (H. B. 108) to a committee

was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

**By Delegates Pushkin, Bates, Ferro, Barrett, Caputo, Byrd and Williams:**

**H. B. 109** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §16B-1-1, §16B-1-2, §16B-1-3, §16B-1-4, §16B-1-5, §16B-1-6, §16B-1-7 and §16B-1-8, all relating to the Medical Cannabis Banking Act; stating the short title; defining terms; requiring the Treasurer to create a closed-loop system to accept moneys and payments; requiring vendors to comply with all federal, state and local laws, regulations and rules; establishing various requirements for the closed-loop system and matters the system should prohibit; authorizing the Treasurer to determine payment methods and to withdraw any funds due the state; establishing that a financial institution does not have to qualify as a state depository; determining that actions under the Act are not unlawful; prohibiting the commissioner of financial institutions from impairing operations of financial institutions under the Act; indemnifying the Treasurer and employees of the Treasurer's office when acting within the scope of their duties under the Act; authorizing fees; exempting confidential information from the freedom of information act; authorizing the bureau of public health and law enforcement access to the closed-loop system and all information under the Act; authorizing others approved by the Treasurer to access the closed-loop system and information under the Act upon execution of a nondisclosure agreement; establishing that the Act controls over the Medical Cannabis Act; and determining that proprietary interests are subject to the uniform unclaimed property act."

Speaker Armstead stated that, based on past practice of the House, he reserved the right to rule regarding whether the bill was within the scope of the Proclamation of the Governor if the bill comes to the floor for further consideration.

Delegate Caputo asked unanimous consent that reference of the bill to a committee be dispensed with, and the bill be taken up for

immediate consideration and read a first time which consent was not granted, objection being heard.

Delegate Caputo then so moved.

On this question, the yeas and nays were taken (**Roll No. 571**), and there were—yeas 32, nays 56, absent and not voting 12, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Lovejoy, Marcum, R. Miller, Moye, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Thompson and Williams.

Absent and Not Voting: Blair, Espinosa, Gearheart, Hartman, Higginbotham, Hill, Lane, McGeehan, Miley, Sponaugle, White and Wilson.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

The Speaker referred the bill to the Committee on Health and Human Resources then Banking and Insurance then Finance.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Blair, Espinosa, Gearheart, Hartman, Higginbotham, Hill, Lane, McGeehan, White and Wilson.

### **Miscellaneous Business**

Delegate Fluharty filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 109.

At 7:05 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, May 21, 2018.

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Monday, May 21, 2018

**SECOND DAY**

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Sunday, May 20, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**ELECTION OF SERGEANT AT ARMS**

The next order of business being the election of Sergeant-at-Arms, nominations were in order.

Delegate Rowan, the Delegate from the 57<sup>th</sup> Delegate District, nominated Anne Lieberman, of the County of Kanawha, as follows:

DELEGATE ROWAN. Thank you, Mr. Speaker. It is an honor to nominate Anne Lieberman as Sergeant at Arms to the West Virginia House of Delegates. She is loyal, dedicated, knowledgeable and best of all, she is a people person. She has served us well over the past several years and will continue to do so.

The nomination was seconded by Delegate Capito of the 35<sup>th</sup> Delegate District, with the following remarks:

DELEGATE CAPITO. Thank you, Mr. Speaker and members and guests. It's my honor and pleasure to second the nomination of Anne Lieberman to be Sergeant at Arms of this House. She has done a fantastic job, especially this last year. We cannot say that she comes into this job untested. She is professional and kind, but she is also tough, and we know that she will do a wonderful service to this

House. I encourage her nomination and thank her for her service. Thank you, Mr. Speaker.

On motion of Delegate Cowles, nominations were closed and the Honorable Anne Lieberman, of the County of Kanawha, was elected Sergeant at Arms by acclamation. (Applause, the members rising.)

Ms. Lieberman then took the oath of office as prescribed for the Sergeant at Arms, which oath of office was administered by the Speaker of the House, Tim Armstead. (Applause.)

### **Special Calendar**

#### **Second Reading**

**H. B. 101**, Reestablishing the Division of Culture and History as the Department of Arts, Culture and History; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Pyles and Rowe, the bill was amended on page eight, section one, line twenty-nine, following the word “arts”, by inserting a comma and the word “humanities”.

And,

On page eight, section one, line thirty-one, following the word “arts”, by inserting a comma and the word “humanities”.

Delegate Pyles moved to amend the bill by striking out all references in the bill to the word “curator” and inserting in lieu thereof the word “commissioner”.

And,

On page nine, section one, by striking out lines forty-five through fifty, and inserting in lieu thereof the following:

“(f) For the purposes of this article, ‘commissioner’ means the Commissioner of Arts, Culture and History, and ‘division’ or ‘department’ means the Division of Department of Arts, Culture and History. Any references throughout this code to the ‘Division

of Culture and History’ means the ‘Department of Arts, Culture and History’.”

On the adoption of the amendment, Delegate Pyles demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 572**), and there were—yeas 37, nays 55, absent and not voting 8, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, Rowe, Sobonya, Sponaule, Thompson and Williams.

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, Love, McGeehan and Wilson.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegates Barrett and Ferro moved to amend the bill on page three, section one, line fifty-six, by striking out the words “which shall provide” and inserting in lieu thereof the words “for the sole purpose of providing”.

On the adoption of the amendment, Delegate Barrett demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 573**), and there were—yeas 36, nays 56, absent and not voting 8, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquina, Isner, Lane, Longstreth, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaule, Thompson and Williams.

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, Love, McGeehan and Wilson.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 574**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, Kessinger, Love, McGeehan and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 575**), and there were—yeas 73, nays 20, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Bates, Boggs, Byrd, Canestraro, Diserio, E. Evans, Ferro, Fleischauer, Hornbuckle, Howell, Isner, Lane, Lovejoy, Lynch, Phillips, Pushkin, Pyles, Robinson, Rohrbach and Rowe.

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 101) passed.

Delegate Cowles moved that the bill take effect June 8, 2018.



On this question, the yeas and nays were taken (**Roll No. 576**), and there were—yeas 91, nays 2, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Isner and Pyles.

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 101) takes effect June 8, 2018.

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

**H. B. 102**, Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Statler, the bill was amended on page one, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“CHAPTER 5H. SURVIVOR BENEFITS.**

**ARTICLE 1. WEST VIRGINIA FIRE, EMS, AND LAW-ENFORCEMENT OFFICER SURVIVOR BENEFIT ACT.**

**§5H-1-2. Death benefit for survivors.**

(a) In the event a firefighter, EMS, or law-enforcement provider dies as a proximate result of the performance of, his or her duties, the department chief, within 30 days from the date of death shall submit certification of the death to the Governor’s Office.

(b) This act includes both paid and volunteer fire, EMS, and law-enforcement personnel acting in the performance of his or her duties of any fire, EMS, or law-enforcement department certified by the State of West Virginia.

(c) A firefighter, EMS, or law-enforcement provider is considered to be acting in the performance of his or her duties for the purposes of this act when he or she is participating in any role of a fire, EMS, or law-enforcement department function. This includes training, administration meetings, fire, EMS, or law-enforcement incidents, service calls, apparatus, equipment or station maintenance, fundraisers, and travel to or from such functions.

(d) Travel includes riding upon or in any apparatus or vehicle which is owned or used by the fire, EMS, or law-enforcement department, or any other vehicle going to or directly returning from a firefighter's home, place of business, or other place where he or she shall have been prior to participating in a fire, EMS, or law-enforcement department function, or upon the authorization of the chief of the department, agency head, or other person in charge.

(e) Certification shall include the name of the certified fire, EMS, or law-enforcement program, the name of the deceased firefighter, EMS, or law-enforcement provider, the name or names and address of the beneficiary or beneficiaries, any documentation designating a beneficiary or beneficiaries, and setting forth the circumstances that qualify the deceased individual for death benefits under this act. Upon receipt of the certification from the certified fire, EMS, or law-enforcement program, the state shall, from moneys from the State Treasury, General Fund, pay to the certified fire, EMS, or law-enforcement program the sum of \$100,000 in the name of the beneficiary or beneficiaries of the death benefit. Within five days of receipt of this sum from the state, the fire, EMS, or law-enforcement program certified by the state shall pay the sum as a benefit to the surviving ~~spouse or~~ designated beneficiary or beneficiaries. If there is no surviving ~~spouse or~~ designated beneficiary, then the sum shall be paid in accordance with the terms of the decedent's will; and, if there is no will, then to the minor children of the firefighter, EMS, or law enforcement provider who died as a proximate result of the performance of his or her duties. When no spouse, designated beneficiary, or minor children survive, the benefit shall be paid to the parent or parents

~~of the firefighter, EMS, or law enforcement provider~~ the death benefit will be paid in a manner in accordance with §42-1-3 and §42-1-3a of this Code. It is the responsibility of the certified fire, ~~or EMS, or law-enforcement~~ program to document the ~~surviving spouse or beneficiary,~~ beneficiaries, devisee or devisees above mentioned for purposes of reporting to the Governor's Office.

(f) Any death ruled by a physician to be a result of an injury sustained during any of the above mentioned performance of fire department, EMS, or law-enforcement duties will be eligible for this benefit, even if this death occurs at a later time.

(g) Those individuals who are covered by this article are eligible for only one state death benefit, paid pursuant to the provisions of this section, ~~payment~~ regardless of the amount.

(h) Every department or agency head employing persons to which this article applies shall provide notice of the benefit provided hereby to such employees and encourage covered employees to provide a written designation of beneficiary to be maintained in the employee's personnel file.

(i) Any person making application for certification as a firefighter to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the State Fire Marshal. Any person making application for emergency medical services personnel certification to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the Commissioner of the Bureau for Public Health.

(j) The operation of the amendments to this section enacted during the 2018 Regular Session and 2018 First Extraordinary Session of the Legislature shall be effective retroactively to January 1, 2018."

The bill was then ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 577**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 578**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 102) passed.

Delegate Cowles moved that the bill take effect June 8, 2018.

On this question, the yeas and nays were taken (**Roll No. 579**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 102) takes effect June 8, 2018.

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

**H. B. 103**, Relating to the management and inventory of state vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 580**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

Having been engrossed, the bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 581**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 103) passed.

Delegate Cowles moved that the bill take effect June 5, 2018.

On this question, the yeas and nays were taken (**Roll No. 582**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 103) takes effect June 5, 2018.

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

**H. B. 104**, Modifying the type of businesses and establishments required to post human trafficking assistance notices; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Cowles, the bill was laid upon the table.

**H. B. 105**, Relating to the Physical Therapy Licensure Compact Act; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Cowles, the bill was laid upon the table.

**H. B. 106**, Relating to securing a real estate deed by a purchaser of a tax lien; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Cowles, the bill was laid upon the table.

**H. B. 107**, Supplementing and amending the appropriations to the Department of Health and Human Resources; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Cowles, the bill was laid upon the table.

**H. B. 108**, Supplementing and amending the appropriations to the Department of Military Affairs and Public Safety; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Sponaugle was reported by the Clerk on page two, section one, line fifteen, by striking out the number "555,000" and inserting in lieu thereof the number "55,000".

Whereupon,

Delegate Sponaule asked and obtained unanimous consent that the amendment be withdrawn.

The bill was then ordered to engrossment and third reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 583**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, Marcum, McGeehan and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

Having been engrossed, the bill was read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 584**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 108) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 585**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 108) takes effect from its passage.

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

At 12:37 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 1:00 p.m.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**S. B. 1004** – “A Bill to amend and reenact §15-9A-4 of the Code of West Virginia, 1931, as amended, as contained in Chapter 216, Acts of the Legislature, Regular Session, 2018, relating to modifying the type of businesses and establishments required to post human trafficking assistance notices; modifying the criminal penalties for failure to comply with posting of notices once given notice of lawful duty to post; providing that a business or establishment that does not correct a violation within 30 days from the receipt of notice is guilty of a misdemeanor and, upon a first conviction thereof, shall be fined not more than \$250; and



providing that a second or subsequent conviction is punishable by a fine of not less than \$250 nor more than \$500.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1004) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 586**), and there were—yeas 80, nays none, absent and not voting 20, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Capito, Cooper, Deem, Fluharty, Gearheart, Hartman, Hornbuckle, Love, Lynch, McGeehan, Moore, Nelson, Queen, Robinson, Rohrbach, Storch, Westfall, White and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

The bill was read a second time and ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 587**), and there were—yeas 84, nays none, absent and not voting 16, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Capito, Cooper, Deem, Gearheart, Hartman, Love, McGeehan, Moore, Nelson, Queen, Rohrbach, Storch, Westfall, White and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1004) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect June 7, 2018, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 1005** – “A Bill to amend and reenact §30-41-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 177, Acts of the Legislature, Regular Session, 2018, related to creating the Physical Therapy Licensure Compact Act; establishing commission rule-making authority; providing for legal enforcement of compact rules and provisions; establishing proper venue; and retaining sovereign immunity.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1005) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 588**), and there were—yeas 83, nays none, absent and not voting 17, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Capito, Cooper, Deem, Gearheart, Hartman, Hicks, Love, McGeehan, Moore, Nelson, Queen, Rohrbach, Storch, Westfall, White and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

The bill was read a second time and ordered to third reading.

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 589**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1005) passed.

Delegate Cowles moved that the bill take effect June 7, 2018.

On this question, the yeas and nays were taken (**Roll No. 590**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1005) takes effect June 7, 2018.

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 1006** – “A Bill to amend and reenact §11A-3-19, §11A-3-20, §11A-3-23, §11A-3-27, §11A-3-55, §11A-3-56, and §11A-3-59 of the Code of West Virginia, 1931, as amended, all relating generally to purchasers of liens securing a deed; amending dates and time frames for securing deeds; allowing property to be redeemed prior to recording of deed; and amending the time frame for notice to be provided or published.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1006) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 591**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, four fifths of the members present having voted in the affirmative, the motion to dispense with the constitutional rule was adopted.

The bill was read a second time.

Delegate Sponaugle moved to amend the bill on page eight, section fifty-six, line fourteen, by striking out the number “\$200” and inserting in lieu thereof the number “\$500”.

And,

On page nine, line thirty-eight, following the period, by inserting the following:

**“§11A-3-58. Distribution to purchaser.**

(a) Where the land has been redeemed in the manner set forth in §11A-3-56 of this code, and the deputy commissioner has delivered the redemption money to the sheriff pursuant to §11A-3-57 of this code, the sheriff shall, upon delivery of the sum necessary to redeem, promptly notify the purchaser, his or her heirs or assigns, by mail, of the redemption and pay to the purchaser, his or her heirs or assigns, the following amounts: (1) The amount paid to the deputy commissioner at the sale; (2) all other taxes thereon,

which have since been paid by the purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the date of payment; (3) such additional expenses as may have been incurred in preparing the list of those to be served with notice to redeem, and any title examination incident thereto, with interest at the rate of one percent per month from the date of payment, but the amount which shall be paid, excluding said interest, for such expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this code, and any title examination incident thereto, shall not exceed ~~\$200~~ \$500; and (4) all additional statutory costs paid by the purchaser.

(b) (1) The notice shall include:

(A) A copy of the redemption certificate issued by the deputy commissioner;

(B) An itemized statement of the redemption money to which the purchaser is entitled pursuant to the provisions of this section; and

(C) Where, at the time of the redemption, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served with notice to redeem and any title examination incident thereto, the deputy commissioner shall also include instructions to the purchaser as to how these expenses may be claimed.

(2) Subject to the limitations of this section, the purchaser is entitled to recover any expenses incurred in preparing the list of those to be served with notice to redeem and any title examination incident thereto from the date of the sale to the date of the redemption.

(c) Where, pursuant to §11A-3-56 of this code, the deputy commissioner has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, and any title examination incident thereto, in the form of receipts or other evidence thereof, and therefore received from the purchaser as required by §11A-3-56 and delivered to the sheriff the

sum of ~~\$200~~ \$500, plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the sheriff has not received from the purchaser such satisfactory proof of such expenses within 30 days from the date of notification, the sheriff shall refund such amount to the person redeeming and the purchaser is barred from any claim thereto. Where, pursuant to §11A-3-56 of this code, the deputy commissioner has received from the purchaser and therefore delivered to the sheriff said sum of ~~\$200~~ \$500, plus interest thereon at the rate of one percent per month from the date of the sale to the date of redemption, and the purchaser provides the sheriff within 30 days from the date of notification such satisfactory proof of such expenses, and the amount of such expenses is less than the amount paid by the person redeeming, the sheriff shall refund the difference to the person redeeming.”

The Speaker put the question on the adoption of the foregoing amendment and the same did not prevail.

The bill was then ordered to third reading.

The bill was then read a third time and put upon its passage.

Delegate Moyer requested to be excused from voting on the passage of S. B. 1006 under the provisions of House Rule 49.

The Speaker replied that any impact on the Delegate would be as a member of a class of persons possibly to be affected by the passage of the bill, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 592**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 1006) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 593**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1006) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 1007** – “A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.”

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (S. B. 1007) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Cowles moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 594**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time and ordered to third reading.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 595**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1007) passed.

Delegate Cowles moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 596**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Cooper, Deem, Gearheart, Hartman, McGeehan, White and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1007) takes effect from its passage.

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

At 1:45 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 2:30 p.m.



\* \* \* \* \*

### Afternoon Session

\* \* \* \* \*

- continued -

The House of Delegates was called to order by the Honorable Tim Armstead, Speaker.

### Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect June 8, 2018, a bill of the House of Delegates as follows:

**H. B. 101**, Reestablishing the Division of Culture and History as the Department of Arts, Culture and History.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect June 8, 2018, a bill of the House of Delegates, as follows:

**H. B. 102**, Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act.

On motion of Delegate Cowles, the House of Delegates concurred in the following amendment by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

#### **“CHAPTER 5H. SURVIVOR BENEFITS.**

#### **ARTICLE 1. WEST VIRGINIA FIRE, EMS, AND LAW-ENFORCEMENT OFFICER SURVIVOR BENEFIT ACT.**

#### **§5H-1-2. Death benefit for survivors.**

(a) In the event a firefighter, EMS, or law-enforcement provider dies as a proximate result of the performance of, his or her duties, the department chief, within 30 days from the date of death shall submit certification of the death to the Governor's Office.

(b) This act includes both paid and volunteer fire, EMS, and law-enforcement personnel acting in the performance of his or her duties of any fire, EMS, or law-enforcement department certified by the State of West Virginia.

(c) A firefighter, EMS, or law-enforcement provider is considered to be acting in the performance of his or her duties for the purposes of this act when he or she is participating in any role of a fire, EMS, or law-enforcement department function. This includes training, administration meetings, fire, EMS, or law-enforcement incidents, service calls, apparatus, equipment or station maintenance, fundraisers, and travel to or from such functions.

(d) Travel includes riding upon or in any apparatus or vehicle which is owned or used by the fire, EMS, or law-enforcement department, or any other vehicle going to or directly returning from a firefighter's home, place of business, or other place where he or she shall have been prior to participating in a fire, EMS, or law-enforcement department function, or upon the authorization of the chief of the department, agency head, or other person in charge.

(e) Certification shall include the name of the certified fire, EMS, or law-enforcement program, the name of the deceased firefighter, EMS, or law-enforcement provider, the name or names and address of the beneficiary or beneficiaries, any documentation designating a beneficiary or beneficiaries, and setting forth the circumstances that qualify the deceased individual for death benefits under this act. Upon receipt of the certification from the certified fire, EMS, or law-enforcement program, the state shall, from moneys from the State Treasury, General Fund, pay to the certified fire, EMS, or law-enforcement program the sum of \$100,000 in the name of the beneficiary or beneficiaries of the death benefit. Within five days of receipt of this sum from the state, the fire, EMS, or law-enforcement program certified by the state

shall pay the sum as a benefit to the surviving ~~spouse or~~ designated beneficiary or beneficiaries. If there is no surviving ~~spouse or~~ designated beneficiary, then the sum shall be paid as if the decedent had designated as beneficiaries those persons who are entitled to inherit the decedent's intestate estate, in the proportions established by to the minor children of the firefighter, EMS, or law-enforcement provider who died as a proximate result of the performance of his or her duties. When no spouse, designated beneficiary, or minor children survive, the benefit shall be paid to the parent or parents of the firefighter, EMS, or law enforcement provider §42-1-3 and §42-1-3a of this Code. It is the responsibility of the certified fire, ~~or~~ EMS, or law-enforcement program to document the ~~surviving spouse or~~ beneficiary or beneficiaries above mentioned for purposes of reporting to the Governor's Office.

(f) Any death ruled by a physician to be a result of an injury sustained during any of the above mentioned performance of fire department, EMS, or law-enforcement duties will be eligible for this benefit, even if this death occurs at a later time.

(g) Those individuals who are covered by this article are eligible for only one state death benefit, paid pursuant to the provisions of this section, payment regardless of the amount.

(h) Every department or agency head employing persons to which this article applies shall provide notice of the benefit provided hereby to such employees and encourage covered employees to provide a written designation of beneficiary to be maintained in the employee's personnel file.

(i) Any person making application for certification as a firefighter to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the State Fire Marshal. Any person making application for emergency medical services personnel certification to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the Commissioner of the Bureau for Public Health.

(j) The operation of the amendments to this section enacted during the 2018 Regular Session and 2018 First Extraordinary Session of the Legislature shall be effective retroactively to January 1, 2018.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 597**), and there were—yeas 85, nays none, absent and not voting 15, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Bates, Blair, Cooper, Deem, Gearheart, Hartman, Hicks, Kessinger, Marcum, Maynard, McGeehan, Nelson, White and Wilson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 102) passed.

Delegate Cowles moved that the bill take effect June 8, 2018.

On this question, the yeas and nays were taken (**Roll No. 598**), and there were—yeas 85, nays none, absent and not voting 15, with the absent and not voting being as follows:

Absent and Not Voting: Barrett, Bates, Blair, Cooper, Deem, Gearheart, Hartman, Hicks, Kessinger, Marcum, Maynard, McGeehan, Nelson, White and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 102) takes effect June 8, 2018.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect June 5, 2018, a bill of the House of Delegates as follows:

**H. B. 103**, Relating to the management and inventory of state vehicles.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 108**, Supplementing and amending the appropriations to the Department of Military Affairs and Public Safety.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Blair, Cooper, Deem, Gearheart, Hartman, McGeehan and Wilson.

### **Miscellaneous Business**

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed the business of this First Extraordinary Session of the 83<sup>rd</sup> Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Ambler, Sypolt and Lynch.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates Kelly, Sobonya and Hicks.

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate Pushkin regarding the petition to reconvene in the Appendix to the Journal.

Delegate Storch noted to the Clerk that she was absent on today when the votes were taken on Roll Nos. 586, 587 and 588, and that had she been present, she would have voted “Yea” thereon.

### **Committee Reports**

In accordance with House Rule 68, Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills filed the following report with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the dates listed, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

#### **May 23, 2018**

**H. B. 101**, Reestablishing the Division of Culture and History as the Department of Arts, Culture and History,

**H. B. 102**, Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act,

**H. B. 103**, Relating to the management and inventory of state vehicles,

**H. B. 108**, Supplementing and amending the appropriations to the Department of Military Affairs and Public Safety,

**S. B. 1004**, Modifying types of businesses required to post human trafficking assistance notices,

**S. B. 1005**, Amending sections of Physical Therapy Licensure Compact Act,

**S. B. 1006**, Amending deadlines for securing deeds,

And,

**S. B. 1007**, Supplementing and amending appropriations to DHHR, Division of Health.

### **Messages from the Executive**

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on May 24, 2018, he approved **H. B. 108 and S. B. 1007**; and on June 7, 2018, he approved **H. B. 101, H. B. 102, H. B. 103, S. B. 1004, S. B. 1005 and S. B. 1006**.

There being no further business to come before the House, at 3:07 p.m., on motion of Delegate Cowles, the House of Delegates adjourned *sine die*.



*We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Extraordinary Session, 2018, is the Official Journal of the House of Delegates for said session.*

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Tim Armstead  
*Speaker of the House of Delegates*

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Stephen J. Harrison  
*Clerk of the House of Delegates*









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**BLAIR, SAIRA, a Republican from the Fifty-ninth Delegate District:**

Appointed on special committee to inform the Governor that the Legislature was ready to adjourn <i>sine die</i> .....	2985
Bills introduced by .....	56, 59, 120, 121, 125, 154, 182, 202, 250, 273, 294, 298, 409, 411, 413, 451, 550, 582, 633, 635, 745
Leave of absence granted to.....	141, 3000, 3025
Resolutions offered by .....	118, 167, 201, 606, 1037, 1427

**BOGGS, BRENT, a Democrat from the Thirty-fourth Delegate District:**

Announcement concerning vote.....	1227, 1507
Appointed on Conference Committee as to Com. Sub. for H. B.4145.....	1403
Bills introduced by .....	62, 64, 230, 232, 233, 302, 328, 341, 342, 343, 447, 448, 450, 580, 671, 748, 764, 765, 842, 843, 1040, 1063, 1634, 1763
Cosponsor, added as .....	314
Excused from voting, requested.....	1719
Leave of absence granted to.....	615, 642
Motions by.....	860
Remarks by, ordered printed.....	591, 1065
Resolutions offered by.....	167, 437, 471, 571, 629, 1037, 1124, 1137, 1801, 2226, 2228, 2546

**BREWER, SCOTT, a Democrat from the Thirteenth Delegate District:**

Bills introduced by .....	150, 184, 185, 204, 205, 253, 582, 676, 743, 754, 755, 758, 760, 765, 905
Leave of absence granted to.....	456
Motions by.....	860
Paired .....	304
Remarks by, ordered printed.....	420, 898, 1065
Resolutions offered by.....	167, 228, 385, 437, 538, 1037, 1124, 1132, 1137, 1772, 2226

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**BUTLER, JIM, a Republican from the Fourteenth Delegate District:**

Bills introduced by .....	42, 43, 44, 54, 59, 62, 137, 154, 179, 206, 249, 250, 252, 253, 254, 256, 273, 294, 297, 298, 299, 300, 302, 340, 344, 368, 369, 370, 394, 410, 447, 448, 449, 551, 581, 584, 610, 633, 672, 676, 741, 748, 749, 750, 751, 759, 762, 813, 902
Cosponsor, added as .....	95
Remarks by, ordered printed.....	65, 615, 877
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Resolutions offered by.....	53, 167, 198, 202, 335, 366, 439, 538, 568, 605, 606, 660, 1037, 1311, 2546, 2548, 2549

**BYRD, ANDREW D., a Democrat from the Thirty-fifth Delegate District:**

Announcement concerning vote.....	2543
Appointed on Conference Committees as to:	
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S. B. 282.....	2224
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Bills introduced by .....	62, 120, 122, 123, 126, 140, 249, 237, 338, 342, 343, 385, 395, 396, 411, 451, 549, 551, 580, 583, 612, 672, 674, 746, 747, 748, 750, 751, 754, 761, 764, 1069, 2999
Cosponsor:	
Added as .....	1007, 1065
Removed as .....	1757, 1766
Excused from voting, requested .....	796, 825, 1757, 1759
Leave of absence granted to .....	236
Point of order raised by .....	2940
Resolutions offered by .....	108, 167, 169, 437, 442, 913, 1037, 1124, 1132, 2226, 2233
CALENDAR:	
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CAMPBELL, JEFFREY, a Democrat from the Forty-second Delegate District:	
Appointed on special committee to inform the Governor that the Legislature had assembled .....	3
Bills introduced by .....	154, 157, 163, 182, 208, 229, 252, 272, 300, 301, 409, 446, 551, 578, 584, 675, 742, 744, 749, 754, 755, 758, 764, 765, 766, 768
Cosponsor, added as .....	348, 725
Excused from voting, requested .....	875
Motions by .....	860
Remarks by, ordered printed .....	421, 1065, 1766
Resolutions offered by .....	167, 385, 437, 1037, 1124, 1132, 1137, 2226
CANESTRARO, JOE, a Democrat from the Fourth Delegate District:	
Appointed on Conference Committees as to:	
Com. Sub. for H. B. 2607 .....	1534
Com. Sub. for H. B. 4001 .....	2637
Appointed on special committee to notify the Senate that the House was ready to adjourn <i>sine die</i> .....	2985
Bills introduced by .....	120, 139, 156, 157, 184, 185, 204, 208, 230, 250, 295, 301, 327, 328, 340, 341, 396, 439, 549, 580, 583, 612, 672, 675, 741, 745, 746, 754, 755, 762, 1069
Cosponsor, added as .....	779, 1007
Leave of absence granted to .....	373, 456
Motions by .....	860
Remarks by, ordered printed .....	260, 839, 1406
Resolutions offered by .....	167, 385, 437, 1037, 1124, 1132, 1137, 2226, 2233
CAPITO, MOORE, a Republican from the Thirty-fifth Delegate District:	
Announcement concerning vote .....	419
Appointed on Conference Committee as to Com. Sub. for S. B. 582 .....	2256
Bills introduced by .....	55, 59, 61, 62, 270, 274, 300, 338, 342, 578, 579, 748, 752, 764
Cosponsor, added as .....	420
Excused from voting, requested .....	796, 825
Leave of absence granted to .....	347, 373
Paired .....	926, 929
Resolutions offered by .....	108, 167, 169, 437, 568, 738, 1037, 1079, 1137
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CAPUTO, MIKE, a Democrat from the Fiftieth Delegate District:	
Announcement concerning vote .....	2984
Bills introduced by .....	62, 127, 185, 412, 447, 448, 450, 580, 582, 584, 672, 676, 743, 746, 747, 748, 765, 2999
Leave of absence granted to .....	260, 284
Motions by .....	960
Paired .....	371

Remarks by, ordered printed.....	330, 399, 420, 839, 878, 898, 1036, 1065, 1226
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COOPER, ROY, a Republican from the Twenty-eighth Delegate District:	
Addressed House .....	1035
Announcement concerning vote.....	1405
Bills introduced by .....	61, 137, 148, 153, 154, 159, 179, 182, 183, 184, 230, 232, 249, 300, 301, 302, 303, 343, 344, 410, 446, 449, 549, 551, 610, 732, 742, 743, 747, 749, 750, 751, 753, 754, 755, 757, 764, 765
Cosponsor, added as .....	65
Leave of absence granted to.....	3025
Remarks by, ordered printed.....	236, 260, 591
Reports by, as Chair of the Committee on Veterans' Affair and Homeland Security.....	162, 163, 618, 619, 646, 837, 839, 882, 1229
Resolutions offered by.....	50, 52, 104, 118, 167, 198, 435, 437, 568, 667, 741, 909, 919, 924, 1037, 1077, 1137, 1311, 2546, 2548, 2549



COWLES, DARYL E., a Republican from the Fifty-eighth Delegate District:

Addressed House .....1049

Bills introduced by ..... 54, 56, 59, 60, 62,  
121, 250, 254, 273, 295, 296, 324, 367, 449, 673, 674, 744, 813

Cosponsor, added as .....261, 779

Leave of absence granted to.....347, 839, 876

Motions by..... 17, 309, 408, 577

Paired ..... 826

Point of order raised by..... 722

Remarks by, ordered printed.....236, 898

Resolutions offered by..... 53, 167, 366, 437, 441,  
568, 1037, 1318, 1427, 2546, 2549

CRISS, VERNON, a Republican from the Tenth Delegate District:

Appointed on Conference Committee as to S. B. 392 .....2589

Report on.....2856

Bills introduced by ..... 56, 61, 63, 121, 123,  
137, 138, 139, 151, 154, 157, 158, 179, 182, 183, 202, 205, 206, 230, 249, 250, 253, 273, 274, 296,  
297, 299, 302, 339, 340, 343, 344, 367, 446, 448, 550, 583, 674, 750, 762

Cosponsor, added as .....420

Excused from voting, requested..... 826

Paired ..... 304

Resolutions offered by..... 167, 196, 198, 366, 385,  
568, 572, 605, 917, 1037, 1079, 1132, 1304, 1769, 1770, 1771, 1772, 1773, 1801

DEAN, MARK, a Republican from the Twenty-first Delegate District:

Bills introduced by .....42, 43, 44, 62, 63,  
122, 123, 126, 137, 148, 153, 163, 179, 182, 183, 184, 204, 230, 231, 270, 300, 301, 302, 328, 340,  
343, 344, 394, 395, 409, 550, 578, 583, 584, 635, 746, 749, 750, 753, 754, 755, 757, 764, 765

Cosponsor, added as .....95, 556, 899

Leave of absence granted to.....212

Resolutions offered by..... 145, 147, 167, 202, 366,  
382, 385, 387, 437, 439, 568, 667, 1037, 1124, 1137, 1310, 1311, 1318, 1713, 2548, 2549

DEEM, FRANK, a Republican from the Tenth Delegate District:

Bills introduced by ..... 54, 55, 137, 159, 230,  
249, 254, 256, 633, 750

Cosponsor, added as ..... 127

Leave of absence granted to.....966, 1006, 1035, 1065, 1107,  
1158, 1226, 1292, 1350, 1405, 1507, 1636, 1766, 2211, 2543, 3025

Remarks by, ordered printed.....348, 878

Resolutions offered by..... 41, 196, 198, 437, 572,  
909, 917, 1037, 1132

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H. B. 4341 ..... 860

H. B. 4346 ..... 577

DISERIO, PHILLIP W., a Democrat from the Second Delegate District:

Bills introduced by ..... 123, 138, 139, 140, 153,  
158, 182, 184, 185, 204, 250, 295, 299, 327, 584, 676, 746, 748, 754, 760, 905

Motions by..... 860

Remarks by, ordered printed.....420, 898

Resolutions offered by..... 385, 431, 437, 543, 1124,  
1132, 1137, 2230

ELDRIDGE, JEFF, a Democrat from the Twenty-second Delegate District:

Bills introduced by ..... 124, 152, 153, 154, 157,  
179, 181, 182, 208, 229, 231, 251, 252, 272, 273, 295, 296, 299, 300, 303, 323, 327, 342, 196, 409,  
410, 551, 582, 583, 610, 611, 635, 675, 745, 751, 753, 757

Cosponsor, added as .....314, 420

Excused from voting, requested..... 826

Motions by..... 860

Paired .....	826
Remarks by, ordered printed.....	348, 399, 420, 726, 779, 839, 877, 1036, 1065
Resolutions offered by.....	100, 101, 103, 112, 113, 145, 147, 167, 170, 172, 244, 320, 336, 385, 387, 437, 441, 444, 538, 543, 628, 630, 663, 665, 667, 668, 739, 911, 915, 1037, 1124, 1134, 1137, 1315, 1713, 1772, 2226, 2228, 2230
ELLINGTON, JR., JOE C., a Republican from the Twenty-seventh Delegate District:	
Announcement concerning vote.....	1508
Bills introduced by .....	43, 44, 55, 56, 59, 60, 62, 121, 124, 125, 137, 148, 152, 158, 163, 178, 179, 180, 181, 183, 184, 185, 187, 203, 204, 205, 206, 208, 233, 253, 271, 274, 298, 300, 302, 344, 366, 367, 393, 394, 413, 414, 552, 611, 632, 672, 675, 677, 743, 744, 813, 842, 1040, 1634, 1763
Leave of absence granted to.....	188, 313, 419, 456, 642, 876, 898, 1065
Reports by, as Chair of the Committee on	
Health and Human Resources.....	133, 134, 163, 164, 166, 242, 286, 287, 356, 357, 405, 406, 425, 561, 620, 781, 782, 842, 970, 971, 972, 1033, 1034, 1300, 1301, 1302, 1632
Reports by, as Chair of the Committee on	
Prevention and Treatment of Substance Abuse.....	288, 407, 621, 841, 842, 1300, 1307
Resolutions offered by.....	366, 385, 437, 568, 606, 909, 923, 1037, 1127, 1137, 2233, 2546, 2548, 2549, 2551
EMPLOYEES:	
Resolution authorizing appointment of (H. R. 1) .....	4
Adopted.....	10
ESPINOSA, PAUL, a Republican from the Sixty-sixth Delegate District:	
Appointed on Conference Committee as to Com. Sub. for H. B. 4145.....	1403
Report from .....	1510
Announcement concerning vote.....	2543
Bills introduced by .....	56, 59, 125, 152, 153, 183, 184, 250, 253, 273, 274, 294, 324, 340, 409, 410, 411, 413, 582, 635, 677, 732, 812, 902, 1063
Cosponsor, added as .....	314
Excused from voting, requested .....	1178, 1813
Leave of absence granted to.....	3000
Remarks by, ordered printed.....	94
Reports by, as Chair of the Committee on Education.....	98, 132, 161, 162, 241, 285, 351, 352, 375, 407, 559, 594, 646, 812, 844, 1011, 1111, 1231, 1306, 1350
Resolutions offered by.....	53, 385, 395, 435, 568, 605, 606, 909, 1037, 1079, 1137, 2546, 2548, 2549
EVANS, ALLEN V., a Republican from the Fifty-fourth Delegate District:	
Announcement concerning vote.....	1766
Bills introduced by .....	60, 119, 150, 152, 154, 159, 179, 184, 204, 249, 250, 251, 252, 253, 272, 273, 295, 296, 301, 302, 303, 327, 343, 395, 447, 549, 551, 584, 612, 675, 742, 753, 813
Cosponsor, added as .....	330, 616
Paired .....	826
Petitions presented by .....	41
Reports by, as Chair of the Committee on Agriculture and Natural Resources .....	130, 239, 240, 352, 559, 777, 778, 1156, 1157
Resolutions offered by.....	117, 200, 228, 385, 439, 569, 606, 664, 909, 912, 1037, 1079, 1132, 1135, 1137, 1304, 1427, 2228
EVANS, ED, a Democrat from the Twenty-sixth Delegate District:	
Announcement concerning vote.....	2984
Bills introduced by .....	119, 137, 150, 156, 182, 185, 232, 250, 252, 254, 300, 303, 327, 369, 409, 584, 676, 743, 746, 747, 749, 812
Excused from voting, requested.....	875, 1324, 2208, 2210
Motion by.....	860
Remarks by, ordered printed.....	212, 284, 399, 421, 726, 898, 1006, 1036
Resolutions offered by.....	385, 431, 1037, 1124, 1137, 2226, 2233

FAST, TOM, a Republican from the Thirty-second Delegate District:

Announcement concerning vote.....1507

Appointed on Conference Committee as to Com. Sub. for H. B. 4186.....1535

    Report by.....2593

Bills introduced by .....43, 54, 59, 60, 78, 121, 137, 152,  
206, 247, 249, 251, 252, 254, 256, 273, 299, 323, 338, 339, 340, 394, 551, 578, 579, 584, 633, 677, 750

Cosponsor, added as .....348, 1006

Excused from voting, requested.....2271

Leave of absence granted to.....803

Paired .....826

Remarks by, ordered printed.....348, 399, 726, 1636

Reports by, as Chair of the Committee on Industry and Labor.....132, 360, 595, 596,

Resolutions offered by.....175, 201, 577, 606, 1037, 1077, 1079

FERRO, MICHAEL T., a Democrat from the Fourth Delegate District:

Bills introduced by .....150, 153, 178, 181, 184, 185,  
203, 204, 251, 253, 295, 296, 299, 301, 549, 552, 584, 612, 672, 760, 905, 2999

Excused from voting, requested.....875, 1022, 1324, 2208, 2210

Leave of absence granted to.....313

Motion by.....860

Paired .....304

Remarks by, ordered printed.....420, 1036, 1226

Resolutions offered by.....228, 385, 738, 1037, 1124,  
1132, 1135, 1137, 1801, 2226, 2228

FLEISCHAUER, BARBARA EVANS, a Democrat from the Fifty-first Delegate District:

Announcement concerning vote.....2984

Bills introduced by .....62, 120, 127, 158, 205,  
230, 232, 233, 271, 301, 302, 340, 344, 395, 413, 446, 447, 448, 449, 450, 451, 550, 580, 581, 583,  
584, 673, 675, 676, 677, 743, 754, 761, 763, 767

Cosponsor, added as .....330, 374, 420

Paired .....826

Remarks by, ordered printed.....94, 284, 348, 898, 1006, 1226, 1636

Resolutions offered by.....198, 738, 921, 1037, 1124, 1137, 2228

FLUHARTY, SHAWN, a Democrat from the Third Delegate District:

Addressed the House .....769, 1018

Bills introduced by .....62, 120, 122, 123, 126, 127, 184,  
302, 341, 396, 412, 446, 549, 550, 583, 584, 672, 748, 750, 754, 757, 761

Cosponsor, added as .....330, 3000

Motions by.....860

Remarks by, ordered printed.....615, 878, 1006, 1065

Resolutions offered by.....1037, 1124, 1137, 2226

FOLK, MICHAEL “MIKE”, a Republican from the Sixty-third Delegate District:

Addressed the House .....2193

Bills introduced by .....45, 119, 122, 123, 126, 152, 184,  
250, 296, 297, 298, 300, 302, 328, 324, 409, 581, 583, 633, 732, 749, 751, 759, 760, 767

Motions by.....281, 1814

Point of order raised by.....346

Previous question demanded by.....2941, 2942, 2944, 2946

Remarks by, ordered printed.....420, 615, 779, 877, 898

Resolutions offered by.....40, 202, 366, 439, 569,  
606, 1037, 1310, 1318, 1427

FOSTER, GEOFF, a Republican from the Fifteenth Delegate District:

Appointed on Conference Committees as to:

    Com. Sub. for H. B. 2607.....1534

    Com. Sub. for S. B. 51.....2223

    Report by.....2801

Appointed on special committee to inform the Governor that the Legislature had assembled.....	3
Bills introduced by .....	54, 59, 61, 64, 121, 125, 137, 154, 207, 247, 253, 254, 256, 273, 295, 296, 297, 299, 300, 323, 325, 342, 394, 397, 413, 414, 447, 448, 449, 580, 633, 635, 743, 750, 751, 753, 762, 767
Cosponsor, added as .....	95, 616
Excused from voting, requested.....	2249
Motions by.....	860, 1035, 1036
Point of order raised by.....	1153
Resolutions offered by .....	335, 606, 924, 1037, 1311, 1318, 2549
FRICH, CINDY, a Republican from the Fifty-first Delegate District:	
Bills introduced by .....	61, 64, 78-94, 124, 152, 154, 158, 179, 184, 186, 206, 230, 232, 252, 253, 254, 256, 270, 273, 295, 327, 340, 343, 344, 366, 367, 368, 369, 394, 397, 413, 446, 447, 450, 549, 551, 581, 584, 633, 635, 674, 675, 677, 748, 750, 752, 813, 842, 843, 902, 1040, 1063
Cosponsor:	
Added as .....	65, 128, 141, 160, 212, 236, 261, 284, 348, 420, 590, 616, 643, 803, 878, 1007, 1636, 2212
Removed as .....	236
Excused from voting, requested.....	209, 875, 1022, 1324, 2209, 2210
Reports by, as Chair of the Committee on Banking and Insurance.....	424, 838
Resolutions offered by.....	53, 167, 290, 366, 568, 577, 606, 1037, 1304, 2226, 2546, 2548, 2549
GEARHEART, MARTY, a Republican from the Twenty-seventy Delegate District:	
Announcement concerning vote.....	261
Bills introduced by .....	179, 182, 183, 184, 185, 187, 208, 252, 298, 678, 1040, 1634, 1763
Cosponsor:	
Added as.....	95
Removed as .....	142
Leave of absence granted to.....	160, 615, 1292, 3000, 3025
Paired .....	304
Remarks by ordered printed.....	141, 236
Reports by, as Chair of the Committee on Roads and Transportation .....	99, 100, 214, 349, 350, 457, 458, 783, 784, 843, 1113, 1114, 1115, 1503
Resolutions offered by .....	118, 167, 568, 660, 629, 923, 1037, 1079, 1126, 1127, 1132, 1801, 2546, 2548, 2549
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 GRAVES, DIANNA, a Republican from the Thirty-eighth Delegate District:	
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Cosponsor, added as .....	314, 966
Remarks by, ordered printed .....	314, 642
Resolutions offered by .....	108, 167, 169, 568, 577, 909, 1037, 1137, 1310, 1311, 1769, 1770, 1771, 1772, 1773, 2228
 HAMILTON, BILL, a Republican from the Forty-fifth Delegate District:	
Announcement concerning vote.....	877
Appointed on special committee to notify the Senate that the House was ready to adjourn <i>sine die</i> .....	2985
Bills introduced by .....	54, 55, 119, 152, 154, 184, 204, 206, 250, 251, 252, 254, 272, 273, 295, 296, 298, 301, 302, 327, 342, 343, 395, 450, 549, 550, 551, 578, 580, 675, 742, 747, 843
Cosponsor:	
Added as .....	616, 1007, 1065
Removed as .....	45
Paired .....	826
Reports by, as Chair of the Committee on Agriculture and Natural Resources .....	129, 130, 353, 354, 560, 561, 776, 777, 1155, 1156
Resolutions offered by .....	53, 117, 167, 243, 439, 568, 606, 629, 912, 1037, 1132, 1135, 1137
 HAMRICK, DANNY, a Republican from the Forty-eighth Delegate District:	
Appointed on Conference Committee as to Com. Sub. for H. B. 2995.....	1534
Report by.....	2540
Bills introduced by .....	43, 56, 61, 63, 120, 123, 126, 137, 138, 150, 153, 155, 156, 158, 178, 180, 181, 202, 203, 205, 206, 252, 253, 270, 273, 274, 295, 296, 297, 324, 339, 340, 343, 393, 414, 446, 450, 552, 632, 672, 674, 675, 751, 755, 762, 763, 765, 905
Cosponsor:	
Added as .....	399
Removed as .....	284
Excused from voting, requested.....	281, 1588
Remarks by, ordered printed.....	373
Resolutions offered by .....	202, 221, 227, 335, 435, 437, 568, 574, 605, 606, 669, 1037, 1079, 1137, 1310, 1311, 1769, 1770, 1771, 1772, 1773
 HANSHAW, ROGER, a Republican from the Thirty-third Delegate District:	
Appointed on Conference Committees as to:	
Com. Sub. for H. B. 4013 .....	1335
Report by.....	2534
Com. Sub. for H. B. 4447 .....	2780
Report by.....	2879
H. B. 4629 .....	2781
Report by.....	2891
S. B. 282.....	2224
Report by.....	2938
Com. Sub. for S. J. R. 3 .....	2794
Bills introduced by .....	41, 44, 55, 61, 62, 119, 136, 151, 154, 157, 180, 183, 204, 206, 229, 230, 249, 250, 295, 300, 323, 338, 339, 342, 343, 447, 448, 450, 578, 579, 612, 632, 633, 635, 671, 675, 677, 745, 747, 748, 753, 755, 759, 764, 766, 767, 768, 1069
Cosponsor, added as .....	966

Leave of absence granted to.....	615
Remarks by, ordered printed.....	839
Reports by, as Chair of the Joint Committee on Enrolled Bills .....	333, 805, 811, 882, 901, 972, 1009, 1064, 1068, 1293, 1353, 1407, 1633, 2213, 2545, 2630, 2794, 2951, 3026
Resolutions offered by.....	106, 437, 626, 1037, 1124, 1311
<b>HARSHBARGER, JASON, a Republican from the Seventh Delegate District:</b>	
Appointed on Conference Committee as to Com. Sub. for S. B. 51 .....	2223
Bills introduced by .....	59, 60, 61, 63, 154, 179, 204, 229, 248, 249, 252, 254, 256, 301, 338, 340, 342, 343, 413, 448, 450, 578, 579, 580, 610, 635, 672, 673, 675, 1069
Cosponsor, added as .....	127
Excused from voting, requested.....	826
Remarks by, ordered printed.....	1065
Resolutions introduced by.....	104, 118, 167, 437, 568, 572, 577, 606, 909, 917, 924, 1037, 1137, 1311, 1318, 1801, 2546, 2548, 2549
<b>HARTMAN, WILLIAM G., a Democrat from the Forty-third Delegate District:</b>	
Bills introduced by .....	153, 159, 204, 252, 296, 298, 302, 327, 328, 343, 395, 580, 582, 612, 676, 1063, 1634, 1763
Leave of absence granted to.....	898, 3000, 3025
Motions by.....	860
Remarks by, ordered printed.....	726
Resolutions offered by.....	437, 629, 917, 1037, 1124, 1137, 1304, 2226, 2546, 2548, 2549
<b>HICKS, KENNETH P., a Democrat from the Nineteenth Delegate District:</b>	
Appointed on special committees:	
To inform the Governor that the House had assembled in extraordinary session .....	2991
To notify the Senate that the House was ready to adjourn <i>sine die</i> .....	3025
Bills introduced by .....	45, 181, 182, 229, 251, 252, 272, 327, 342, 343, 396, 409, 413, 578, 580, 635, 754, 755, 761, 762, 763, 764, 812
Motions by.....	860
Petitions presented by .....	53
Resolutions offered by.....	148, 167, 382, 437, 441, 628, 630, 663, 665, 668, 739, 911, 1037, 1124, 1315, 2226
<b>HIGGINBOTHAM, JOSHUA, a Republican from the Thirteenth Delegate District:</b>	
Bills introduced by .....	54, 56, 121, 126, 137, 138, 153, 183, 184, 247, 252, 254, 256, 273, 274, 295, 298, 300, 343, 409, 411, 451, 633, 741, 751, 763, 765, 812
Leave of absence granted to.....	3000
Resolutions offered by.....	167, 290, 435, 437, 439, 568, 572, 606, 660, 909, 1037, 1137, 1310, 1311
<b>HILL, JORDAN, a Republican from the Forty-first Delegate District:</b>	
Bills introduced by .....	54, 123, 137, 138, 139, 158, 202, 206, 207, 208, 230, 231, 295, 299, 302, 328, 339, 343, 344, 413, 447, 632, 633, 757, 762, 763, 766, 905
Cosponsor, removed as.....	348
Leave of absence granted to.....	3000
Reports by, as Chair of the Committee on Small Business, Entrepreneurship and Economic Development .....	401, 618, 1307
Resolutions offered by.....	53, 167, 201, 335, 437, 439, 568, 579, 605, 606, 1037, 1079, 1124, 1137
<b>HOLLEN, RAY, a Republican from the Ninth Delegate District:</b>	
Appointed on Conference Committees as to:	
Com. Sub. for H. B. 4001 .....	2637
Com. Sub. for S. B. 46.....	1515
S. B. 545.....	2224

Appointed on special committee to notify the Senate that  
the House had assembled..... 3

Bills introduced by ..... 43, 44, 55, 60, 61,  
62, 64, 78, 119, 151, 152, 154, 155, 156, 157, 159, 179, 182, 183, 205, 206, 230, 231, 247, 249, 252,  
254, 256, 273, 274, 301, 302, 343, 394, 410, 449, 550, 578, 579, 583, 633, 672, 674, 675, 676, 677,  
747, 750, 751, 759, 762, 842, 1069

Resolutions offered by ..... 167, 198, 437, 568, 572,  
577, 909, 917, 924, 1037, 2233

**HORNBUCKLE, SEAN, a Democrat from the Sixteenth Delegate District:**

Bills introduced by ..... 122, 123, 126, 150, 184,  
340, 343, 396, 409, 446, 449, 451, 550, 580, 581, 583, 612, 672, 673, 675, 676, 746, 748, 749, 750,  
752, 760, 812

Leave of absence granted to.....160, 1405

Remarks by, ordered printed..... 212, 314, 348, 615, 779,  
878, 1006, 2984

Resolutions offered by ..... 167, 385, 431, 437, 441,  
628, 660, 663, 665, 667, 1037, 1124, 1134, 1137, 1315, 2233

**HOUSEHOLDER, ERIC L., a Republican from the Sixty-fourth Delegate District:**

Announcement concerning vote.....1766

Bills introduced by ..... 42, 43, 44, 59, 61, 62,  
125, 148, 152, 154, 158, 179, 183, 271, 273, 298, 302, 324, 343, 344, 368, 369, 370, 394, 395, 397,  
409, 411, 414, 447, 449, 582, 610, 635, 676, 750, 756, 758, 760, 767, 902, 1040

Cosponsor, removed as.....141, 643

Excused from voting, requested.....1737, 1811

Resolutions offered by ..... 167, 201, 568, 605, 606,  
1037, 1427, 2546, 2548, 2549

**HOWELL, GARY G., a Republican from the Fifty-sixth Delegate District:**

Bills introduced by ..... 45, 63, 123, 138, 139,  
153, 155, 156, 158, 202, 205, 206, 207, 208, 249, 252, 253, 274, 294, 295, 296, 297, 299, 300, 302,  
324, 339, 340, 343, 394, 413, 414, 446, 447, 579, 632, 674, 677, 746, 751, 762, 763, 765, 905

Cosponsor, added as .....1007

Excused from voting, requested.....796, 825, 1588

Petitions presented by..... 41

Remarks by, ordered printed.....236, 615

Reports by, as Chair of the Committee on Government Organization..... 48, 135, 165, 214, 265,  
266, 289, 375, 423, 424, 460, 461, 462, 562, 622, 647, 806, 848, 849, 881, 904, 1001, 1003, 1004

Resolutions offered by ..... 50, 52, 118, 167, 202,  
227, 335, 437, 568, 605, 606, 1037, 1079, 1310, 1311, 1427, 1769, 1770, 1771, 1772, 1773

**IAQUINTA, RICHARD, a Democrat from the Forty-eighth Delegate District:**

Announcement concerning vote.....1158

Bills introduced by ..... 62, 138, 150, 153, 156,  
159, 184, 204, 251, 301, 343, 344, 410, 551, 582, 584, 675, 753, 754, 755, 758, 760, 762, 905

Excused from voting, requested.....826, 875, 1324, 2208, 2210

Motions by ..... 860

Remarks by, ordered printed.....1107

Resolutions offered by ..... 117, 167, 221, 228, 385,  
437, 574, 629, 669, 738, 917, 1037, 1124, 1132, 1304, 2226

**ISNER, PHIL, a Democrat from the Forty-third Delegate District:**

Appointed on Conference Committees as to:

H. B. 4629 .....2781

Com. Sub. for S. B. 51.....2223

Bills introduced by .....154, 157, 181, 182, 184, 185, 208, 230, 250, 298,  
302, 323, 327, 328, 396, 449, 580, 581, 584, 612, 635, 676, 742, 754, 760, 761, 762, 763

Leave of absence granted to.....330, 347, 419, 876

Paired .....1055, 1058, 1059

Resolutions offered by ..... 148, 167, 385, 437, 629, 1037, 1124, 1137

## JENNINGS, D. ROLLAND, a Republican from the Fifty-third Delegate District:

Appointed on special committee to inform the Governor that the Legislature had assembled .....	3
Bill introduced by .....	54, 59, 60, 78, 139, 152, 155, 156, 158, 231, 273, 297, 300, 340, 369, 612, 742, 743, 749, 751, 753, 905
Cosponsor, added as .....	967
Resolutions offered by .....	53, 167, 243, 335, 437, 439, 568, 577, 909, 1037, 1077, 1132, 1135, 1137, 1311, 1769, 1770, 1771, 1772, 1773

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Appointed on special committees:	
To inform the Governor that the Legislature had assembled in extraordinary session .....	2991
To inform the Governor that the Legislature was ready to adjourn <i>sine die</i> .....	2985, 3025
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Cosponsor, removed as .....	590
Leave of absence granted to .....	313, 1065
Petitions presented by .....	860
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Remarks by, ordered printed .....	1766
Resolutions offered by .....	167, 196, 198, 435, 437, 568, 572, 909, 917, 1037, 1137, 1801, 2228, 2230, 2546, 2548, 2549

## KESSINGER, KAYLA, a Republican from the Thirty-second Delegate District:

Bills introduced by .....	54, 61, 62, 64, 78, 121, 136, 137, 139, 150, 154, 155, 156, 205, 206, 207, 208, 229, 249, 253, 254, 256, 295, 298, 300, 302, 338, 339, 340, 342, 413, 446, 447, 551, 580, 633, 675, 677, 742, 749, 762, 763, 766, 842
Excused from voting, requested .....	2278
Leave of absence granted to .....	260, 284, 1107
Remarks by, ordered printed .....	373
Resolutions offered by .....	53, 167, 201, 202, 385, 435, 437, 439, 568, 577, 606, 1037, 1124, 1137, 1311

## LANE, CHARLOTTE R., a Republican from the Thirty-fifth Delegate District:

Announcement concerning vote .....	642, 1006
Appointed on Conference Committee as to Com. Sub. for S. B. 582 .....	2256
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Bills introduced by .....	55, 60, 120, 126, 137, 138, 139, 140, 152, 154, 179, 182, 183, 205, 206, 230, 247, 248, 249, 252, 323, 325, 327, 328, 342, 368, 395, 410, 411, 412, 413, 447, 448, 449, 451, 578, 579, 580, 584, 635, 673, 675, 676, 752, 764, 1069
Cosponsor:	
Added as .....	420
Removed as .....	128



Leave of absence granted to.....	589, 966, 3000
Paired .....	720, 929
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Bills introduced by .....	152, 158, 178, 204, 206, 233, 271, 301, 302, 327, 343, 344, 395, 450, 550, 580, 581, 675, 676, 677, 743, 746, 748, 760, 763, 843, 1040, 1634, 1763
Cosponsor:	
Added as.....	616, 966
Removed as .....	1508
Leave of absence granted to.....	330, 347
Motions by.....	860
Remarks by, ordered printed.....	839
Resolutions offered by.....	167, 385, 437, 601, 738, 917, 1037, 1124, 2226, 2233
 LOVE, SHIRLEY, a Democrat from the Thirty-second Delegate District:	
Bills introduced by .....	231, 252, 272, 303, 395, 410, 447, 549, 551, 675, 677, 743, 749
Leave of absence granted to.....	284
Motions by.....	860
Remarks by, ordered printed.....	420, 456, 839, 877, 898, 1006, 2212
Resolutions offered by .....	437, 441, 543, 628, 629, 665, 667, 738, 1037, 1077, 1124, 1137, 1315, 2226, 2228, 2230
 LOVEJOY, CHAD, a Democrat from the Seventeenth Delegate District:	
Announcement concerning vote.....	2543
Appointed on Conference Committees as to:	
Com. Sub. for H. B. 4013 .....	1335
Com. Sub. for H. B. 4186 .....	1535
Bills introduced by .....	43, 62, 64, 119, 120, 127, 139, 140, 156, 230, 253, 294, 295, 298, 300, 323, 327, 339, 342, 396, 446, 449, 579, 580, 581, 584, 612, 635, 675, 677, 741, 742, 743, 746, 748, 749, 750, 759, 761, 767
Cosponsor:	
Added as.....	284, 420
Removed as .....	779
Motions by.....	860
Petitions presented by.....	53
Remarks by, ordered printed.....	1006
Resolutions offered by.....	167, 385, 437, 441, 538, 660, 665, 739, 911, 1037, 1077, 1124, 1137, 1304, 2226, 2228

LYNCH, DANA, a Democrat from the Forty-fourth Delegate District:	
Appointed on Conference Committee as to Com. Sub. for H. B. 2995.....	1534
Appointed on special committees:	
To notify the Senate that the House had assembled	
in extraordinary session .....	2991
To notify the Senate that the House was	
ready to adjourn <i>sine die</i> .....	3025
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140, 150, 152, 159, 178, 184, 229, 253, 298, 300, 301, 302, 327, 328, 409, 410, 580, 582, 676, 743,	
751, 754, 755, 765	
Cosponsor, added as .....	314, 420
Excused from voting, requested.....	826, 875, 1022, 2208, 2210
Motions by.....	860
Remarks by, ordered printed.....	556
Resolutions offered by.....	117, 167, 385, 437, 571,
629, 738, 1037, 1124, 1132, 1137, 2226, 2228	
MALCOLM, SHARON LEWIS, a Republican from the Thirty-ninth Delegate District:	
Appointed to House .....	2988
MARCUM, JUSTIN J., a Democrat from the Twentieth Delegate District:	
Bills introduced by .....	125, 157, 181, 182, 184,
229, 251, 252, 273, 274, 300, 325, 327, 342, 396, 409, 410, 413, 550, 578, 761, 762, 905	
Cosponsor, added as .....	967
Excused from voting, requested.....	453, 1327, 1587, 1756, 1759
Leave of absence granted to.....	642
Motions by.....	860
Paired .....	720, 798, 929, 1055, 1058, 1059, 1061
Petitions presented by.....	53
Point of order raised by.....	1035
Remarks by, ordered printed.....	399, 898
Resolutions offered by.....	100, 101, 103, 113, 145,
147, 148, 167, 336, 382, 385, 437, 441, 444, 541, 604, 663, 668, 739, 911, 1037, 1124, 1134, 1137,	
1315, 2226, 2230	
MARTIN, PATRICK S., a Republican from the Forty-sixth Delegate District:	
Appointed on Conference Committee as to Com. Sub. for S. B. 392 .....	2589
Bills introduced by .....	54, 59, 60, 63, 78,
123, 139, 206, 207, 230, 249, 250, 252, 298, 299, 302, 303, 339, 369, 394, 551, 580, 610, 633, 635, 672,	
675, 749, 753, 757, 762	
Cosponsor, added as .....	314
Excused from voting, requested.....	1817
Resolutions offered by.....	167, 201, 335, 385, 439,
568, 606, 1037, 1079, 1310, 1769, 1770, 1771, 1772, 1773, 2228	
MAYNARD, ZACK, a Republican from the Twenty-second Delegate District:	
Bills introduced by .....	54, 60, 63, 123, 124,
126, 148, 157, 179, 182, 184, 208, 229, 248, 249, 251, 273, 295, 303, 325, 327, 340, 367, 410, 446,	
549, 550, 551, 581, 610, 674, 675, 743, 749, 753, 755, 757, 767, 905	
Cosponsor:	
Added as.....	142, 314, 420, 878, 1007
Removed as .....	878
Remarks by, ordered printed.....	348
Resolutions offered by.....	50, 52, 100, 101, 103,
112, 113, 167, 172, 227, 228, 320, 336, 366, 385, 387, 441, 444, 538, 605, 606, 628, 660, 663, 665,	
667, 909, 915, 924, 1037, 1077, 1134, 1137, 1311, 1315, 1318, 1713, 1769, 1770, 1771, 1772, 1773,	
2226, 2228, 2230, 2546, 2548, 2549	
McGEEHAN, PAT, a Republican from the First Delegate District:	
Bills introduced by .....	54, 122, 123, 126, 127,
159, 178, 179, 182, 250, 252, 273, 296, 297, 298, 302, 328, 340, 344, 394, 395, 409, 446, 673, 674,	
749, 751, 757, 760, 762, 767	
Excused from voting, requested.....	2208, 2210
Leave of absence granted to.....	3000, 3025

Remarks by, ordered printed..... 65, 95, 127, 261, 726  
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MILEY, TIM, a Democrat from the Forty-eighth Delegate District:

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 124, 125, 127, 153, 155, 185, 186, 205, 231, 232, 233, 252, 298, 302, 328, 343, 389, 390, 391, 392,  
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 Cosponsor, removed as..... 37  
 Excused from voting, requested.....308, 3036  
 Remarks by, ordered printed.....420, 726, 839, 877, 1036, 1226  
 Resolutions offered by..... 167, 177, 221, 385, 437  
 572, 574, 669, 1037, 1124, 1137, 1801, 2224, 2226

MILLER, CAROL, a Republican from the Sixteenth Delegate District:

Appointed on special committee to notify the Senate that the  
 House was ready to adjourn *sine die*.....2985  
 Bills introduced by ..... 55, 59, 61, 64, 119,  
 123, 125, 148, 152, 154, 179, 231, 248, 253, 273, 294, 297, 300, 368, 369, 447, 450, 578, 581, 584,  
 610, 635, 675, 676, 677, 741, 742, 748, 751, 755, 761, 813, 843, 902, 1063, 1634, 1763  
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 Leave of absence granted to..... 373  
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 Resolutions offered by..... 167, 441, 538, 568, 628,  
 660, 663, 665, 667, 909, 1037, 1134, 1137, 1311, 1315, 2546, 2548, 2549

MILLER, RODNEY, a Democrat from the Twenty-third Delegate District:

Appointed on Conference Committee as to Com. Sub. for S. B. 582 .....2256  
 Announcement concerning vote.....2543  
 Bills introduced by ..... 64, 120, 127, 137, 139,  
 140, 154, 156, 157, 179, 181, 182, 184, 185, 205, 208, 230, 231, 250, 251, 252, 294, 295, 300, 301,  
 323, 327, 396, 410, 446, 449, 551, 578, 580, 584, 612, 675, 676, 742, 743, 744, 746, 749, 752, 754,  
 755, 761, 762, 764, 1069  
 Cosponsor, removed as..... 967  
 Excused from voting, requested.....875, 1084  
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 915, 1037, 1077, 1124, 1134, 1137, 1315, 2226, 2230, 2233

MOORE, RILEY, a Republican from the Sixty-seventh Delegate District:

Appointed on Conference Committee as to Com. Sub. for H. B. 4013.....1335  
 Bills introduced by ..... 54, 55, 59, 120, 121,  
 139, 154, 202, 205, 206, 207, 229, 252, 254, 273, 274, 298, 299, 300, 301, 302, 328, 338, 339, 340,  
 342, 367, 395, 410, 411, 412, 449, 451, 578, 579, 580, 635, 673, 675, 742, 749, 762, 1047  
 Cosponsor, removed as..... 840  
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## MOYE, RICKY, a Democrat from the Twenty-ninth Delegate District:

Announcement concerning vote.....	1226, 1324
Appointed on special committee to inform the Governor that the Legislature was ready to adjourn <i>sine die</i> .....	2985
Bills introduced by.....	137, 184, 232, 249, 251, 273, 327, 328, 409, 551, 747, 748, 751, 760, 764, 765, 768
Excused from voting, requested.....	875, 1022, 1588, 2208, 2210
Remarks by, ordered printed.....	212, 284, 779, 898, 1406
Resolutions offered by.....	167, 385, 387, 437, 738, 1037, 1124, 1137, 2226, 2228, 2546, 2548

## NELSON, ERIC, a Republican from the Thirty-fifth Delegate District:

Announcement concerning vote.....	188, 1226, 2984
Bills introduced by.....	137, 154, 204, 230, 233, 248, 249, 324, 450, 743, 813, 902, 1040, 1063, 1634, 1763
Cosponsor:	
Added as.....	899
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Excused from voting, requested.....	875, 1997, 2212
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Resolutions offered by.....	108, 167, 366, 437, 568, 1037, 1137, 1801, 2546, 2548, 2549, 2551

## O'NEAL, IV, JOHN D., a Republican from the Twenty-eighth Delegate District:

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## OVERINGTON, JOHN, a Republican from the Sixty-second Delegate District:

Appointed on Conference Committee as to Com. Sub. for H. B. 4186.....	1535
Bills introduced by.....	54, 59, 61, 64, 137, 139, 254, 256, 368, 413, 447, 580, 610, 633, 635, 677, 670
Cosponsor:	
Added as.....	1536
Removed as.....	160, 284
Excused from voting, requested.....	1588
Motions by.....	2985
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Resolutions offered by.....	167, 202, 437, 568, 606, 909, 1037, 1137, 1311, 1427

## PACK, JEFFREY, a Republican from the Twenty-eighth Delegate District:

Appointed to House.....	20
Bills introduced by.....	159, 207, 249, 273, 274, 296, 297, 299, 300, 301, 302, 325, 367, 410, 741, 747, 748, 750, 751, 757, 762, 766, 905
Cosponsor, added as.....	456, 1295
Excused from voting, requested.....	1022
Oath of Office administered to.....	20
Remarks by, ordered printed.....	1226
Resolutions offered by.....	167, 366, 437, 439, 568, 606, 741, 909, 924, 1037, 1079, 1124, 1137, 1310, 1311, 1769, 1770, 1771, 1772, 1773

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PAYNTER, TONY, a Republican from the Twenty-fifth Delegate District:

Announcement concerning vote.....	1227
Bills introduced by .....	60, 61, 122, 123, 126, 137, 138, 139, 150, 158, 178, 179, 182, 206, 207, 208, 229, 250, 251, 253, 256, 273, 295, 296, 299, 300, 302, 303, 328, 339, 340, 344, 394, 410, 431, 437, 448, 550, 551, 580, 581, 584, 610, 672, 675, 742, 749, 757, 764, 767
Cosponsor:	
Added as.....	95, 314
Removed as .....	330
Paired .....	826
Resolutions offered by .....	145, 147, 167, 202, 336, 385, 606, 667, 909, 923, 924, 1038, 1124, 1137, 1311, 1713, 1769, 1770, 1771, 1772, 1773, 2228, 2546, 2548, 2549

PETHTEL, DAVE, a Democrat from the Fifth Delegate District:

Appointed on special committee to notify the Senate had assembled.....	3
Bills introduced by .....	61, 62, 119, 136, 230, 254, 340, 341, 343, 450, 580, 584, 747
Cosponsor, added as .....	420
Excused from voting, requested .....	875
Motions by.....	860
Remarks by, ordered printed.....	420, 1036, 1226,
Resolutions offered by.....	167, 385, 437, 572, 629, 1038, 1124, 1132, 1135, 1137, 1801, 2228, 2546

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Hicks .....	53
Howell.....	41
Kelly .....	860
Lovejoy .....	53
Marcum.....	53
Thompson.....	53

PHILLIPS, RUPERT, a Republican from the Twenty-fourth Delegate District:

Bills introduced by .....	55, 60, 61, 120, 179, 182, 252, 253, 254, 273, 325, 340, 343, 394, 409, 410, 413, 550, 583, 610, 635, 674, 750, 751, 752, 753, 757, 759
Cosponsor, added as .....	314, 399, 779
Leave of absence granted to.....	1065
Resolutions offered by.....	100, 101, 103, 112, 113, 145, 147, 167, 198, 320, 336, 382, 437, 441, 444, 568, 604, 606, 628, 663, 667, 909, 1038, 1132, 1134, 1315, 2230

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PUSHKIN, MIKE, a Democrat from the Thirty-seventh District:

Bills introduced by .....	62, 122, 123, 126, 127, 140, 205, 233, 251, 298, 302, 327, 328, 395, 412, 449, 451, 549, 551, 581, 583, 584, 672, 673, 675, 676, 677, 746, 747, 754, 760, 763, 764, 767, 1069, 2999
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Cosponsor:	
Added as .....	95, 840
Removed as .....	899
Motions by .....	1431
Remarks by, ordered printed .....	45, 314, 348, 420, 877, 898, 1006, 1226
Resolutions offered by .....	108, 167, 169, 385, 431, 437, 913, 921, 1038, 1124, 2226
PYLES, RODNEY, a Democrat from the Fifty-first Delegate District:	
Announcement concerning vote .....	877, 1507
Bills introduced by .....	138, 139, 153, 158, 178, 181, 184, 205, 232, 252, 253, 296, 299, 446, 450, 583, 584, 676, 750, 758, 760, 762, 763, 812
Cosponsor, added as .....	314, 966
Remarks by, ordered printed .....	878, 898
Resolutions offered by .....	167, 385, 431, 437, 738, 1124, 1132, 1769, 1770, 1771, 1772, 1773, 2226, 2228
QUEEN, BEN, a Republican from the Forty-eighth Delegate District:	
Bills introduced by .....	43, 54, 123, 139, 153, 156, 183, 202, 204, 205, 229, 271, 274, 338, 342, 446, 580, 635, 673, 675, 741, 744, 750, 755
Cosponsor, removed as .....	590, 1036
Excused from voting, requested .....	303
Resolutions offered by .....	104, 221, 243, 385, 437, 568, 574, 606, 669, 1038, 1124, 1137, 1310, 1311, 2228, 2233
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Bills introduced by .....	62, 120, 122, 123, 126, 157, 163, 181, 185, 205, 230, 323, 327, 343, 395, 396, 449, 581, 583, 584, 612, 672, 673, 676, 677, 747, 748, 764, 766, 1069
Cosponsor, added as .....	261
Excused from voting, requested .....	1290
Motions by .....	338, 346
Remarks by, ordered printed .....	591, 839, 1065
Resolutions offered by .....	108, 167, 169, 228, 385, 431, 437, 625, 913, 920, 1038, 1124, 1132, 1137, 1304, 1313, 1428, 2226
RODIGHIERO, RALPH, a Democrat from the Twenty-fourth Delegate District:	
Bills introduced by .....	154, 181, 182, 229, 249, 250, 251, 252, 273, 300, 327, 342, 396, 409, 410, 413, 551, 578, 812
Motions by .....	860
Resolutions offered by .....	167, 170, 172, 244, 290, 320, 385, 437, 441, 540, 604, 627, 628, 630, 663, 665, 668, 739, 911, 915, 1038, 1124, 1132, 1134, 1137, 1315, 2226, 2230
ROHRBACH, MATTHEW, a Republican from the Seventeenth Delegate District:	
Bills introduced by .....	43, 44, 55, 60, 62, 140, 148, 151, 153, 157, 163, 183, 184, 205, 206, 232, 250, 253, 271, 273, 274, 294, 301, 302, 343, 344, 394, 413, 414, 446, 449, 550, 579, 581, 584, 610, 612, 632, 676, 732, 741, 742, 745, 748, 750, 767, 812
Cosponsor:	
Added as .....	314, 420, 725, 840, 1127
Removed as .....	590, 616
Leave of absence granted to .....	141

Remarks by, ordered printed.....236, 778  
 Resolutions offered by ..... 167, 385, 387, 435, 437,  
 441, 538, 568, 606, 660, 738, 909, 1038, 1137, 1310, 1311, 1318, 1713, 2228

ROMINE, CHUCK, a Republican from the Sixteenth Delegate District:  
 Announcement concerning vote.....237, 456, 898  
 Bills introduced by ..... 54, 55, 78, 248, 294,  
 368, 369, 581, 610, 676, 677, 748  
 Leave of absence granted to.....212, 642, 876, 1292  
 Remarks by, ordered printed.....1351  
 Resolutions offered by ..... 167, 175, 201, 439, 441,  
 538, 577, 606, 628, 660, 663, 665, 667, 909, 1068, 1134, 1137, 1310, 1315, 2228

ROMINE, WILLIAM ROGER, a Republican from the Sixth Delegate District:  
 Appointed on special committee to wait upon the Governor ..... 4  
 Bills introduced by ..... 56, 61, 124, 148, 152,  
 153, 154, 178, 181, 184, 204, 249, 250, 251, 252, 272, 273, 296, 301, 302, 340, 343, 344, 369, 395,  
 552, 672, 744  
 Cosponsor:  
 Added as.....284, 330  
 Removed as ..... 348  
 Resolutions offered by ..... 167, 202, 385, 437, 439,  
 606, 909, 912, 1038, 1132, 1134, 1135, 1137, 1311, 2228

ROWAN, RUTH, a Republican from the Fifty-seventh Delegate District:  
 Bills introduced by ..... 60, 78, 152, 154, 184,  
 251, 272, 302, 327, 344, 367, 368, 369, 370, 410, 449, 550, 551, 584, 610, 677  
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 Added as..... 188  
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ROWE, LARRY L., a Democrat from the Thirty-sixth Delegate District:  
 Announcement concerning vote.....1350  
 Bills introduced by ..... 124, 230, 302, 385, 395,  
 449, 612, 673, 674, 676, 746, 747, 761, 764, 765  
 Cosponsor, added as .....556, 878  
 Motions by..... 860  
 Remarks by, ordered printed.....726, 898, 1006, 1065, 1226  
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## SHOTT, JOHN H., a Republican from the Twenty-seventh Delegate District:

Appointed on Conference Committees as to:

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394, 447, 450, 578, 579, 580, 611, 632, 671, 673, 677, 741, 755, 758, 759, 764, 767, 768

Cosponsor, added as .....590, 1158

Excused from voting, requested ..... 825

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1512, 1513, 1628, 1629, 1631, 1633, 1634

Resolutions offered by ..... 167, 175, 437, 568, 923,  
1038, 1126, 1127, 1137, 1304, 1801, 2546, 2548, 2549

## SOBONYA, KELLI, a Republican from the Eighteenth Delegate District:

Announcement concerning vote .....1227

Appointed on Conference Committees as to:

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Report by .....2798

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To inform the Governor that the Legislature had assembled  
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To notify the Senate that the House was  
ready to adjourn *sine die* .....3025

Bills introduced by ..... 43, 44, 55, 64, 78 – 94, 151, 152, 156, 158,  
163, 179, 183, 205, 206, 229, 231, 249, 253, 254, 273, 294, 302, 325, 338, 344, 368, 369, 370, 394,  
397, 413, 446, 448, 449, 581, 610, 633, 675, 676, 677, 741, 744, 748, 750, 752, 762, 842, 1069

Cosponsor:

Added as .....95, 1295

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## SPONAUGLE, ISAAC, a Democrat from the Fifty-fifth Delegate District:

Bills introduced by .....	62, 119, 122, 123, 126, 127, 184, 185, 301, 302, 328, 396, 412, 446, 450, 582, 583, 584, 672, 743, 749, 760, 761, 768, 843
Motions by.....	408, 419, 577, 589, 860, 876
Remarks by, ordered printed.....	261, 420, 591, 726, 839, 878, 1065, 1226, 2212
Resolutions offered by .....	167, 228, 385, 437, 629, 664, 918, 1038, 1124, 1132, 1137, 1297, 2226

STATLER, JOE, a Republican from the Fifty-first Delegate District:	
Bills introduced by .....	56, 59, 137, 154, 158, 179, 183, 184, 202, 205, 230, 232, 233, 248, 250, 253, 272, 299, 325, 327, 339, 340, 409, 411, 447, 450, 549, 551, 582, 632, 732, 743, 749, 763, 812
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STORCH, ERIKKA, a Republican from the Third Delegate District:	
Announcement concerning vote .....	803, 877, 1766, 3026
Bills introduced by .....	55, 61, 63, 119, 123, 178, 180, 181, 203, 205, 252, 340, 341, 395, 446, 451, 549, 550, 552, 579, 581, 672, 675, 813, 843, 902, 1063
Cosponsor, added as .....	840
Excused from voting, requested .....	1588
Leave of absence granted to .....	212, 236, 330, 1405
Reports by, as Chair of the Committee on Political Subdivisions .....	135, 359, 596, 597, 784, 785
Resolutions offered by .....	167, 201, 202, 385, 437, 439, 569, 572, 606, 909, 938, 1079, 1124, 1129, 1310, 1311, 1318, 1801
SUMMERS, AMY, a Republican from the Forty-ninth Delegate District:	
Appointed on special committee to escort Speaker-elect to the Clerk's Desk .....	3100
Bills introduced by .....	42, 43, 44, 55, 59, 62, 64, 121, 123, 124, 125, 137, 148, 151, 152, 154, 156, 157, 158, 163, 183, 202, 205, 206, 229, 232, 253, 271, 274, 294, 301, 302, 338, 339, 344, 369, 393, 394, 413, 449, 450, 578, 580, 581, 583, 632, 676, 677, 741, 744, 748, 750, 762
Cosponsor:	
Added as .....	330
Removed as .....	779, 840, 1508
Excused from voting, requested .....	825, 2245
Leave of absence granted to .....	1006, 1035
Remarks by, ordered printed .....	261, 877, 1766
Resolutions offered by .....	167, 196, 221, 385, 569, 601, 605, 607, 1038, 1137
SYPOLT, TERRI, a Republican from the Fifty-second Delegate District:	
Appointed on Conference Committee as to Com. Sub. for H. B. 2995 .....	1534
Appointed on special committees:	
To notify the Senate that the House had assembled in extraordinary session .....	2991
To notify the Senate that the House was ready to adjourn <i>sine die</i> .....	3025
Bills introduced by .....	45, 54, 55, 63, 123, 139, 155, 156, 158, 202, 270, 300, 325, 394, 414, 550, 581, 741
Cosponsor, added as .....	314, 840
Resolutions offered by .....	167, 196, 437, 439, 607, 1037, 1077, 1769, 1770, 1771, 1772, 1773, 2228
THOMPSON, ROBERT, a Democrat from the Nineteenth Delegate District:	
Bills introduced .....	181, 182, 229, 251, 252, 327, 344, 396, 413, 578, 610, 635, 748, 749, 754, 755, 762, 763, 764, 765
Cosponsor, added as .....	314
Motions by .....	860
Paired .....	1061
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Remarks by, ordered printed .....	160, 236, 898
Resolutions offered by .....	167, 382, 385, 437, 441, 575, 628, 630, 663, 665, 668, 739, 911, 1038, 1124, 1132, 1134, 2226
UPSON, JILL, a Republican from the Sixty-fifth Delegate District:	
Announcement concerning vote .....	1350

Bills introduced by..... 59, 120, 125, 139, 153,  
154, 183, 184, 186, 250, 273, 295, 298, 300, 327, 328, 410, 446, 447, 449, 550, 579, 582, 635, 675,  
732, 749, 754, 812

Cosponsor:  
    Added as.....65, 420, 803  
    Removed as ..... 142

Paired ..... 826

Remarks by ordered printed.....260, 456

Resolutions offered by ..... 167, 385, 569, 1038, 1427

WAGNER, DANNY, a Republican from the Forty-seventh Delegate District:  
    Appointed on special committee to wait upon the Governor ..... 4

Bills introduced by..... 64, 119, 125, 126, 137,  
152, 153, 184, 204, 250, 253, 301, 341, 344, 369, 410, 449, 551, 612, 751, 754, 755, 764, 765

Excused from voting, requested.....2208, 2210

Remarks by, ordered printed..... 877

Resolutions offered by ..... 50, 52, 117, 167, 196,  
243, 290, 437, 1038, 1124, 1318

WALTERS, RON, a Republican from the Thirty-ninth Delegate District:  
    Announcement concerning vote..... 616

Bills introduced by..... 54, 61, 63, 64, 119,  
124, 148, 151, 155, 156, 204, 233, 252, 254, 270, 295, 298, 301, 328, 339, 340, 343, 367, 411, 447,  
449, 450, 451, 550, 578, 633, 673, 674, 744, 746, 747, 753, 767, 813, 843, 902, 1063, 1634, 1763

Cosponsor:  
    Added as .....420, 840  
    Removed as ..... 237

Reports by, as Chair of the Committee on Pensions and Retirement..... 785, 1159, 1160

Resignation from House .....1767

Resolutions offered by ..... 108, 118, 227, 437, 569,  
607, 909, 924, 1038, 1137, 1304, 1308

WARD, GUY, a Republican from the Fiftieth Delegate District:  
    Bills introduced by.....45, 59, 60, 63, 78,  
123, 126, 139, 158, 179, 204, 206, 247, 252, 270, 273, 274, 296, 299, 343, 368, 369, 370, 394, 446,  
450, 549, 580, 581, 610, 672, 673, 674, 675, 676, 742, 747, 750, 751, 753, 757, 759, 762

Cosponsor, added as ..... 348

Excused from voting, requested ..... 826, 1807, 2278

Resolutions offered by ..... 167, 202, 385, 437, 577,  
601, 607, 909, 1038, 1124, 1137, 1769, 1770, 1771, 1772, 1773, 2226

WESTFALL, STEVE, a Republican from the Twelfth Delegate District:  
    Announcement concerning vote.....1227, 2984

Bills introduced by.....54, 56, 61, 64, 119,  
123, 126, 137, 138, 153, 154, 157, 179, 183, 186, 206, 229, 231, 233, 247, 252, 253, 274, 295, 298,  
325, 327, 342, 366, 367, 368, 395, 397, 409, 411, 412, 413, 447, 448, 451, 550, 579, 580, 583, 610,  
612, 635, 674, 675, 744, 746, 750, 752, 843, 902, 1063, 1634, 1763

Cosponsor:  
    Added as.....160, 1158  
    Removed as ..... 188, 330, 616,

Paired ..... 798

Reports by, as Chair of the Committee on Banking and Insurance..... 285, 286, 405, 619, 647,  
1303, 1304, 1306

Reports by, as Vice Chair of the Joint Committee on Enrolled Bills.....2951

Resolutions offered by ..... 49, 50, 52, 118, 167,  
196, 243, 290, 366, 435, 437, 569, 607, 909, 1038, 1079, 1124, 1304, 1310, 1312, 1318, 1712, 2226,  
2235, 2546, 2548, 2549, 2551

WHITE, BRAD, a Republican from the Thirty-sixth Delegate District:  
    Announcement concerning vote.....2543, 2984

Bills introduced by..... 59, 123, 124, 140, 154,  
157, 183, 186, 205, 206, 233, 249, 253, 270, 273, 295, 327, 328, 410, 612, 635, 674, 675, 676

Cosponsor, added as ..... 420

Leave of absence granted to..... 141, 236, 313, 373, 839, 898, 966, 1065, 3000

Paired .....	826
Remarks by, ordered printed .....	1766
Resolutions offered by .....	167, 569, 675, 913, 1038, 1304, 1310, 1313, 1428, 2228, 2230
WILLIAMS, JOHN, a Democrat from the Fifty-first Delegate District:	
Appointment on Conference Committee as to Com. Sub. for S. B. 392 .....	2589
Bills introduced by .....	127, 158, 181, 185, 205, 229, 230, 232, 252, 298, 301, 302, 323, 328, 343, 396, 446, 448, 449, 450, 583, 584, 612, 672, 743, 749, 754, 763, 2999
Motions by .....	860
Resolutions offered by .....	167, 228, 385, 437, 629, 1038, 1124, 1132, 1137, 1318, 1769, 1770, 1771, 1772, 1773
WILSON, S. MARSHALL, a Republican from the Sixtieth Delegate District:	
Announcement concerning vote .....	456
Bills introduced by .....	121, 122, 123, 126, 183, 584, 633, 743, 767
Excused from voting, requested .....	586, 2253
Leave of absence granted to .....	188, 642, 803, 3000, 3025
Motions by .....	17
Resolutions offered by .....	167, 385, 435, 437, 607, 660, 924, 1038, 1427, 2546, 2548, 2549
ZATEZALO, MARK, a Republican from the First Delegate District:	
Appointed on Conference Committee as to Com. Sub. for S. B. 545 .....	2224
Report by .....	2894
Bills introduced by .....	45, 55, 125, 137, 138, 154, 155, 156, 179, 247, 248, 249, 300, 343, 413, 446, 447, 448, 549, 550, 579, 581, 677, 758, 1069
Cosponsor, added as .....	314
Excused from voting, requested .....	875, 1022, 1324
Paired .....	929
Point of order raised by .....	345
Remarks by, ordered printed .....	236, 898, 1036, 2212
Resolutions offered by .....	118, 167, 196, 201, 437, 569, 572, 607, 1038, 1137, 1801, 2228, 2546, 2548, 2549





**REGULAR SESSION, 2018**

\*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2008 -	By Delegates Gearheart and Hamrick: Relating to the Dealer Recovery Program (Chapter 155, Acts, Regular Session, 2018)	18	458, 1040		2589	1178	18, 458, 1105, 1148, 1177, 1178, 2955, 2981
2010 -	By Delegates Folk and McGeehan: Requiring authorization from the Legislature before submitting an application for an MS-4 permit to the United States Environmental Protection Agency	18					18
2011 -	By Delegate Phillips: Prohibiting state agencies and departments from acting outside their statutory scopes of authority	18					18
2012 -	By Delegate Rodighiero: Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income	18					18
2013 -	By Delegate Rodighiero: Relating to replacing the present crime of burglary with the crime of home invasion	18					18
2014 -	By Delegate Rodighiero: Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent	18					18
2015 -	By Delegate Rodighiero: Establishing seniority rights for public employees	18					18
2016 -	By Delegate Rodighiero: Providing state health care services for all active and inactive duty military personnel	18					18
2020 -	By Delegates Rodighiero and Westfall: Freezing PEIA employee premiums for three years	18					18
2021 -	By Delegate Sponaugle: Relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement	18					18
2022 -	By Delegate Rodighiero: Relating to public health	18					18
2023 -	By Delegate Rodighiero: Changing the way that the costs of incarcerating inmates in regional jails is collected	18					18
2024 -	By Delegate Rodighiero: Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2025 -	By Delegate Rodighiero: Providing one-time supplements to all annuitants when they reach the age of seventy	18					18
2026 -	By Delegate Rodighiero: Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage	18					18
2027 -	By Delegate Gearheart: Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways	18					18
*2028 -	By Delegates Folk, Hanshaw, Shott, Dean, Fleischauer, Fluharty, McGeehan, Paynter, Martin and Wilson: Relating to the venue for suits and other actions against the state (Chapter 40, Acts, Regular Session, 2018)	18	143		2214	234	18, 188, 211, 234, 2954, 2982
2029 -	By Delegate Gearheart: Permitting counties to adopt certain ordinances relating to dogs and cats	18					18
2030 -	By Delegate Folk: Eliminating the requirement that proceedings against the State, a state agency or state officer be brought and prosecuted in the circuit court of Kanawha County	18					18
2031 -	By Delegate Folk: Eliminating requirements that state provide for professional training and development of teachers	18					18
2033 -	By Delegates Hamrick, Howell, Gearheart, Phillips and Folk: Permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner's property without a license	18					18
2034 -	By Delegate McGeehan: Relating to county budget stabilization funds	18					18
2039 -	By Delegate Rodighiero: Establishing a tax credit for new businesses that locate in the state	18					18
2042 -	By Delegate Caputo: Relating to pension benefits exempt from state income taxation	18					18
2043 -	By Delegate Caputo: Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle	18					18



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2044 -	By Delegate Moye: Relating to the Senior Farmers' Market Nutrition Program	18					18
2045 -	By Delegate Caputo: Giving the Insurance Commissioner the power to regulate and penalize self-insured employers	18					18
2046 -	By Delegate Caputo: Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office	18					18
2047 -	By Delegate Caputo: Increasing compensation for conservation officers	18					18
2048 -	By Delegates Caputo and Isner: Providing meetings and conference rights for members of municipal fire departments	18					18
2049 -	By Delegate Caputo: Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors	18					18
2050 -	By Delegates Caputo and Isner: Allowing state employees to take paid leave to attend parent-teacher conference for their children	18					18
2051 -	By Delegate Rodighiero: Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act	18					18
2053 -	By Delegate Rodighiero: Requiring facilities providing abortions to obtain parental notification or consent in writing	18					18
2055 -	By Delegate Rodighiero: Including volunteer firefighters within the Public Employees Insurance Act	18					18
2056 -	By Delegate Caputo: Providing for the use of neck braces by football players	18					18
2057 -	By Delegates Caputo and Isner: Increasing benefits of retired state personnel and retired teachers	18					18
2058 -	By Delegate Caputo: Prohibiting the use of a credit score in casualty insurance rate filings	18					18
2059 -	By Delegate Caputo: Providing a ten percent discount to residents at state parks and forests	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2061 -	By Delegate Upson: Relating to inspection of vehicles and providing that defects in windshields and windows that do not obscure vision are not unsafe conditions	18					18
2063 -	By Delegates Hamilton and Rowan: Extending the expiration of driver's licenses for active military members' spouses	18					18
2064 -	By Delegate Fast: Defining the term minor boundary adjustment	18					18
2065 -	By Delegate Fast: Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections	18					18
2066 -	By Delegate Cooper: Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents	18					18
2067 -	By Delegate McGeehan: Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom	18					18
2068 -	By Delegate Rohrbach: Operating and maintaining a fully interoperable statewide network to facilitate public and private use of health care information in the state	18					18
2072 -	By Delegate Rodighiero: Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program	18					18
2073 -	By Delegate Rodighiero: Making available elective courses on the history of the old and new testaments of the bible	18					18
2074 -	By Delegate Caputo: Establishing seniority rights for public employees	18					18
2075 -	By Delegates Hanshaw and Fleischauer: Providing the Auditor with greater oversight of advance allowance accounts	18					18
2076 -	By Delegate Caputo: Establishing the Legislative Oversight Commission on Energy Workers Safety	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2077 -	By Delegate Rohrbach: West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act	18					18
2078 -	By Delegate Hamrick: Making special registration plates for volunteer fire fighters	18					18
2080 -	By Delegate Caputo: Increasing the amount of annual and incremental salary increases for eligible state employees	18					18
2082 -	By Delegate Rodighiero: Prohibiting state funding of abortions	18					18
2084 -	By Delegate Rodighiero: Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket	18					18
2085 -	By Delegate Rodighiero: Ensuring Patient Safety Act	18					18
2086 -	By Delegate Rodighiero: Allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program	18					18
2087 -	By Delegate Fleischauer: Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling	18					18
2088 -	By Delegate Cowles: Establishing a bill of rights for children in foster care	18					18
2089 -	By Delegate Cowles: Establishing a bill of rights for foster parents	18					18
2090 -	By Delegate Cowles: Increasing the minimum number of magisterial districts in a county	18					18
2093 -	By Delegates McGeehan and Wagner: Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax	18					18
2094 -	By Delegates McGeehan and Folk: Home Instruction Tax Relief Act	18					18
2095 -	By Delegates McGeehan and Folk: Relating to the rule-making authority of local boards of health	18					18
2096 -	By Delegates Hamrick and Folk: Exempting commercial airlines from obtaining licenses to serve liquor, beer or wine on flights	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2098 -	By Delegates Folk and Sobonya: Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test	18					18
2099 -	By Delegate McGeehan: Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law	18					18
2100 -	By Delegates Pushkin, Folk, Blair and Fast: Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation	18					18
2101 -	By Delegates Pushkin and Eldridge: Relating to the juvenile justice reform oversight committee	18					18
2102 -	By Delegates McGeehan and Sponaugle: Allowing a group of affiliated voters to become a recognized political party under certain criteria	18					18
2103 -	By Delegates Eldridge and Hicks: Making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing Act	18					18
2104 -	By Delegates Eldridge and Hicks: Requiring that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship	18					18
2105 -	By Delegates Eldridge and Hicks: Establishing the state parks instant lottery scratch-off game	18					18
2106 -	By Delegates Pushkin, Upson and Fleischauer: Creating a domestic violence registry	18					18
2108 -	By Delegates Rodighiero, Hicks and Eldridge: Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses	18					18
2110 -	By Delegates Rodighiero, Hicks and Eldridge: Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2111 -	By Delegate Miley Exempting certified professional estimator services from consumer sales and service tax	18					18
2112 -	By Delegate McGeehan: Exempting all monetary benefits derived from military retirement from personal income tax obligations	18					18
2114 -	By Delegates Overington, Gearheart, Frich and Sobonya: Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America	18	1107				18, 1107, 1109
2115 -	By Delegates Rowan and Sobonya: Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility	18					18
2117 -	By Delegates Overington, Rohrbach, Upson and Frich: Removing the requirement that home schooled students have to acquire a general equivalency degree (GED) in order to qualify for the promise scholarship	18					18
2121 -	By Delegates Fleischauer, Hicks and Fluharty: West Virginia Residential Furniture and Children's Products Flame Retardants Act	18					18
2122 -	By Delegate Byrd: Providing a tax credit for first time home buyers	18					18
2123 -	By Delegates Rowan, Cooper, Cowles and R. Romine: Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority	18					18
2124 -	By Delegates Overington, Shott and Hicks: Providing that members of the House of Delegates in districts having more than one delegate be elected from numbered divisions	18					18
2125 -	By Delegate Hamilton: Reinstating service credit to certain members of the Public Employees Retirement System	18					18
2127 -	By Delegates Sponaugle and Fluharty: Relating to personal income taxes	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2128 -	By Delegate Fleischauer: Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement	18					18
2129 -	By Delegates Fleischauer, Sobonya, Statler, Overington, Frich and Pyles: Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs	18					18
2130 -	By Delegates Fluharty and Pushkin: Relating to drug testing of legislators	18					18
2131 -	By Delegates Folk and McGeehan: Prohibiting the state from requiring persons with oil or gas rights connected to deep oil or gas wells to involuntarily integrate their interests	18					18
2132 -	By Delegates Folk, McGeehan and Sobonya: Limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period	18					18
2135 -	By Delegates Kelly, Cooper, McGeehan and Sobonya: Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet	18					18
2137 -	By Delegates Hamrick, Statler, Rowan and Frich: Making it a misdemeanor for a person to impersonate a veteran	18					18
2138 -	By Delegates McGeehan and Folk: Right to keep and bear arms	18					18
2139 -	By Delegate Fast: Providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers	18					18
2140 -	By Delegates Fast and Frich: Modifying the definition of child abuse or neglect to exclude accidental injury	18					18
2141 -	By Delegates Cooper and Ambler: Expanding the authority of motor carrier inspectors	18					18
2142 -	By Delegates Cooper, Ambler and Rowan: Providing a salary increase for special education teachers	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2144 -	By Delegate Fast: Relating to relocation or closure of state higher education institutions	18					18
2145 -	By Delegate Fast: Repealing provision prohibiting employers from discriminating for use of tobacco products	18					18
2146 -	By Delegate Fast: Allowing a home improvement transaction to be performed under an oral contract	18					18
2148 -	By Delegate Byrd: Providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid	18					18
2149 -	By Delegates Caputo and Isner: Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service	18					18
2150 -	By Delegates McGeehan, Kelly and Folk: Relating to the hunting of coyotes	18					18
2154 -	By Delegates Moye, Rohrbach and Frich: Relating to sanctions for recipients of benefits from the Temporary Assistance for Needy Families Program	18					18
2155 -	By Delegates Caputo, Hamilton, Hornbuckle and Fluharty: Relating to career progression of members of the State Police	18					18
2156 -	By Delegates Hamilton, Frich and Folk: Relating to certain members of the Legislature and certain service by members of the Legislature	18					18
2157 -	By Delegates Sponaugle, Phillips, Rowan and McGeehan: Relating to school calendar	18					18
2158 -	By Delegates Sponaugle, Eldridge, Caputo, Fluharty and Hicks: Prohibiting drilling units from being established without consent of all owners	18					18
2159 -	By Delegates Fleischauer, Caputo and Hornbuckle: The Healthy and Safe Workplace Act	18					18
2160 -	By Delegates Eldridge and Hicks: Providing that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced workers' compensation premiums when not actively engaged in fire fighting	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2161 -	By Delegates Statler and Rohrbach: Relating to purchasing requirements for the Division of Highways	18					18
2162 -	By Delegates McGeehan and Folk: Exempting motor vehicles from personal property tax	18					18
2163 -	By Delegates McGeehan and Folk: Abolishing the Personal Income Tax	18					18
2164 -	By Delegates Statler and Gearheart: Prohibiting the placement of the name or likeness of public officials on state road signs	18					18
2165 -	By Delegates Statler, Rohrbach, Sobonya, Frich and Fleischauer: Relating to out of state physicians and surgeons traveling with sports teams within this state	18					18
2166 -	By Delegates Caputo and Rowan: Requiring county boards of education to employ a certified library media specialist in each county school	18					18
2168 -	By Delegates McGeehan and Folk: Prohibiting counties and municipalities from adopting ordinances or regulations that base restrictions on the breed of a dog	18					18
2169 -	By Delegate Fleischauer: Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates	18					18
2170 -	By Delegate Fleischauer: Relating generally to horizontal well control standards	18					18
2171 -	By Delegate Eldridge: Permitting contractors to perform work on a construction project without having a contractor's license under certain circumstances	18					18
2172 -	By Delegates Rodighiero, Hicks, Marcum and Eldridge: Providing that school nutrition plans include take home meals for low income students	18					18
2173 -	By Delegates Rodighiero and Hicks: Providing benefits for those who have served in the military service	18					18



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2174 -	By Delegates Rodighiero and Hicks: Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase	18					18
2175 -	By Delegates Rodighiero and Hicks: Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card	18					18
2176 -	By Delegates Rodighiero and Hicks: Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance	18					18
2177 -	By Delegates Rodighiero and Marcum: Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license	18					18
2178 -	By Delegate Rodighiero: Relating to quarterly payment of real and personal property taxes	18					18
2179 -	By Delegates Rodighiero, Hornbuckle and Eldridge: Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder	18					18
2181 -	By Delegate Caputo: Creating an additional magistrate court deputy clerk position for Marion County	18					18
2182 -	By Delegate McGeehan: Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans	18					18
2184 -	By Delegate Sponagle: Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits	18					18
2185 -	By Delegates Caputo and Ward: Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction	18					18
2187 -	By Delegates Rohrbach and Pyles: Establishing an advisory council on rare diseases	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2189 -	By Delegate Moye: Exempting disabled veterans from campground rental fees during certain times	18					18
2191 -	By Delegates Ferro, Hornbuckle, Fleischauer, Sponaugle and Fluharty: Relating to educational benefits for dependents of deceased or disabled veterans	18					18
2192 -	By Delegate Ferro: Adding pharmacist and pharmacy to the definition of "health care provider" as used in the Medical Professional Liability Act	18					18
2193 -	By Delegate Folk: Relating to the West Virginia Future Fund	18					18
2194 -	By Delegates Gearheart, Ambler, Cooper and Hamrick: Reducing personnel employed by the West Virginia Department of Education	18					18
2197 -	By Delegate Caputo: Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability	18					18
2198 -	By Delegates McGeehan and Folk: Redirecting certain funds of the West Virginia Department of Education	18					18
2201 -	By Delegate McGeehan: Save the Hospitals Act	18					18
2202 -	By Delegate Fast: Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person	18					18
2204 -	By Delegate Gearheart: Removing limitations on advertising and promotional activities by limited video lottery retailers	18					18
2205 -	By Delegates Gearheart, Cooper and Ambler: Exempting heating oil for residential use from the Motor Fuel Excise Tax	18	47				18, 47
2206 -	By Delegate Gearheart: Work/Incarceration Prison pilot program	18					18
2208 -	By Delegates Fleischauer, Hamrick, Folk and Pyles: Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2209 -	By Delegates Phillips, Folk, Eldridge and Sobonya: Limiting the authority of municipalities to regulate the purchasing, possessing, transferring, owning, carrying, transporting, selling and storing of knives	18					18
2210 -	By Delegates Ambler, Cooper, Wagner, Upson, Rowan and Moye: Increasing pay to teachers and service personnel	18					18
2211 -	By Delegates Kelly, Cooper, Wagner and Rohrbach: Increasing salaries for teachers	18					18, 408, 419
2212 -	By Delegate Howell: West Virginia Firearms Freedom Act	18					18
2213 -	By Delegate Gearheart: Relating to compulsory school attendance	18					18
2214 -	By Delegates McGeehan and Folk: West Virginia Educational Restoration Act	18					18
2215 -	By Delegate Howell: Issuing identification documents to homeless individuals residing at homeless shelters	18					18
2216 -	By Delegates Phillips and Sobonya: Making individuals responsible for the costs relating to the filing of excessive false complaints	18					18
2217 -	By Delegates Moye and Marcum: Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled	18					18
2302 -	By Delegate Sponaugle: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists	18					18
2304 -	By Delegates Fast and Overington: Relating to gasoline and fuel excise tax	18					18
2305 -	By Delegates Hamrick, Westfall and Statler: Relating to the issuance, expiration and renewal of driver's license	18					18
2306 -	By Delegates Folk and McGeehan: Establishing new procedures for courts with criminal jurisdiction to suspend and revoke driver's licenses based on D.U.I.	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2309 -	By Delegates McGeehan and Kelly: Discontinuing the use of common core standards and assessments in the state	18					18
2310 -	By Delegates Folk and Hamrick: Requiring regional airport authority board members to include persons of area expertise	18					18
2311 -	By Delegate Folk: Making all future federal and local statutes, ordinances, laws, orders and rules concerning firearms, firearm accessories, ammunition and their accouterments invalid and unenforceable	18					18
2314 -	By Delegate Sponaugle: Removing the compensation caps entirely for secretary-clerks and case coordinators	18					18
2316 -	By Delegate Caputo: Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers	18					18
2317 -	By Delegates Eldridge and Hicks: Establishing a retired teachers instant lottery scratch-off game	18					18
2320 -	By Delegates Howell, Upson, Maynard, McGeehan, C. Miller, Sypolt and Higginbotham: Allowing nonmembers of a political party to request that party's partisan ballot at a primary election	18					18
2321 -	By Delegate Overington: Requiring private clubs to be closed from two o'clock a.m. to seven o'clock a.m. on weekdays	18					18
2322 -	By Delegates Upson and Blair: Prohibiting sex offender registrants from having Halloween related contact with children	18					18
2323 -	By Delegates McGeehan, Howell, Shott and Frich: Exempting social security benefits from personal income tax	18					18
2324 -	By Delegate Fast: Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers	18					18
2325 -	By Delegate Fast: Limiting supervision of laying of lines on state rights-of-way	18					18
2326 -	By Delegates Rohrbach, Pushkin, Fleischauer, Lovejoy and Sypolt: West Virginia Earned Income Tax Credit	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2327 -	By Delegates Fleischauer and Cooper: Protecting consumers from surprise bills by health care providers	18					18
2328 -	By Delegate Sponaugle: Exempting Class X vehicles from the tax provisions of this section	18					18
2330 -	By Delegate Hamilton: Prohibiting the sale of paraphernalia designed or marketed for use with controlled substances	18					18
2331 -	By Delegates Rowe, Rohrbach and Fleischauer: Raising the legal age for purchase of tobacco and tobacco products	18					18
2332 -	By Delegates Rowe, Fluharty and Sobonya: Requiring the Library Commission to survey the libraries of the state and develop a ten year plan for construction and maintenance of public libraries	18					18
2334 -	By Delegate McGeehan: Relating to school curricular standards and assessments	18					18
2335 -	By Delegates Overington, Rowan and Frich: Protecting academic freedom in higher education	18					18
2336 -	By Delegate Eldridge: Reducing the number of pupils per school nurses	18					18
2339 -	By Delegates Howell and Statler: Intrastate Coal and Use Act	18					18
2340 -	By Delegates Statler, Maynard, Upson, Hill, Higginbotham, Ward and Williams: Relating to performance metrics for the West Virginia Division of Highways	18					18
2350 -	By Delegates Pyles, Statler and Frich: Deleting the language that remitted a portion of the alcoholic beverage tax to municipalities	18					18
2352 -	By Delegates Statler, Westfall, Maynard, Upson, Hill, Kessinger, Higginbotham, Ward and Williams: Relating to the criminal offense of desecration of graves and vandalizing cemeteries	18					18
2353 -	By Delegates Statler, Maynard, Espinosa, Upson, Hill, Higginbotham, Ward and Williams: Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2354 -	By Delegates Statler, Maynard, Upson, Hill, Kessinger, Higginbotham, Ward and Williams: Requiring the Commissioner of Highways to develop a statewide communications plan known as the Comprehensive Public Involvement Plan	18					18
2355 -	By Delegates Fleischauer, Pyles, Canestraro, Lovejoy, Thompson, Hicks, Robinson, Isner, E. Evans and Fluharty: Repealing the West Virginia Workplace Freedom Act and restoring prior law	18					18
2356 -	By Delegate Pyles: Relating to the approval of the Historic Landmarks Commission	18					18
2357 -	By Delegate Pyles: Relating to the power of local government authorities to regulate vehicular traffic within their borders	18					18
2358 -	By Delegates Sponaugle and Fluharty: Exempting a percentage of social security benefits from personal income tax	18					18
2361 -	By Delegates Hamilton, Wagner, Statler, A. Evans, Ambler, R. Romine, Eldridge, Lynch, Ferro, Pethel and Rowe: Relating to the surcharge on fire and casualty insurance policies	18					18
2362 -	By Delegate Cooper: Relating to the beginning and expiration of hunting and fishing licenses	18					18
2363 -	By Delegates Cooper, Howell, Ambler and Rowan: Requiring that a state employee with a commercial driver's license have a current medical evaluation certification	18					18
2365 -	By Delegates Hamilton, A. Evans, Statler, Cowles, Gearheart, Butler, Eldridge, Lynch and Frich: Relating to outdoor advertising regulated by the Commissioner of Highways	18					18
2368 -	By Delegates Moye, Hornbuckle, Cooper, Rowan, Hartman and Boggs: Relating to candidates for professional employee positions involving supervision of a county transportation department	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2370 -	By Delegates Moye, Hornbuckle, Ambler, Cooper, Rowan, Hartman, Boggs, Brewer, Wagner, Pethtel and Westfall: Restoring the ability of new hires to use accrued annual and sick leave for retirement service credit	18					18
2371 -	By Delegates Pushkin, Fluharty and Sponaugle: Relating to consumer protection of new manufactured home warranties	18					18
2372 -	By Delegates Fleischauer, Pyles, Canestraro, Lovejoy, Thompson, Hicks, Robinson, Isner, E. Evans and Fluharty: Reestablishing prevailing wages for certain state government contracts	18					18
2374 -	By Delegates Statler, Westfall, Maynard, Upson, Hill, Kessinger, Higginbotham and Ward: Requiring schools post signs displaying the Childhelp National Child Abuse Hotline	18					18
2375 -	By Delegates Moore, Hill, Martin, Dean, Paynter, Upson and Atkinson: Establishing a Small Business Empowerment and Economic Expansion Program providing tax relief to newly-established small businesses	18					18
2377 -	By Delegates McGeehan, Gearheart and Folk: Requiring an official declaration of war or an action to call forth the West Virginia National Guard by the United States Congress	18					18
2378 -	By Delegates Rowe, Pushkin and Fleischauer: Providing school days to register and transport students to vote	18					18
2379 -	By Delegate Howell: Providing a special method for valuation of certain wireless technology property for property taxes	18	47				18, 47
*2383 -	By Delegates Overington, Foster, Frich, Hamilton, Rowan and Sobonya: Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years	18	1010				18, 1062, 1067
2385 -	By Delegates Ferro, Pethtel, Hamilton and Caputo: Reallocating and dedicating up to \$30 million to the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2386 -	By Delegates Ferro, Storch, Canestraro, Hamilton, R. Romine, Diserio, Rowe, Ambler, Robinson and Cooper: Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee	18					18
2390 -	By Delegates Phillips, Marcum, Rodighiero, Eldridge, R. Miller, Maynard, Paynter, Hartman, Blair, Hamilton and Overington: Providing death penalty for first degree murder	18					18
2391 -	By Delegates Upson and Blair: Establishing an arborists program for inmates	18					18
2395 -	By Delegates Fluharty, Pushkin and Miley: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists	18					18
2396 -	By Delegates Folk and Gearheart: Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested attorneys in the circuit	18					18
2399 -	By Delegates Sponaugle, Marcum and Pushkin: Creating the West Virginia Earned Income Tax Credit	18					18
2400 -	By Delegates Sponaugle, Hornbuckle and Phillips: Reducing federal adjusted gross income for volunteer fire department and rescue squad members	18					18
2403 -	By Delegates Rowan, Cooper, Moye and Fast: Permitting county boards of education to accumulate instructional days and use them when needed	18					18
2406 -	By Delegate Caputo: Providing an increase in compensation for natural resources police officers	18					18
2407 -	By Delegates Caputo and Moye: Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers	18					18
2408 -	By Delegates Overington, Gearheart, Westfall, Phillips, Foster, Fast, Dean, Wilson and Rowan: Relating to the death penalty for first degree murder	18					18



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2410 -	By Delegate Folk: Relating to public sewage services	18					18
2411 -	By Delegate Fast: Relating to Public Defender Services	18					18
2413 -	By Delegates Folk, McGeehan, Shott, Upson, Martin, Householder and Howell: Requiring the comprehensive annual financial report to be published by the end of December	18					18
2414 -	By Delegate Caputo: Allowing quarterly payment of real and personal property taxes	18					18
2416 -	By Delegates Pyles, Upson, C. Romine and Longstreth: Increasing the tax credits allowed for rehabilitation of certified historic structures	18					18
2417 -	By Delegates Pyles and Lynch: Exempting from personal income tax the entirety of any income received under the federal Social Security system for certain persons	18					18
2418 -	By Delegate Pyles: Prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat	18					18
2423 -	By Delegates Howell, Rohrbach, Shott, Ward, Dean, Wilson and Atkinson: Relating to the criminal offense of therapeutic deception	18					18
2425 -	By Delegates Howell, Rohrbach, Frich, Blair, Kelly, Anderson and Gearheart: Authorizing licensees authorized to sell growlers of nonintoxicating beer to offer complimentary samples	18					18
2429 -	By Delegates Overington, Wilson, Paynter, Frich, Lane, Butler, Sobonya, Folk, Fast and Higginbotham: Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school	18					18
2432 -	By Delegates Rowan, R. Romine, Overington, Hamilton, Phillips, Moye, Kelly, Pethel, Rohrbach, Lynch and Ferro: Barring persons who are convicted of certain criminal offenses from acquiring property from their victims	18					18
2433 -	By Delegates Blair and Gearheart: Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2434 -	By Delegates Howell, Fast, Hanshaw, Kessinger, Hill, Lynch and Ambler: Relating to reevaluation of land damaged as a result of natural disaster	18					18
2435 -	By Delegate Walters: Relating to the disqualification of an employee for unemployment benefits	18					18
2436 -	By Delegates Gearheart, Butler and Folk: Suspending the implementation of the school aid formula until the year 2021	18					18
2441 -	By Delegates Wilson, Moore, McGeehan, Maynard, Paynter, Dean, Martin and Atkinson: Permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license	18					18
2443 -	By Delegates Folk, McGeehan, Upton, Wilson, Paynter, Higginbotham, Blair and Martin: Establishing academic standards and assessment methods	18					18
2462 -	By Delegates Cowles and Rowan: Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind	18					18
2463 -	By Delegate Cowles: Forfeiture Reporting Act	18					18
*2464 -	By Delegate Cowles: Relating to disclaimers and exclusions of warranties in consumer transactions for goods (Chapter 44, Acts, Regular Session, 2018)	18	730	872, 2215	2215	890, 2217	18, 802, 836, 872, 890, 891, 2217, 2954, 2982
2477 -	By Delegates Statler, Hill, Higginbotham, Williams, Pyles and Foster: Developing a special hiring procedure for personnel positions in the Division of Highways	18					18
2480 -	By Delegate Phillips: Changing the way counties pay for regional jail inmates	18					18
2481 -	By Delegate Hicks: Creating tax credits for new and/or existing small businesses	18					18
*2483 -	By Delegates Eldridge, Butler, Rohrbach, R. Miller, Sobonya and Iaquinta: Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday (Chapter 49, Acts, Regular Session, 2018)	18	217	1483	1483	305, 1486	18, 259, 282, 304, 305, 1486, 2545, 2981

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2488 -	By Delegates Gearheart, Butler, Folk and Frich: Relating to the forfeiture of unencumbered funds in special revenue accounts	18					18
2489 -	By Delegates Gearheart, Butler, Folk and Frich: Requiring a transfer from reappropriated revenue accounts to General Revenue Fund	18					18
2493 -	By Delegates Hollen, Criss, Cooper and Harshbarger: Granting a veteran with a hundred percent service-connected disability a \$10,000 exemption from the assessed value for one vehicle	18					18
2498 -	By Delegates Lovejoy, Rohrbach, Caputo, Storch, Brewer, Canestraro, Pushkin, R. Miller, Robinson and Hicks: Creating a rebuttable presumption that development of certain cancers by professional or volunteer firefighters arose out of the course of employment	18					18
2508 -	By Delegate Hicks: Creating tax credits for small businesses	18					18
2510 -	By Delegates Eldridge and Hicks: Permitting certain surface owners to purchase gas at market rates	18					18
2511 -	By Delegates Fleischauer and Hornbuckle: Establishing an industrial water extraction fee	18					18
2512 -	By Delegate McGeehan: Streamlining the process of abandoned mineral interests	18					18
2514 -	By Delegate Howell: Creating a special motor vehicle collector license plate	18					18
2515 -	By Delegate Howell: West Virginia Monument and Memorial Protection Act of 2017	18					18
2517 -	By Delegates Fleischauer, Fast, Statler and Frich: Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage	18					18
2521 -	By Delegates Summers, Sobonya, Hollen, Rohrbach and Dean: Advanced Practice Registered Nurse Compact	18					18
2523 -	By Delegates Folk, McGeehan, Paynter, Wilson, Gearheart, Phillips and Dean: Eliminating the certificate of need program	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2524 -	By Delegates Espinosa, Upson, Blair, Shott, Howell, Overington, Wilson and Householder: Improving the focus on school-level continuous improvement processes	18					18
2528 -	By Delegate Hicks: Requiring the amount of child support to be paid is effective from the date the petition for the modification was filed	18					18
2531 -	By Delegate Walters: Allowing military personnel and reservists the additional five-year period to enter upon or recover land already allowed to infants and the insane	18					18
2534 -	By Delegate Fleischauer: Authorizing local units of government to adopt local energy efficiency partnership programs	18	971				18, 972
2537 -	By Delegates Kelly, Criss, Wagner, Ward, Atkinson, Cooper, Rowan, R. Romine and Harshbarger: Relating to disability pensions of municipal employees	18					18
2539 -	By Delegates A. Evans, Hamilton, Ambler, R. Romine, Frich, Sponaule and Rowan: Permitting a housing authority to garnish delinquent rents and other amounts owed to the authority from the renter's income tax refund	18					18
2543 -	By Delegates Butler, Gearheart, Maynard, Harshbarger, Paynter and Sobonya: Preventing the State Board of Education from implementing common core academic standards and assessments	18					18
*2546 -	By Delegates Foster, Higginbotham, Howell, Wilson, Fast, Zatezalo, Kelly, Harshbarger, Maynard and Walters: Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned (Chapter 134, Acts, Regular Session, 2018)	18	132, 241		816	329	18, 132, 283, 309, 328, 329, 901, 1073
2547 -	By Delegates Rodighiero, Lynch, Eldridge and Frich: Relating to grandparent's rights	18					18
2553 -	By Delegates Summers and A. Evans: Relating to an exemption from the consumers sales and service tax and use tax for sales of services and tangible personal property related to the activities of raising and training livestock	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2554 -	By Delegates Foster, Higginbotham, Frich, Cowles, Wilson, Harshbarger and Maynard: West Virginia Contractor Licensing Act	18					18
2556 -	By Delegates Hamrick, Phillips, Folk, Paynter, Overington, Gearheart and Wilson: Requiring the Joint Committee on Government and Finance to prepare a "Coercive Federal Funds Report" on each budget bill	18					18
2557 -	By Delegates Kelly, Criss, Cooper, Rowan, R. Romine, Harshbarger, Hollen, Deem, Higginbotham, Anderson and Zatezalo: Relating to tuition and fees at community and technical colleges	18					18
2563 -	By Delegates Howell and Ambler: Relating to complimentary samples of nonintoxicating beer or nonintoxicating craft beer	18					18
2566 -	By Delegates Thompson, E. Evans and Lovejoy: West Virginia Fresh Food Act	18	130				18, 131
2567 -	By Delegate Thompson: Relating to failure to maintain state and public roads	18					18
2568 -	By Delegates Eldridge, Rodighiero, Maynard, Marcum, Hicks, Dean, Martin and Frich: Making the Holy Bible the official state book of West Virginia	18					18
2571 -	By Delegates Rowan, R. Romine, Cooper, Hamilton, Wagner, Moye, Rohrbach, Kelly and Rodighiero: Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition	18					18
2572 -	By Delegates Espinosa, Upson, Cowles, Blair, Overington, Fast and Higginbotham: Providing for the authorization and oversight of public charter schools	18					18
2575 -	By Delegates Cowles, Moore and Marcum: Relating to disqualification for unemployment benefits	18					18
2580 -	By Delegates Higginbotham, Cooper, Anderson, Deem, Moore and Overington: Relating to damages for medical monitoring	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2581 -	By Delegates Anderson, Paynter, Overington, Harshbarger, Frich, Cowles, Blair, Higginbotham and Atkinson: Relating to admissibility of certain evidence in a civil action for damages	18					18
2583 -	By Delegates Espinosa, Upson, Cowles, Blair, Overington, Paynter, Fast and Higginbotham: Relating to limitations on the use of wages and agency shop fees by employers and labor organization for political activities	18					18
2591 -	By Delegates Atkinson, Hill, Ward, Kelly, Moore, Harshbarger, Ambler, Cooper, Hollen, Westfall and Kessinger: Small Business Tax Credit	18	401				18, 401
2592 -	By Delegates Canestraro, Isner, Lovejoy and Hollen: Annual retirement annuity adjustment West Virginia State Police Retirement System	18					18
2593 -	By Delegates Canestraro, Isner, Lovejoy and Marcum: Relating to the placement of juvenile status offenders	18					18
2597 -	By Delegates Moye, Hornbuckle, Diserio, Marcum, Isner, Canestraro, Lovejoy, Caputo and Lynch: Campaign Advertising Fairness Act	18					18
2599 -	By Delegates Statler, Hill and Hanshaw: Relating to safety of tow trucks, wreckers, and tilt-bed vehicles	18					18
2600 -	By Delegates Folk, Anderson, Hamilton, E. Evans and Pethel: Relating to the Municipal Police and Fire Retirement System	18					18
2604 -	By Delegates Folk, Anderson, Hamilton and E. Evans: Relating to employee information reported to the Consolidated Public Retirement Board	18					18
*2607 -	By Delegate Canestraro: Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations	18	165	1408	1408	257	18, 211, 234, 256, 257, 1410, 1533, 1534
2608 -	By Delegate Statler: Requiring the Commissioner of Highways to contract with private providers or contractors for certain emergency maintenance operations	18					18
2611 -	By Delegate Phillips: Allowing a person to be both a limited video lottery operator and retailer	18					18

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2612 -	By Delegates Walters, Howell, Summers, Fluharty and Frich: Repealing section relating to unattended motor vehicles and penalties (Chapter 43, Acts, Regular Session, 2018)	18	214, 331		786	415	18, 214, 373, 398, 415, 883, 1014
2613 -	By Delegates Phillips, Frich, Foster, Sponaule, Maynard, Gearheart, McGeehan, Overington, Paynter and Blair: Allowing state, county or municipal employees with a license to carry a concealed weapon to possess a firearm at any time in this state	18					18
2614 -	By Delegates Phillips, Eldridge, Barrett, C. Miller, Maynard, Marcum, White and Rodighiero: Prohibiting health care practitioners from knowingly and in bad faith prescribing or administering drugs	18					18
2615 -	By Delegates Pushkin, Rowe, Caputo and Robinson: Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system	18					18
2616 -	By Delegates Brewer, Ferro, Moye, Longstreth, Caputo, Hartman, E. Evans, Sponaule, Diserio and Pyles: Decreasing the personal income tax rates for certain taxpayers and raising the personal income tax rates for certain other taxpayers	18					18
2623 -	By Delegates Fleischauer, Pyles, Brewer, Hornbuckle, Byrd, Rowe, Robinson, Blair and Pethel: Prohibiting discrimination based upon age or sexual orientation	18					18
2625 -	By Delegates Brewer, Ferro, Caputo, McGeehan, Iaquinta, Diserio, Longstreth, Lynch, Williams, Kelly and Hornbuckle: Returning Veterans and Displaced Miners Jobs Act	18					18
2626 -	By Delegates Ferro, Hamilton, Cooper, Canestraro, Brewer, Storch, Iaquinta, Lynch, Longstreth and A. Evans: Extending the expiration of driver's licenses for active military members' spouses	18					18
2627 -	By Delegates Statler, Phillips, Dean, Wagner and McGeehan: Requiring that open hunting season for big game begin on a Saturday	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2632 -	By Delegates Rodighiero, Thompson, Eldridge, Lovejoy, Hicks, Marcum and Canestraro: Allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license	19					19
2633 -	By Delegates Folk, McGeehan, Paynter, Miley, Barrett, Phillips and Wilson: Requiring state institutions of higher education to conduct Phase 3 clinical research studies for any cancer treatment	19					19
2635 -	By Delegate Deem: Relating to nonpartisan election of justices of the Supreme Court of Appeals	19					19
2638 -	By Delegates Martin, Wilson, Dean, A. Evans, Paynter, Hill and Maynard: Relating to county commissions authorizing reasonable fees charged for fire department or fire company response	19					19
2641 -	By Delegates Hamilton, A. Evans, Eldridge, Love, Brewer, Ambler, Pethel, Rowan, Wilson and Cooper: Relating to pension benefits exempt from state income taxation	19					19
2647 -	By Delegates Westfall, Frich, Butler, Espinosa, Hill, Kessinger, Higginbotham, Paynter, Overington and Anderson: Preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay	19					19
2648 -	By Delegates Sypolt, Rowan, Westfall, A. Evans, Upson, C. Miller, Sobonya, Storch, Rohrbach, Hollen and Frich: Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor	19					19
2649 -	By Delegates Hamilton, Cooper, Maynard, Wilson, Moore, Frich, Hill, Shott and Sypolt: Adding violations of law upon which a public servant's retirement plan may be forfeited	19					19
*2654 -	By Delegates Statler, Miley, E. Evans, Pethel, Williams, Upson and Frich: Expanding county commissions' ability to dispose of county or district property (Chapter 53, Acts, Regular Session, 2018)	19	135, 402		1410	585	19, 135, 455, 554, 584, 585, 1633, 2982



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2655 -	By Delegates Upson, Blair, Espinosa, Householder, Longstreth, Robinson, Sobonya, Phillips, Hill and Higginbotham: Defining and establishing the crime of cyberbullying (Chapter 60, Acts, Regular Session, 2018)	19	355	2804	2804	451, 2806	19, 399, 416, 451, 2806, 2954, 2982
2659 -	By Delegates Brewer, Diserio, Pethtel, Ferro, Iaquina, R. Miller, Boggs, Rodighiero, Caputo, Miley and Moye: Reestablishing prevailing wages for certain state government contracts	19					19
2661 -	By Delegates Eldridge, Maynard, Diserio, Ambler, Westfall, Dean, Marcum and Phillips: Permitting recreational gold mining	19	776				19, 777
*2662 -	By Delegates Ambler, Cooper, Paynter, Maynard, A. Evans, Hamilton, Hicks, Eldridge and Rodighiero: Prohibiting the waste of game animals, game birds or game fish	19	129, 355			452	19, 130, 399, 416, 452
2665 -	By Delegates A. Evans and R. Romine: Requiring a person restraining a mentally ill or mentally challenged person in a "four point restraint" to administer sedation by injection at the time the patient is secured	19					19
2666 -	By Delegates Hicks, Rohrbach, R. Miller, Eldridge, Thompson, Marcum, Lovejoy and Hornbuckle: Providing for security of private, employer-sponsored insurance and/or retirement plans	19					19
2670 -	By Delegates Lane, Fluharty, R. Miller, Canestraro, Diserio, E. Evans, Love, Barrett, Sponaugle and Caputo: Prohibiting discrimination based upon age or sexual orientation	19					19
*2693 -	By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, R. Romine, Rodighiero, Eldridge and Hornbuckle: Relating to state ownership of wildlife (Chapter 170, Acts, Regular Session, 2018)	19	129, 376	1486	1486	553, 1487	19, 130, 418, 454, 552, 553, 1487, 2794, 2982
*2694 -	By Delegates Hamrick, Gearheart, Zatezalo, Howell, Atkinson, Ward, Williams, Statler, Moye, Sobonya and Butler: Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas (Chapter 224, Acts, Regular Session, 2018)	19	350, 649			1334 823	19, 350, 774, 795, 823, 2214, 2982

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2695 -	By Delegates Hornbuckle, Thompson, Moye, Hamilton, Hicks, Eldridge, Rohrbach, C. Miller, Lovejoy and C. Romine: Creating a pilot program for expansion of school-based mental health and school-based diversion	19					19
*2696 -	By Delegates Hamilton, R. Romine, A. Evans, Eldridge, Wagner, Rowan, Wilson, Love and Frich: Relating to crossbow hunting (Chapter 171, Acts, Regular Session, 2018)	19	129, 356	1354	1354	452, 1356	19, 130, 399, 417, 452, 453, 1356, 2213, 2982
2697 -	By Delegate Boggs: Establishing regional recreation authorities and areas	19					19
2698 -	By Delegate Deem: Providing certain notice to civil service exempt employees dismissed from employment due to change in administration	19	48				19, 48
2699 -	By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, Lynch, Jaquinta, R. Romine, Rodighiero and McGeehan: Making information about Division of Natural Resources licensees exempt from the provisions of the Freedom of Information Act	19					19
2703 -	By Delegates Upson, Sypolt, Wilson, Dean and Foster: Providing that the court allocate time equally between parents	19					19
2708 -	By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, Brewer, Jaquinta, R. Romine, Rowan and Eldridge: Relating to a lawful method for a developmentally disabled person to purchase a base hunting license	19	129				19, 130
2710 -	By Delegates Hill, Kessinger, Martin, Dean, Wilson, Sobonya, Blair and C. Miller: Including unborn child or fetus in statute setting criminal penalties for child neglect resulting in death	19					19
2712 -	By Delegates Wilson, Paynter, Maynard, Criss, Kelly, Dean and Folk: Permitting persons who have been issued state licenses to carry concealed deadly weapons to carry those weapons on the grounds of the State Capitol Complex	19					19
2713 -	By Delegates Wilson, Paynter, Hill, Kelly, Higginbotham, Dean, Folk, Gearheart and Maynard: Permitting the carrying of concealed weapons on the campus of a state institution of higher education	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2714 -	By Delegates Wilson, Paynter, Maynard, Criss, Higginbotham, Dean and Folk: Permitting a firearm or other deadly weapon on or in a private primary or secondary education building, structure or facility	19					19
2715 -	By Delegates Wilson, Phillips, Paynter, Higginbotham, Dean and Maynard: Establishing procedures for carrying out the death sentence	19					19
2716 -	By Delegates Ward, Howell, McGeehan, Miley, Wilson, Paynter, Frich and Butler: Imposing an indefinite moratorium on new business and occupancy or privilege taxes	19					19
2723 -	By Delegates Howell, Blair, Maynard, Paynter, Hill, Queen, Criss and Ward: Relating to primary elections for nonpartisan offices including Justices of the Supreme Court, circuit court judges, family court judges, and magistrates	19					19
2727 -	By Delegates Pushkin, Higginbotham, Hornbuckle, Shott, Miley, Hanshaw, Rowe, Lane, Fleischauer, Byrd and Robinson: Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license	19	192				19, 192
2742 -	By Delegates Fleischauer, Lynch, Boggs, Sponaule, Hornbuckle, Bates, Marcum, Rodighiero, Hicks and Moye: School Consolidation Task Force	19					19
2743 -	By Delegates Rohrbach, Sobonya, C. Romine, C. Miller, Butler, Queen, Hill, Kessinger, Dean, Fast and Rowan: Requiring the release of an unemancipated minor's medical records for drug testing	19	360				19, 360
2745 -	By Delegates R. Miller, Robinson, Lane and Rowe: Adding the examination of Advanced Care Technician	19	785				19, 785
2751 -	By Delegates Fluharty, Hornbuckle, McGeehan, Storch, Barrett, Sponaule, White, Bates, Canestraro, Wilson and Pushkin: Legalizing sport pool betting	19					19
2754 -	By Delegates Ambler, Butler, Harshbarger and Cooper: Relating to fire fees on nonresidents of a municipality	19	597				19, 597

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2755 -	By Delegates Howell, Lovejoy, Rohrbach and Rowe: Requiring a seller of real property satisfy upon closing any unpaid charges owed	19					19
2756 -	By Delegates Cooper, Maynard, Paynter, Harshbarger, Moore, Ambler, C. Miller and Nelson: Making Promise scholarships available for students pursuing certificates or degrees through an accredited community and technical college	19					19
2757 -	By Delegates Lane, Criss, Foster, Kessinger, Moore and Sobonya: Relating to Medical Professional Liability	19					19
2761 -	By Delegates Thompson, Caputo, R. Miller, Moye, Hornbuckle and Marcum: Relating to qualifications of paraprofessionals, autism mentors and braille or sign support specialists	19					19
2768 -	By Delegate A. Evans: Modifying the penalties imposed on debt collectors who violate the provisions of the West Virginia Consumer Credit and Protection Act	19					19
2769 -	By Delegates C. Miller, Sobonya, Wilson, Folk, Cooper, Zatezalo, McGeehan, C. Romine, Maynard and Butler: Relating to the preservation of rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country	19					19
2772 -	By Delegates Brewer, Storch, Diserio, Ferro, R. Miller, Lovejoy, Caputo, Eldridge, Maynard and Robinson: Requiring welders working in the State of West Virginia to meet certain certification requirements	19					19
2777 -	By Delegate Deem: Requiring all unclaimed oil and gas royalties due a leaseholder of the mineral estate shall be transferred and paid to the legal surface owner	19					19
2778 -	By Delegate Walters: Relating to licensure of behavioral health centers and behavioral health consumer rights	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2780 -	By Delegates R. Miller, Rohrbach, Lovejoy, Ferro, Canestraro, Maynard, Marcum, Eldridge and Robinson: Clarifying existing language for those first responders who die as a direct result of their duties	19					19
2786 -	By Delegates Moye, Lynch, Miley, Pyles, Fleischauer, Marcum, Isner, R. Romine, Ambler and Cooper: Authorizing the Public Service Commission to regulate the billing practices of utilities and other entities that utilize wired or wireless transmission	19					19
2787 -	By Delegates Thompson, Rohrbach, Moye, Dean, Hicks, Marcum and Rodighiero: Creating an additional class of special education classroom aides	19					19
2790 -	By Delegates Hanshaw and Shott: Transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture	19					19
2795 -	By Delegates A. Evans, R. Romine, Hamilton and Rowan: Clarifying a director of a multicounty vocational technical school is a principal	19					19
*2799 -	By Delegates Foster, Higginbotham, Kessinger, Hill, Cowles, Fast, R. Miller and Isner: Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit (Chapter 135, Acts, Regular Session, 2018)	19	162, 265	2603	2603	345, 2604	19, 162, 309, 329, 344, 345, 2604, 2958, 2982
2802 -	By Delegates Rohrbach and Hicks: Permitting inspectors working within the Division of Dealer Services of the Division of Motor Vehicles to carry a concealed weapon on duty	19					19
2808 -	By Delegates Summers, Atkinson, Rohrbach and Shott: The West Virginia Assisted Outpatient Treatment Act	19					19
2809 -	By Delegates Statler, Moye, Hill and Kessinger: Relating to basic state aid to public education	19	351				19, 352
2810 -	By Delegate Rowe: Creating a litigation practice license for social workers	19					19
2812 -	By Delegates Rohrbach, Foster, Hanshaw and Boggs: Office of Rural Health Policy	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2817 -	By Delegate Walters: Providing for the reduction of the unfunded liability in the teachers retirement system over a 30 year period	19					19
2818 -	By Delegates Fast, Kessinger and Hill: Prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing	19					19
2821 -	By Delegates Boggs, Sponaugle, Hartman, A. Evans, Anderson, Hamilton and C. Romine: West Virginia Farm-to-Food Bank Tax Credit	19					19
2822 -	By Delegates Howell, Shott, Ward, Storch, Martin, Hill and Paynter: Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter	19	162			257	19, 162, 211, 235, 257
2823 -	By Delegates Miley, Longstreth, Iaquina, Isner, Hornbuckle, E. Evans, Barrett, Williams and Robinson: Establishing a statewide call-in center to receive assistance with healthcare	19					19
2824 -	By Delegates Lynch, Hartman, Iaquina, Ferro, Cooper, Caputo, Boggs, Diserio and R. Romine: Exempting State Teachers Retirement System pension benefits from West Virginia personal income taxation	19					19
2825 -	By Delegates C. Miller, Sobonya, Upson, Rohrbach, Shott, Hornbuckle, Lovejoy and Hicks: Requiring state institutions of higher education adopt policies concerning sexual assault, domestic violence, dating violence and stalking	19					19
2826 -	By Delegate Walters: Eliminating provisions and repealing statutes related to the West Virginia Health Information Network	19					19
2829 -	By Delegates Rowe, Pyles, Byrd, Phillips, Lane and Robinson: Establishing a toll-free phone line for receipt of comments from the public about state programs and services	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2831 -	By Delegates Gearheart and Frich: Relating to the reconstitution of the Driver's Licensing Advisory Board (Chapter 156, Acts, Regular Session, 2018)	19	100, 289	906	906	370, 907	19, 100, 330, 345, 370, 907, 1064, 1161
2836 -	By Delegates Howell, Frich, Dean, Harshbarger, Hill, Martin, Criss and Sypolt: Allowing the owner of an antique military vehicle to display alternate registration insignia	19					19
2837 -	By Delegates Howell, Frich, Dean, Harshbarger, Hill, Martin, Criss, Rohrbach and Fast: Relating to the collection of municipal sales tax by vendors of goods and services	19					19
2838 -	By Delegates Howell, Shott, Frich, Dean, Harshbarger, Hill, Foster, Martin and Criss: Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician	19	163			258	19, 163, 211, 235, 257, 258
*2841 -	By Delegates Howell, Frich, Dean, Harshbarger, Hill, Foster, Martin and Criss: Requiring board members to have attended a board meeting to be compensated for the meeting	19	48, 563			678	19, 49, 614, 638, 678
2842 -	By Delegates Hornbuckle, White, C. Romine, Rohrbach, C. Miller, Blair, Canestraro and Lovejoy: Authorizing a temporary foreign brewers import license	19					19
*2843 -	By Delegates Fast, Kessinger, Hill, Howell and Ward: Permitting Class III municipalities to be included in the West Virginia Tax Increment Act (Chapter 234, Acts, Regular Session, 2018)	19	135, 965	1055	1334	1055	19, 135, 989, 1022, 1054, 1055, 2214, 2982
2845 -	By Delegates Lane, Byrd, Robinson, Rowe, Pushkin, Mr. Speaker (Mr. Armstead), Canestraro, Lovejoy, Fast and Deem: Establishing that the Division of Corrections is responsible for the costs of housing and maintaining an inmate the day following an inmate's conviction	19	264				19, 265
2847 -	By Delegates Fleischauer, Rodighiero, Sobonya, McGeehan, Butler, Householder, R. Miller, Lovejoy, Hornbuckle and Longstreth: Relating to the state's Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2848 -	By Delegates Rowan, Sypolt, Rohrbach, Maynard, Boggs, Graves, Paynter, Pyles, Lynch, Eldridge and Martin: Livable Home Tax Credit	19	619				19, 619
2849 -	By Delegates Folk, Wilson, Paynter, Gearheart, Martin and Hill: Providing that the compensation level of the Chancellor for Higher Education may be no more than the salary of the Governor	19					19
2853 -	By Delegate Rowan: Relating to more equitable disbursement of funds to county boards	19					19
2855 -	By Delegate Upson: Relating to care, custody and visitation of pets involved in separation and divorce proceedings	19					19
2858 -	By Delegate Rowe: Creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state	19					19
2861 -	By Delegates Foster, Higginbotham, Kessinger and Lane: Authorizing a medical power of attorney representative to sign a binding arbitration agreement	19					19
2862 -	By Delegates Fluharty and Miley: Establishing the "Stay in State" tax credit	19					19
2863 -	By Delegates Fluharty and Fleischauer: Prohibiting use of a person's credit history in certain insurance transactions	19					19
2865 -	By Delegates Anderson, Kelly, Zatezalo, Kessinger, Phillips, Butler, Wilson and McGeehan: Relating to erroneous tax assessments and overpayments to the county	19					19
2866 -	By Delegate Rowe: Relating to social determinants of health	19					19
2867 -	By Delegates Hamilton, Miley, Pyles, R. Romine, Iaquina, Pethel and Williams: Increasing penalties for failure to use due caution when approaching an emergency vehicle	19					19
2868 -	By Delegate Hanshaw: Relating generally to Uniform Unclaimed Property Act	19					19



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2869 -	By Mr. Speaker (Mr. Armstead): Providing for paid leave for certain state officers and employees during a declared state of emergency (Chapter 212, Acts, Regular Session, 2018)	19	48	2554	2554, 2949	141	19, 94, 127, 140, 141, 2554, 2557, 2955, 2982
2871 -	By Delegate Walters: Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency	19					19
2872 -	By Delegates Espinosa, Upson, Moore, Wilson, Zatezalo, Householder, Dean, Blair and McGeehan: Relating to changes in distribution of net terminal income, excess net terminal income and excess lottery fund	19					19
2873 -	By Delegate Rowe: Relating to alternate sentencing for nonviolent felony offenders	19					19
2874 -	By Delegates Lynch, Longstreth, Moyer, Marcum, Dean, Pyles, Iaquinta, Ferro, Williams and Phillips: Relating to the definition of Managed Timberland	19					19
2884 -	By Delegates Overington, Moore, Householder, Espinosa, Cowles, Blair, Upson, Barrett, Frich and Wilson: Requiring funding by the West Virginia Library Commission to local libraries be based on the population served by each respective library	19					19
2885 -	By Delegates Rowe and Pyles: Relating to designation of social workers in the Department of Health and Human Services	19					19
*2887 -	By Delegates Espinosa, Upson, Blair, Wilson, Cooper and Higginbotham: Relating to retirement and separation incentives	19	99				19, 99
2888 -	By Delegates Howell, Phillips, Folk, Frich and Wilson: Removing the restriction on liquor licensees from having speakers outside or playing music outdoors	19					19
*2889 -	By Delegates Howell, Shott, Storch, Ward, Maynard, Ferro, Lynch and Criss: Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer (Chapter 213, Acts, Regular Session, 2018)	19	837, 1004		1487	1082	19, 838, 1027, 1061, 1081, 1082, 1633, 2546

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*2890 -	By Delegates Lovejoy, Sobonya, C. Romine, Rohrbach, Hornbuckle, Canestraro, Thompson, Hicks, Isner and C. Miller: Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects (Chapter 148, Acts, Regular Session, 2018)	19	649		1334	824	19, 774, 795, 823, 824, 2214, 2981
2891 -	By Delegates R. Miller, Canestraro, Hollen, Marcum, Robinson, Eldridge and Isner: Including electronic communications to and from inmates with the types of communications that the Division of Corrections currently monitors and may record	19					19
2892 -	By Delegates Folk and McGeehan: Removing requirement that persons who pass the bar in West Virginia be members of the West Virginia State Bar in order to practice	19					19
2894 -	By Delegates Hill, Martin, Atkinson and Caputo: Relating to the collection of taxes on wine and intoxicating liquors	19					19
2895 -	By Delegates Brewer, Ferro, Boggs, Caputo, Moye, Eldridge, Hartman, Diserio, Williams and Rodighiero: Restoring employees' rights associated with agreeing to be represented by a labor organization	19					19
2896 -	By Delegates Foster, Lane, Paynter, Butler, Rowe and Criss: Requiring a warning light to be erected on certain roads to warn of a traffic light ahead	19					19
2901 -	By Delegates Sponaugle, Caputo, Hartman, Phillips, McGeehan, A. Evans, Longstreth, Iaquina, Butler and Williams: Giving all honorably discharged veterans ten extra points when successfully completing a civil service examination	19					19
2902 -	By Delegates Atkinson, Cooper, Ambler, Ward, Hollen, Sypolt, Kelly, Eldridge, R. Miller and Criss: Requiring county school boards to provide adequate mental health and counseling services	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2903 -	By Delegates Foster, Higginbotham, Butler and Maynard: Limiting the maximum number of appointees to certain county and municipal bodies	19					19
2907 -	By Delegates Ambler, Cooper, Fleischauer, Dean, Williams, Fluharty, Rohrbach and Rowan: Relating to real property option to purchase contracts executed with lease agreements	19					19
2909 -	By Delegates Phillips, Maynard, Paynter, Howell, McGeehan, Gearheart, R. Miller and Statler: Abolishing the office environmental advocate within the Department of Environmental Protection	19					19
2914 -	By Delegate Fast: Relating to powers and duties of the Commissioner of Public Health	19					19
2915 -	By Delegates Lynch, Fast and Pyles: Relating to registration requirements of the sex offender registration act	19					19
*2916 -	By Delegates Pethel, Hanshaw and Lovejoy: Authorizing certain first responders to carry firearms (Chapter 214, Acts, Regular Session, 2018)	19	189	258, 276	2217, 2813	276, 2222	19, 235, 258, 276, 277, 2958, 2982
2918 -	By Delegate Byrd: Creating a felony penalty of life without mercy for the first degree murder of a law-enforcement officer	19					19
2921 -	By Delegates Rowe and Lynch: Establishing a website clearinghouse for sharing information about potential sources of revenue, financial, technical and legal assistance for government agencies	19					19
2922 -	By Delegates Barrett, Phillips, Blair, Maynard, Overington, Paynter and Householder: Reducing the cost of the fee for a state license to carry a concealed weapon	19					19
2923 -	By Delegates Boggs, A. Evans, Miley, Cowles and Caputo: Requiring the Commissioner of Highways to verify legal employment status of contractors and vendor's employees for certain road and bridge contracts	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2924 -	By Delegates Boggs, Miley, Ambler, Blair, Queen, Fast, Hill and Moore: Relating to installation of conduit for fiber optic cable on state highway construction projects	19					19
2926 -	By Delegate Fast: Relating to the comprehensive statewide student assessment	19					19
2927 -	By Delegates Frich and Butler: Transferring certain revenues derived from racetrack video lottery and racetrack table games	19					19
2929 -	By Delegates Zatezalo and McGeehan: Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees	19					19
2931 -	By Delegate Deem: Authorizing shut-in of oil and gas wells in West Virginia	19					19
2932 -	By Delegate Frich: Providing owner of conservation easement be given the right of first refusal	19					19
2936 -	By Delegates Fast, Howell, Martin, Butler, Householder, Rowan, Harshbarger and Frich: Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit	19					19
2938 -	By Delegates Folk, McGeehan, Phillips, Blair, Wilson, Hanshaw, Overington, Paynter, Shott, Maynard and C. Miller: Relating to deduction from jail sentence for litter cleanup	19	144				19, 144
2940 -	By Delegate Rowe: Creating a tax credit for improving facades in historic districts	19					19
2942 -	By Delegates Westfall and Frich: Prohibiting insurers from cancelling or failing to renew insurance policies do to the mere filing of a claim that was later denied	19					19
2943 -	By Delegates Moore, Espinosa, Upson, Householder, Blair, Wilson, Zatezalo and McGeehan: Authorizing the Lottery Commission to introduce games whose winning tickets are determined by the outcome of a licensed horse race	19					19
2944 -	By Delegates Barrett, Householder, Overington, Canestraro and Robinson: Requiring the Insurance Commissioner to regulate professional bondsmen	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2945 -	By Delegates Folk, Wilson, Paynter, McGeehan, Kessinger, Sobonya, Rodighiero, Marcum and Fast: Relating to exemptions from mandated immunizations	19					19
2946 -	By Delegates Butler, Criss, Hollen, Paynter, Kelly, C. Miller, Wilson, Frich, Sobonya, Cooper and Hill: The West Virginia Refugee Absorptive Capacity Act	19					19
2947 -	By Delegates Rodighiero and Eldridge: Relating to salary increase for Regional Jail Authority employees	19					19
2951 -	By Delegates Fleischauer, Fluharty, Lovejoy, Hornbuckle, Longstreth, Diserio, Rowe and Pyles: Assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection	19					19
2952 -	By Delegate Rowe: Relating to the right of municipalities and counties to buy real estate for delinquent taxes	19					19
2955 -	By Delegates Storch and Byrd: Relating to advance deposit wagering	19					19
2956 -	By Delegates Boggs and Rowe: Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund	19					19
2957 -	By Delegate Walters: Relating to labor; employer's bond for wages	19					19
2958 -	By Delegates Boggs and Phillips: Relating generally to development of infrastructure in the state	19					19
2964 -	By Delegate Bates: Budget Stabilization Act of 2017	19					19
2965 -	By Delegate Bates: Relating to Capitol Complex security access	19					19
2968 -	By Delegates Thompson, Marcum, Rodighiero and Hicks: Requiring moneys collected from the sale of timber realized through management of the state-owned forests and parks be distributed on a pro rata basis	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2969 -	By Delegates Williams, Caputo, Ferro, Sponaugle, Fleischauer, Miley, Canestraro, Hornbuckle and Rowe: Increasing the minimum wage based upon increases in the consumer price index	19					19
2971 -	By Delegates Cowles, Westfall, Kelly, Zatezalo and Boggs: Granting the State Auditor the authority to audit the books and records of local economic development authorities	19					19
2974 -	By Delegates Lovejoy, Rohrbach, Hornbuckle, Canestraro, Williams, Lane, Fleischauer and Robinson: Relating to public school education in dating violence, domestic abuse and sexual violence prevention	19					19
2975 -	By Delegates Caputo and Longstreth: Authorizing the change of charging 911 fees to land line telephone bills to being charged to electric bills	19					19
2976 -	By Delegates Williams, Brewer, Caputo, Canestraro, R. Miller, Isner and Statler: Relating to the theft of consumer identity protections	19					19
2977 -	By Delegates Williams, Barrett, Lynch, Sponaugle, Iaquina and Frich: Pothole app and map	19					19
2981 -	By Delegates Miley, Fluharty, Marcum, Brewer, Robinson, Love and Hartman: Limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session	19					19
*2982 -	By Delegate Upson: Relating to allowing draw games winners to remain anonymous (Chapter 104, Acts, Regular Session, 2018)	19	1029	2806	2806	1140, 2813	19, 1062, 1085, 1139, 1140, 2812, 2813, 2955, 2982
*2983 -	By Mr. Speaker (Mr. Armstead): Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress (Chapter 225, Acts, Regular Session, 2018)	19	458, 905		1410	1056	19, 458, 489, 1026, 1055, 1056, 2794, 2982
2985 -	By Delegate Ward: Relating to taxes on beer and nonintoxicating beer	19					19
2988 -	By Delegate R. Miller: Clarifying the penalties for embezzlement	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
2990 -	By Delegates Sypolt, Ward and Paynter: Requiring continuous monitoring of air, noise, dust and particulates	19					19
2991 -	By Delegates Rowe, Frich, Caputo, Pyles and White: Requiring the Commissioner of Highways to develop a state hotline for travelers to identify road hazards	19					19
2992 -	By Delegates Wilson, Moore, Dean, A. Evans, R. Romine, Higginbotham and Martin: Relating to civil asset forfeiture	19					19
2993 -	By Delegate Wilson: Budget and Spending Transparency Act	19					19
*2995 -	By Delegates Overington, Paynter and Kessinger: Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia (Chapter 180, Acts, Regular Session, 2018)	19	240, 622	1487, 2542	1487, 2814	791, 2543	19, 241, 725, 772, 790, 791, 1489, 1534, 2191, 2540, 2543, 2958, 2982
2997 -	By Delegates Hanshaw and Fast: Relating generally to applied associate of science degrees that target workforce needs	19					19
2999 -	By Delegate Rohrbach: Establishing a program for the licensing and regulation of outpatient substance abuse counseling programs	19					19
3001 -	By Delegates Folk and McGeehan: Abolishing the West Virginia Higher Education Policy Commission	19					19
3002 -	By Delegates Hill, Martin, Caputo, Fleischauer, Statler and Hamilton: Relating to special licenses for the retail sale of wine at festivals or fairs	19					19
3003 -	By Delegates Hill, Kessinger, Paynter, Maynard, Gearheart and Dean: Allocating disability or death benefits resulting from an occupational pneumoconiosis claim among the claimant's employers on a proportional basis	19					19
*3004 -	By Delegates Hill, Martin, Howell, Kessinger, Statler, Shott, McGeehan and Espinosa: Relating to filling vacancies in certain offices (Chapter 80, Acts, Regular Session, 2018)	19	190	277, 278, 279, 1231	1231	279, 1240	19, 235, 259, 277, 279, 280, 1240, 1241, 1407, 2984

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*3005 -	By Delegates Fast, Hanshaw, Overington, Kessinger and Gearheart: Relating to regulation of unmanned aircraft systems (Chapter 61, Acts, Regular Session, 2018)	19	191	281, 1645	1645	282, 1648	19, 235, 259, 281, 282, 1648, 2954, 2982
3006 -	By Delegates Hornbuckle, C. Miller, Rohrbach, Sobonya and Fluharty: Exempting certain contracts between the Department of Health and Human Resources and West Virginia University, Marshall University or the School for Osteopathic Medicine from state purchasing requirements	19					19
3007 -	By Delegate Rowe: Requiring paving contracts for state highways to have special requirements to prevent potholes	19					19
3008 -	By Delegate Walters: Relating to eliminating county school systems and creating ten school districts	19					19
3010 -	By Delegates Sypolt, Ward, Paynter, Frich, Rowan and Sobonya: Making it a felony to knowingly expose another individual to HIV	19					19
3011 -	By Delegates Ward, Caputo, McGeehan and Folk: Changing the determination of just compensation to be paid to the landowner when eminent domain is used for a pipeline	19					19
3012 -	By Delegates Fleischauer, Fluharty, Longstreth, Caputo, Pyles, Diserio, Love and Iaquina: Family Protection Act	19					19
3013 -	By Delegates Hamrick, Howell, Butler, Blair, Gearheart, Queen, Maynard, C. Miller and Storch: Requiring an inspection or inspections of any building prior to purchase or major renovation by the state	19	48				19, 49
3014 -	By Delegates Rowan, Rohrbach, Sypolt, Lynch, Pyles, Kelly, Fleischauer and White: Prohibiting a person appointed agent under a power of attorney from exerting undue influence over the principal	19					19
3015 -	By Delegates Kelly, Lane, Frich, Pyles and Williams: Requiring all commercial and professional drivers be fingerprinted and undergo a background check	19					19



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3016 -	By Delegates Ambler, Cooper and Harshbarger: Relating to domestic violence victims' eligibility for unemployment compensation benefits	19					19
3017 -	By Delegate Hornbuckle: Providing that a person when being attacked in a place that is not his or her home should retreat instead of using deadly force	19					19
3019 -	By Delegates McGeehan and Folk: Relating to the West Virginia Contraband Forfeiture Act	19					19
*3020 -	By Delegates Harshbarger, Cowles, Ambler, Boggs, Paynter, Atkinson, Kessinger, Eldridge, Statler and Overington: Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person	19	129, 315, 403			585	19, 130, 347, 372, 455, 554, 585
3021 -	By Delegates Hornbuckle, Longstreth, Fleischauer, Lovejoy, Rowan, Lynch, C. Miller and Sobonya: Relating to insurance coverage for breast cancer screening	19					19
3023 -	By Delegates Barrett, Cooper, Rohrbach, Rowan, Moyer, Westfall, E. Evans, Rowe, R. Romine and Campbell: Relating to public school education assessment of students for dyslexia and dyscalculia	19					19
3024 -	By Delegates Rohrbach, Sobonya, C. Miller and C. Romine: Limiting recoverable damages when a patient has been transferred from health care facility to another health care facility	19					19
3025 -	By Delegates Lane, White, Rowe, Robinson, Byrd and Ward: Authorizing by ordinance a vacant building registration program	19					19
3026 -	By Delegate Lane: Providing that a vehicle driver who injures a "vulnerable road user" is guilty of reckless driving	19					19
3027 -	By Delegates Sponaugle and A. Evans: Imposing a tax on cattle which is to be used to help fund the U. S. Department of Agriculture's Wildlife Services Fund	19	130				19, 131
3031 -	By Delegates Miley, Jaquinta, Longstreth, Ward, Caputo, R. Romine and Queen: Creating a state program allowing high school students advance to getting a college degree or technical training while in high school	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
3033 -	By Delegates Sponaugle, Barrett, McGeehan and Folk: Relating to the procedures for driver's license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs	19					19
3034 -	By Delegate Atkinson: Exempting military retirement income from personal income tax after specified date	19					19
3035 -	By Delegate Hornbuckle: Relating to the legalization of marijuana	19					19
3036 -	By Delegate Walters: Allowing county boards of education to hire retired teachers	19					19
3039 -	By Delegate Sponaugle: Allowing municipalities to cancel elections when only one person is running for each office	19					19
3040 -	By Delegate C. Miller: Creating a new court to be known as West Virginia Intermediate Court of Appeals	19					19
3041 -	By Delegate Walters: Relating to the classification plans for employees in the classified and classified-exempt service	19					19
3042 -	By Delegate Walters: Clarifying the intent of gas royalty leases which required not less than 1/8th (12.5%) of the total amount paid to, received by or delivered to the owner	19					19
3045 -	By Delegate Hornbuckle: Modifying the tax on soft drinks to only cover sugary drinks	19					19
3051 -	By Mr. Speaker (Mr. Armstead): Appropriation Supremacy Act of 2017	19					19
3052 -	By Delegates Kessinger, Upson, Sobonya, Rowan, C. Miller, Blair, Sypolt and Frich: Prohibiting state funding of abortions	19					19
3054 -	By Delegates Sponaugle, Williams, Hartman and Lynch: Relating to a five percent bid preference on certain state contracts for businesses owned fifty-one percent by honorably discharged resident veterans	19					19
3056 -	By Delegates Overington, Rohrbach, Upson, Frich, Foster, Statler, C. Miller, Paynter, Moore and Sobonya: Relating to Promise scholarship program requirements for home schooled students	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*3061 -	By Delegates Upson, Espinosa, Statler, Cooper, Rowan, R. Romine, Higginbotham, Hornbuckle, Thompson and Frich: Encouraging mastery-based education through the Innovation In Schools program	19	352, 883			1017	19, 352, 963, 987, 1017
3065 -	By Delegate Butler: Adding the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory	19					19
3067 -	By Delegates Fluharty, Hornbuckle, Pushkin, Canestraro and Bates: Legalizing interactive gaming	19					19
3072 -	By Delegate Gearheart: Relating to ending transfers to the Licensed Racetrack Modernization Fund	19					19
3074 -	By Delegates Ambler, Wilson, Maynard, Paynter and Rowe: Increasing the volume of alcohol that nonintoxicating beer and nonintoxicating craft beer may contain	19					19
3075 -	By Delegates Criss, Iaquina, Williams, Pyles, Higginbotham, Dean, Hartman, Blair, Westfall and Butler: Licensing the practice of athletic training	19					19
3081 -	By Delegates Boggs, Bates, Westfall, Caputo, Howell, R. Romine, Phillips, Lane, Byrd and Anderson: Conducting a study to determine the amount of revenue to be derived from instituting tolls on I-70 and I-81	19					19
3082 -	By Delegate Walters: Establishing a different amount of annual leave for state employees	19					19
3083 -	By Delegate Walters: Replacing annual and sick leave for state employees with personal leave	19					19
3084 -	By Delegate Barrett: Repealing the article of the code related to unfair trade practices	19					19
3086 -	By Delegates Frich, Rohrbach, Lovejoy and Rowe: Relating to the West Virginia Economic Development Authority	19					19
3087 -	By Delegate Rowe: Economic and Community Development Task Force	19					19

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*3089 -	By Delegates Espinosa, Statler, Higginbotham, Upson, Cooper, Rowan, Harshbarger and Dean: Relating to the adoption of instructional resources for use in the public schools (Chapter 72, Acts, Regular Session, 2018)	19	132		2590	209	19, 159, 160, 187, 208, 209, 2956, 2982
*3095 -	By Delegates Espinosa, Upson and Statler: Allowing retired teachers to be employed by a higher education institution	19	98				19, 99
3097 -	By Delegates Butler and Kessinger: Codifying the application of the compelling interest test and strict scrutiny standard involving rights enumerated under the First Amendment	19					19
3099 -	By Delegates Kelly, Zatezalo, Maynard, Sypolt and Higginbotham: Providing counties the power to establish a county sales tax under certain circumstances	19					19
3101 -	By Delegates Atkinson, Harshbarger, Love, Lynch, R. Romine, Sponaule and A. Evans: Creating a misdemeanor for violation of catching, taking or killing fish within two hundred feet of agency personnel stocking fish into public waters	19					19
*3104 -	By Delegates Howell and Iaquina: Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund (Chapter 118, Acts, Regular Session, 2018)	19	48, 649		1324	824	19, 49, 774, 795, 824, 2214, 2982
3105 -	By Delegates Gearheart, Anderson, Frich, Butler and C. Miller: Relating to the Licensed Racetrack Modernization Fund	19					19
*4001 -	By Delegates Fast, Higginbotham, Foster, McGeehan, Kessinger, Westfall, Martin, Ambler, Butler, Queen and Sypolt: Relating to eligibility and fraud requirements for public assistance (Chapter 119, Acts, Regular Session, 2018)	54	242, 810	2557, 2879	2557, 2950	926, 2879	54, 243, 873, 893, 925, 926, 2637, 2803, 2813, 2859, 2879, 2959, 2982
*4002 -	By Delegates Overington, Cowles, Moore, Hill, C. Romine, Deem, Hamilton, Jennings, Mr. Speaker (Mr. Armstead) and Maynard: Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020 (Chapter 81, Acts, Regular Session, 2018)	54	131	2604	2604	210, 2605	55, 131, 160, 187, 209, 210, 2605, 2959, 2982

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4003 -	By Delegates Hollen, C. Romine, Moore, Rohrbach, Summers, Phillips, Hamilton, Storch, Sobonya, Sypolt and Capito: Reducing the use of certain prescription drugs	55					55
4004 -	By Delegates Westfall, Frich and Ellington: Creating a new court to be known as West Virginia Intermediate Court of Appeals	366					367
4005 -	By Delegates Shott, C. Miller, Hanshaw, Lane, Zatezalo, Ellington, Sobonya, Deem, Capito, C. Romine and Mr. Speaker (Mr. Armstead): Clarifying that appeals to the Supreme Court are a matter of right	55	67			159	56, 127, 141, 159
*4006 -	By Delegates R. Romine, Blair, Espinosa, Higginbotham, Cowles, Criss, Ellington, Hamrick, Westfall, Atkinson and Statler: Revising the processes through which professional development is delivered for those who provide public education (Chapter 105, Acts, Regular Session, 2018)	56	161, 302	346, 2637	2637	371, 2642	59, 161, 162, 330, 346, 370, 372, 2642, 2959, 2983
4007 -	By Delegates Ellington, Moore, Jennings, Butler, C. Miller, Martin, Overington, Fast, Espinosa, Householder and Statler: Allowing home-schooled students to participate in secondary school extracurricular activities	59					59
4008 -	By Delegates Capito, Upson, Blair, Cowles, White, Espinosa, Ward, Foster, Summers, Statler and Harshbarger: Education Savings Account Act	59					60
*4009 -	By Delegates Rohrbach, Anderson, Cowles, Phillips, Kelly, Jennings, Atkinson, Harshbarger, Ellington, Lane and Maynard: State Settlement and Recovered Funds Accountability Act	60	132, 593	2645	2645	770, 2652	60, 132, 642, 724, 770, 771, 2653, 2659, 2977
4010 -	By Delegates Jennings, Ward, A. Evans, Hollen, Fast, Ambler, Martin, Paynter, Rowan, Graves and Zatezalo: Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs	60	264			345	61, 310, 329, 345
*4011 -	By Delegates Hamrick, Phillips, Storch, Capito, Harshbarger, Kessinger, Householder, Criss, Paynter and Foster: Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed	61	849			980	61, 898, 962, 979, 980

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4012 -	By Delegates Kessinger, Martin, Rowan, Ward, Jennings, Fast, C. Romine, Hollen, Frich, Graves and Phillips: Amending the definition of medical services, so as to exclude abortion	78	286				78, 287
*4013 -	By Delegates Hanshaw, C. Miller, Overington, Graves, Westfall, Anderson, Frich, Cooper, Atkinson, R. Romine and Hollen: Clarifying venue in West Virginia state courts as it applies to nonresidents of the state (Chapter 3, Acts, Regular Session, 2018)	61	131	1241	1241, 2814	210, 2540	61, 160, 188, 210, 1248, 1335, 1506, 1533, 2534, 2540, 2995, 2982
*4014 -	By Delegates Summers, R. Romine, Ellington, Rohrbach, Maynard, Householder, C. Miller, Cooper, Dean and Ambler: Relating to reorganization of the West Virginia Department of Health and Human Resources	148	561, 1012			1140	150, 561, 1062, 1086, 1140
*4015 -	By Delegates Howell, Criss, Hill, Hamrick, Statler, Queen, Blair, Summers, Sypolt, Moore and Storch: Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies (Chapter 106, Acts, Regular Session, 2018)	202	647	1648	1648	825, 1677	203, 648, 774, 795, 824, 825, 1677, 2794, 2982
*4016 -	By Delegates Atkinson, Frich, Dean, Shott, Sypolt, Graves, Hamrick, White, Ward and Capito: Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency (Chapter 206, Acts, Regular Session, 2018)	270	459, 1013	1786	1787	1141, 1787	271, 459, 1062, 1098, 1140, 1141, 1787, 2953, 2982
4017 -	By Delegates Criss, Frich, Westfall, Pack, Ambler, Maynard, Atkinson, Ellington, Rowan and Mr. Speaker (Mr. Armstead): Exempting percentages of social security benefits from personal income tax for certain taxpayers	367					367
*4019 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution	37	1507	2209		2210	37, 1507, 1518, 1628, 1637, 1805, 1998, 2191, 2210
*4020 -	By Delegates Hanshaw and Foster: Making technical corrections in the code when referencing Chapter 49 (Chapter 37, Acts, Regular Session, 2018)	41	97	462, 557	462, 623	187, 537, 558	42, 141, 159, 187, 462, 537, 557, 558, 805, 973

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4021 -	By Delegates Householder, Summers, Butler and Dean: Creating "Right to Shop" a process which permits a person to search for highest value health care	42					43
*4022 -	By Delegates Hamrick, Butler, Barrett, Dean, Fast, Hollen, Lovejoy and Queen: Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft (Chapter 235, Acts, Regular Session, 2018)	43	350, 884		1335	980	43, 350, 885, 962, 980, 2214, 2981
*4023 -	By Delegates Summers, Ellington, Householder, Rohrbach, Hollen, Dean and Butler: Relating to the regulation of dialysis technicians (Chapter 181, Acts, Regular Session, 2018)	43	134, 461		1677	636	43, 134, 589, 514, 635, 636, 2954, 2982
*4024 -	By Delegates Summers, Ellington, Householder, Sobonya, Atkinson, Dean, Hollen, Butler and Espinosa: Relating generally to direct cremation or direct burial expenses for indigent persons (Chapter 120, Acts, Regular Session, 2018)	43	67, 617		1410	791	43, 67, 725, 772, 791, 792, 1411, 1787, 2953, 2982
4025 -	By Delegates Ellington, Summers, Householder, Rohrbach, Hollen, Sobonya, Atkinson, Butler and Dean: Permitting reciprocity for licensure as a pharmacy technician (Chapter 182, Acts, Regular Session, 2018)	45	134, 460		1678	636	45, 134, 589, 614, 636, 2954, 2981
4026 -	By Delegates Ellington, Summers, Householder, Rohrbach, Sobonya, Atkinson, Hollen, Butler, Dean and Frich: Exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act	44	133			211	44, 160, 188, 210, 211
*4027 -	By Delegates Ellington, Summers, Householder, Rohrbach, Hollen and Dean: Creating an education permit for allopathic physician resident (Chapter 183, Acts, Regular Session, 2018)	44	407, 620		1678	792	44, 407, 725, 772, 792, 2954, 2982
4028 -	By Delegates Hanshaw, Frich and Fast: Allowing funding allotted for treatment supervision of drug offenders to be applied to participants in the Adult Drug Court Program	44					44

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4029 -	By Delegate Summers: Increasing pay for social workers	44					44
4030 -	By Delegate Summers: Requiring recycling of metal if cost effective	44					45
4031 -	By Delegates Howell, Zatezalo, Kelly, Sypolt, Hicks, Ward, Atkinson and Frich: Requiring the Division of Motor Vehicles to make available an electronic proof of motor vehicle registration	45	100				45, 100
4032 -	By Delegate Folk: Withholding pay of a legislator who misses an entire floor session	45					45
4033 -	By Delegates Hanshaw, Ambler, Kessinger, Mr. Speaker (Mr. Armstead), Lynch and Pethtel: Authorizing the Division of Homeland Security and Emergency Management to contract with or employ individuals for emergency response	61					61
4034 -	By Delegates Hanshaw, Ambler, Kessinger, Mr. Speaker (Mr. Armstead), Lynch and Pethtel: Exempting the renewal of certain contracts entered into during a declared state of emergency from purchasing requirements	62					62
*4035 -	By Delegates Summers, Ellington, Householder, Rohrbach, Byrd, Capito, Hollen, Dean, Butler, Frich and Rowan: Creating a legislative coalition to study and report to the Legislature on palliative care (Chapter 202, Acts, Regular Session, 2018)	62	134, 216	2501	2501	305, 2506	62, 135, 260, 282, 305, 2506, 2955, 2982
*4036 -	By Delegate Cowles: Increasing the maximum salaries of family case coordinators and secretary-clerks (Chapter 55, Acts, Regular Session, 2018)	62	1030		2590	1178	62, 1049, 1105, 1148, 1178, 2955, 2981
4037 -	By Delegates Sponaugle, Miley, Caputo, Boggs, Lovejoy, Fluharty, Barrett, Jaquinta, Robinson, Fleischauer and Pushkin: Expiring the PROMISE Scholarship Program, and establishing the Promise for All Scholarship Program	62					63
4038 -	By Delegates Howell, Ward, Sypolt, Criss, Atkinson, Harshbarger, Martin, Dean and Maynard: Requiring training conducted on behalf of a state agency to be provided in state-owned facilities	63	136				63, 136



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4039 -	By Delegates Howell, Hamrick, Ward, Storch, Maynard, Martin, Atkinson, Dean, Harshbarger and Criss: Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired	63	136				63, 136
4040 -	By Delegates Howell, Ward, Storch, Maynard, Criss, Martin, Atkinson, Dean and Harshbarger: Excluding from sewage billing any amount that is the result of a water line break	63					63
4041 -	By Delegates Howell, Hamrick, Ward, Maynard, Dean, Martin, Harshbarger, Criss and Syplot: Taxation With Representation Act	63					63
*4042 -	By Delegates Westfall, Atkinson, Wagner, Dean and Frich: Redefining school zone to facilitate placement of school zone signs (Chapter 243, Acts, Regular Session, 2018)	64	559, 809	2506	2506	926, 2507	64, 559, 873, 894, 926, 927, 2507, 2955, 2982
4043 -	By Delegate Walters: Requiring national accreditation of local health departments	64					64
4044 -	By Delegates Summers, Hollen, Kessinger, Sobonya, C. Miller, Canestraro, R. Miller and Lovejoy: Increasing pay to facilitate hiring and retention of employees by the Division of Corrections	64					64
4045 -	By Delegate Boggs: Prohibiting telemarketers and sellers from misrepresenting the location and identification from which a phone call solicitation originates	64					64
4046 -	By Delegates Frich, Sobonya, Hollen, Foster and Overington: Relating to drug screening of applicants for cash assistance	64					64
4047 -	By Delegates Sobonya and Frich: Board of Examiners of Psychologists, rule relating to code of conduct	78	214, 845				78, 215
4048 -	By Delegates Sobonya and Frich: Board of Examiners of Psychologists, rule relating to requirements for licensure as a psychologist and/or a school psychologist	78	265, 845				78, 266
4049 -	By Delegates Sobonya and Frich: Board of Examiners of Psychologists, rule relating to fees	78	266, 845				78, 267
4050 -	By Delegates Sobonya and Frich: Board of Optometry, rule relating to rules of the West Virginia Board of Optometry	79	266, 845				79, 266

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4051 -	By Delegates Sobonya and Frich: Board of Veterinary Medicine, rule relating to schedule of fees	79	166, 845				79, 166
4052 -	By Delegates Sobonya and Frich: Board of Veterinary Medicine, rule relating to certified animal euthanasia technicians	79	166, 845				79, 166
4053 -	By Delegates Sobonya and Frich: Board of Veterinary Medicine, rule relating to organization and operation and licensing of veterinarians	79	166, 845				79, 166
4054 -	By Delegates Sobonya and Frich: Secretary of State, rule relating to vote by mail pilot project phase 2: voting by mail	79	845				79
4055 -	By Delegates Sobonya and Frich: Secretary of State, rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots	79	845				80
4056 -	By Delegates Sobonya and Frich: Secretary of State, rule relating to procedures for canvassing elections	80	845				80
4057 -	By Delegates Sobonya and Frich: Real Estate Commission, rule relating to requirements for real estate courses, course providers and instructors	80	214, 845				80, 215
4058 -	By Delegates Sobonya and Frich: Real Estate Commission, rule relating to schedule of fees	80	266, 845				80, 267
4059 -	By Delegates Sobonya and Frich: Real Estate Commission, rule relating to licensing real estate brokers	80	214, 845				80, 215
4060 -	By Delegates Sobonya and Frich: Real Estate Appraiser Licensing and Certification Board, rule relating to requirements for licensure and certification	80	266, 845				81, 266
4061 -	By Delegates Sobonya and Frich: Board of Pharmacy, rule relating to controlled substances monitoring program	81	136, 845				81, 136
4062 -	By Delegates Sobonya and Frich: Board of Pharmacy, rule relating to registration of pharmacy technicians	81	166, 845				81, 166
4063 -	By Delegates Sobonya and Frich: Board of Pharmacy, rule relating to uniform controlled substances act	81	166, 845				81, 166
4064 -	By Delegates Sobonya and Frich: Board of Pharmacy, rule relating to centralized prescription processing	81	166, 845				81, 166
4065 -	By Delegates Sobonya and Frich: Board of Pharmacy, rule relating to immunizations administered by pharmacists and pharmacy interns	81	166, 845				81, 167

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4066 -	By Delegates Sobonya and Frich: Board of Pharmacy, rule relating to pharmacist recovery networks	82	167, 845				82, 167
4067 -	By Delegates Sobonya and Frich: Board of Pharmacy, rule relating to licensure and practice of pharmacy	82	164, 845				82, 164
4068 -	By Delegates Sobonya and Frich: Board of Osteopathic Medicine, rule relating to osteopathic physician assistants	82	167, 845				82, 167
4069 -	By Delegates Sobonya and Frich: Board of Medicine, rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants	82	167, 845				82, 167
4070 -	By Delegates Sobonya and Frich: Board of Medicine, rule relating to continuing education for physicians and podiatric physicians	82	164, 845				82, 164
4071 -	By Delegates Sobonya and Frich: Board of Hearing Aid Dealers, rule relating to rules governing the West Virginia Board of Hearing Aid Dealers	82	466, 845				83, 466
4072 -	By Delegates Sobonya and Frich: Board of Licensed Dietitians, rule relating to licensure and renewal requirements	83	466, 845				83, 466
4073 -	By Delegates Sobonya and Frich: Board of Accountancy, rule relating to board rules and rules of professional conduct	83	214, 845				83, 215
4074 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to standards of performance for new stationary sources	83	358				83, 359
4075 -	By Delegates Sobonya and Frich: Athletic Commission, rule relating to regulation of mixed martial arts	83	266, 845				83, 267
4076 -	By Delegates Sobonya and Frich: Athletic Commission, rule relating to administrative rules of the West Virginia State Athletic Commission	83	266, 845				84, 267
4077 -	By Delegates Sobonya and Frich: Commissioner of Agriculture, rule relating to schedule of charges for inspection services: fruit	84	239, 845				84, 240
4078 -	By Delegates Sobonya and Frich: Commissioner of Agriculture, rule relating to inspection of nontraditional, domesticated animals	84	239, 845				84, 240
*4079 -	By Delegates Sobonya and Frich: Promulgating administrative rules by various executive or administrative agencies of the state (Chapter 147, Acts, Regular Session, 2018)	84	239, 845	2507	2507	981, 2520	84, 240, 898, 962, 980, 981, 2521, 2955, 2981

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4080 -	By Delegates Sobonya and Frich: Commissioner of Agriculture, rule relating to inspection of meat and poultry	84	239, 845				84, 240
4081 -	By Delegate Sobonya: Commissioner of Agriculture, rule relating to noxious weeds	84	239, 845				84, 240
4082 -	By Delegates Sobonya and Frich: Commissioner of Agriculture, rule relating to auctioneers	84	240, 845				85, 240
4083 -	By Delegates Sobonya and Frich: Commissioner of Agriculture, rule relating to animal disease control	85	240, 845				85, 240
4084 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to underground storage tanks	85	358				85, 359
4085 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to West Virginia surface mining reclamation	85	402				85, 402
4086 -	By Delegates Sobonya and Frich: Department of Administration, rule relating to parking	85	289				85, 290
4087 -	By Delegates Sobonya and Frich: Department of Administration, rule relating to state owned vehicles	85	290				85, 290
4088 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to control of air pollution from combustion of solid waste	86	358				86, 359
4089 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to control of air pollution from municipal solid waste landfills	86	359				86, 359
4090 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities	86	358				86, 359
4091 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to emission standards for hazardous air pollutants	86	359				86, 359
4092 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to ambient air quality standards	86	359				86, 359
4093 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to hazardous waste management system	86	360				87, 361
4094 -	By Delegates Sobonya and Frich: Department of Environmental Protection, rule relating to voluntary remediation and redevelopment	87	360				87, 361

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4095 -	By Delegates Sobonya and Frich: Governor's Committee on Crime, Delinquency and Correction, rule relating to protocol for law enforcement response to domestic violence	87					87
4096 -	By Delegates Sobonya and Frich: Governor's Committee on Crime, Delinquency and Correction, rule relating to law-enforcement training and certification standards	87					87
4097 -	By Delegates Sobonya and Frich: State Fire Commission, rule relating to hazardous substance emergency response training programs	87	290				87, 290
4098 -	By Delegates Sobonya and Frich: State Fire Commission, rule relating to electrician licensing	87					87
4099 -	By Delegates Sobonya and Frich: Division of Highways, rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance	88	350				88, 350
4100 -	By Delegates Sobonya and Frich: Lottery Commission, rule relating to state lottery rules	88	263				88, 264
4101 -	By Delegates Sobonya and Frich: Racing Commission, rule relating to thoroughbred racing	88	289				88, 289
4102 -	By Delegates Sobonya and Frich: State Tax Department, rule relating to farm to food bank tax credit	88	263				88, 263
4103 -	By Delegates Sobonya and Frich: State Tax Department, rule relating to payment of taxes by electronic funds transfer	88	264				88, 264
4104 -	By Delegates Sobonya and Frich: Tax Department, rule relating to property transfer tax	88	264				89, 264
4105 -	By Delegates Sobonya and Frich: Tax Department, rule relating to municipal sales and service and use tax administration	89	264				89, 264
4106 -	By Delegates Sobonya and Frich: Office of Miners' Health Safety and Training, rule relating to operating diesel equipment in underground mines	89	359				89, 359
4107 -	By Delegates Sobonya and Frich: Division of Natural Resources, rule relating to hunting, fishing and other outfitters and guides	89	353				89, 353
4108 -	By Delegates Sobonya and Frich: Division of Natural Resources, rule relating to controlling the public land corporation's sale, lease, exchange or transfer of land or minerals	89	353				89, 353

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4109 -	By Delegates Sobonya and Frich: Division of Natural Resources, rule relating to general hunting	89	353				89, 353
4110 -	By Delegates Sobonya and Frich: Division of Natural Resources, rule relating to special migratory game bird hunting	90	353				90, 353
4111 -	By Delegates Sobonya and Frich: Division of Natural Resources, rule relating to miscellaneous permits and licenses	90	353				90, 353
4112 -	By Delegates Sobonya and Frich: Division of Natural Resources, rule relating to wildlife disease management	90	353				90, 353
4113 -	By Delegate Sobonya: Division of Labor, rule relating to registration of weighing and measuring devices used by businesses in commercial transactions	90	360				90, 361
4114 -	By Delegates Sobonya and Frich: Division of Labor, rule relating to registration of service persons and service agencies	90	360				90, 361
4115 -	By Delegates Sobonya and Frich: Division of Labor, rule relating to employer wage bonds	90	360				91, 361
4116 -	By Delegates Sobonya and Frich: Division of Labor, rule relating to elevator safety act	91	360				91, 361
4117 -	By Delegates Sobonya and Frich: Division of Labor, rule relating to amusement rides and amusement attractions safety act	91	360				91, 361
4118 -	By Delegates Sobonya and Frich: Division of Labor, rule relating to bedding and upholstered furniture	91	360				91, 361
4119 -	By Delegates Sobonya and Frich: Division of Labor, rule relating to zipline and canopy tour responsibility act	91	361				91, 361
4120 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to informal and relative family child care home registration requirements	91	357				91, 358
4121 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to child placing agencies licensure	91					92
4122 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to family child care home registration requirements	92	357				92, 358
4123 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to family child care facility licensing requirements	92	357				92, 358

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4124 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to child care centers licensing	92	358				92, 358
4125 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to West Virginia clearance for access: registry and employment screening	92	356				92, 357
4126 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to emergency medical services	92	357				93, 358
4127 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to public water systems	93	357				93, 358
4128 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to food establishments	93	356				93, 357
4129 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to hospital licensure	93	357				93, 358
4130 -	By Delegates Sobonya and Frich: Health Care Authority, rule relating to financial disclosure	93	356				93, 357
4131 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to collection and exchange of data related to overdoses	93	288				93, 288
4132 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to development of methodologies to examine needs for substance use disorder treatment facilities	94	288				94, 288
4133 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to out-of-school-time child care center licensing requirements	94	357				94, 358
4134 -	By Delegates Sobonya and Frich: Department of Health and Human Resources, rule relating to pilot program for drug screening of applicants for cash assistance	94					94
*4135 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act (Chapter 236, Acts, Regular Session, 2018)	119	215		654	306	119, 260, 283, 306, 812, 1014

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4136 -	By Delegates Hamilton, Storch, Wagner, A. Evans and Folk: Relating to the age requirements of persons for the position of deputy sheriff	119					119
4137 -	By Delegates Hanshaw, Shott, Lovejoy, C. Miller, Westfall, Pethel, Sponaule, Hamilton, E. Evans and Hollen: Removing the cap on payments for service by retired circuit judges, family court judges, and magistrates in limited circumstances	119					119
*4138 -	By Delegates Byrd, Fluharty, Lane, R. Miller, Phillips, Fleischauer, Moore, Lovejoy, Blair, Canestraro and Robinson: Requiring certain public or private schools and daycare centers to install carbon monoxide detectors (Chapter 215, Acts, Regular Session, 2018)	120	331	1335	1335	416, 1336	120, 373, 398, 415, 416, 1336, 2214, 2981
4139 -	By Delegates Upson and Hamrick: Specifying the conditions where and by whom it is unlawful to possess a firearm at school-sponsored functions	120					120
4140 -	By Mr. Speaker (Mr. Armstead) [By Request of the Executive]: Transferring of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund	120	460				120, 460
4141 -	By Delegates Foster, Fast, Cowles, Higginbotham, Moore, Blair, Summers, Wilson, Kessinger, Criss and Ellington: Allowing replacement costs of employer-provided property to be deducted from an employee's final paycheck	121					121
*4142 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment (Chapter 192, Acts, Regular Session, 2018)	121	564	1514	1514	679, 1515	121, 614, 659, 678, 699, 1515, 2794, 2981
4143 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Eliminating the requirement that the Division of Corrections and the Bureau of Public Health purchase commodities produced on institutional farms from the Department of Agriculture	121					122



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4144 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to the elimination of film tax credits	122	215				122, 260, 283, 309
*4145 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel (Chapter 193, Acts, Regular Session, 2018)	122	1224	1378	1378, 1528	1225, 1511	12, 1225, 1226, 1402, 1509, 1510, 1511, 1633, 1637
4146 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act (Chapter 237, Acts, Regular Session, 2018)	122	215		654	307	122, 260, 283, 306, 307, 812, 1014
4147 -	By Delegates Pushkin, Sponaugle, Fluharty, Dean, Wilson, Folk, Paynter, Byrd, Robinson, McGeehan and Hornbuckle: Authorizing the earlier issuance of identification cards to approved medical marijuana consumers and caregivers	122					122
4148 -	By Delegates Pushkin, Sponaugle, Fluharty, Dean, Wilson, Folk, Paynter, Byrd, Robinson, McGeehan and Hornbuckle: Allowing medical marijuana to be grown outdoors by licensed growers	123					123
4149 -	By Delegates Pushkin, Sponaugle, Fluharty, Byrd, Robinson, McGeehan, Hornbuckle and Diserio: Authorizing possession and smoking of medical cannabis by approved persons	123					123
*4150 -	By Delegates Howell, C. Miller, Hill, Storch, Dean, Lynch, Hamrick, Ward, Atkinson, Queen and Maynard: Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient (Chapter 45, Acts, Regular Session, 2018)	123	191	2653, 2654	2653, 2950	28, 2654	123, 236, 259, 282, 2654, 2959, 2982
4151 -	By Delegates Howell, Hill, Sypolt, Criss, Dean, Summers, Paynter, Ward, Westfall, White and Martin: Exempting Buildings 6, 7 and 9 of the Capitol Complex from the requirement that food service facilities be operated by West Virginia Division of Vocational Rehabilitation	123					123

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4152 -	By Delegate Walters: Relating to the treatment of overtime hours under the Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System and the Emergency Medical Services Retirement System	124					124
4153 -	By Delegates Rowe, Ellington, Summers, Maynard, Eldridge, R. Romine, White, Anderson, Miley and Hamilton: Imposing a health care related provider tax on certain health care organizations	124	970, 1049			1179	124, 970, 1105, 1148, 1178, 1179
*4154 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Establishing the 2018 Regulatory Reform Act	124	424, 651	1141		1141	125, 424, 774, 781, 1067, 1098, 1141, 1142
4155 -	By Delegates Foster, Wagner, Blair, Upson, Summers, Marcum, Zatezalo and C. Miller: Establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child	125					125
*4156 -	By Delegates Summers, Ellington, Espinosa, Householder and Frich: Establishing the qualifications of full and part time nursing school faculty members (Chapter 184, Acts, Regular Session, 2018)	125	164, 375	2814, 2818	2814, 2950	586, 2818	125, 164, 418, 454, 554, 585, 586, 2819, 2959, 2982
*4157 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Eliminating the refundable exemption for road construction contractors (Chapter 238, Acts, Regular Session, 2018)	125	814		2590	927	126, 873, 894, 927, 2959, 2982
*4158 -	By Delegates Westfall, Ambler, Maynard, Wagner, Atkinson, Lane, Ward, Higginbotham and Hamrick: Relating to municipal home rule	126	597, 1002				126, 597, 1027, 1037, 1067, 1099, 1104, 1105, 1109
4159 -	By Delegates Pushkin, Sponaugle, Fluharty, Dean, Wilson, Folk, Paynter, Byrd, Robinson, McGeehan and Hornbuckle: Removing certain limitations on medical marijuana grower, processor and dispensary licenses	126					127

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4160 -	By Delegates Sponaugle, Miley, Caputo, Fluharty, Lovejoy, Fleischauer, Lynch, Pushkin, McGeehan, R. Miller and Williams: Establishing an alternative methodology for pretrial release of persons charged with crimes	127					127
4161 -	By Delegates Hanshaw, Ambler, Kessinger, Lynch, Pethel and Mr. Speaker (Mr. Armstead): Exempting the State Conservation Committee and the Conservation Agency from the requirements of the Purchasing Division for contracts related to flood recovery	136	165				136, 165
*4162 -	By Delegates Hanshaw, Ambler, Kessinger, Lynch, Pethel and Mr. Speaker (Mr. Armstead): Granting authority to the State Conservation Committee to contract for flood response (Chapter 10, Acts, Regular Session, 2018)	136	165, 354		849	453	137, 165, 399, 417, 453, 972, 1161
4163 -	By Delegates Kessinger, Criss, Higginbotham, Butler, Foster, Summers, Zatezalo, Cooper and Dean: Relating to termination of the Women’s Commission	137					137
4164 -	By Delegates Wagner, Deem, Overington, Zatezalo, Anderson, Statler, Nelson, Hill, Lane, Butler and Ellington: Providing that members of the House of Delegates in districts having more than one delegate be elected from numbered divisions	137					137
4165 -	By Delegates Moye, Paynter, Butler, E. Evans, Fast, R. Miller, Kessinger and Frich: Prohibiting employers from requiring microchips or electronic devices being implanted	137					137
*4166 -	By Delegates Westfall, Kessinger, Paynter, Foster, Hamrick, Butler, Statler, Summers and Hamilton: Establishing a special revenue fund to be known as the “Capital Improvements Fund — Department of Agriculture Facilities”	137	352, 1014		2590	1142	138, 353, 1062, 1099, 1142, 1143, 2964, 2979
4167 -	By Delegates Graves, Hamrick, Jennings, Iaquinta, Howell, Pyles, Hill, Criss, Diserio and Paynter: Relating to regulation of cremation, embalming, and funeral service directing	138					138
4168 -	By Delegates Anderson, Kelly, Zatezalo, Lane and Higginbotham: Relating to entry onto private property by natural gas companies	138					139

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4169 -	By Delegates Barrett, Shott, Overington, Moore, Kessinger, Lane, Queen, Upson, Lovejoy, Canestraro and R. Miller: Requiring certain establishments and facilities to post human trafficking assistance notices (Chapter 216, Acts, Regular Session, 2018)	139	216	1411	1411	308, 1415	139, 260, 283, 307, 308, 2545, 2982
4170 -	By Delegates Criss, Paynter, Martin, Graves, Jennings, Ward, Howell, Pyles, Sypolt, Hill and Diserio: Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies	139					140
4171 -	By Delegates Pushkin, Lynch, Bates, Rohrbach, Byrd, Diserio, R. Miller, Lovejoy, White and Lane: Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present	140					140
4172 -	By Delegates Iaquinta, Ferro, Brewer, Kessinger, A. Evans, Lynch, E. Evans, Paynter, Bates, Hornbuckle and Hamrick: Establishing a crisis line and mobile application for the public to combat the crisis in this state posed by substance abuse	150					151
4173 -	By Delegate Summers: Relating to bail in criminal cases	151					151
*4174 -	By Delegates Hanshaw and Shott: Designating the placement of nonpartisan judicial offices on the primary election ballot	151	218			309	151, 260, 283, 308, 309
*4175 -	By Delegates Sobonya, Summers, Criss, Rohrbach, Hollen, Westfall and Lovejoy: Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment (Chapter 129, Acts, Regular Session, 2018)	151	286, 406		1337	587	151, 286, 455, 554, 586, 587, 2213, 2982
4176 -	By Delegate Walters: Allowing the West Virginia Insurance Commissioner to self-insure state agencies Workers' Compensation programs	151					151
4177 -	By Delegate Lane: Prohibiting smoking of tobacco products in a motor vehicle while an individual sixteen years of age or less is present	152					152

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4178 -	By Delegates Summers, Longstreth, Ellington, Espinosa and Householder: Permitting certain portions of certified nurse aide training to be provided through distance learning technologies (Chapter 203, Acts, Regular Session, 2018)	152	285, 405		1678	587	152, 285, 455, 554, 587, 2955, 2982
4179 -	By Delegates A. Evans, R. Romine, Hamilton, Lynch, Sobonya, C. Miller, Folk, Rowan, Frich, Summers and Fast: Transferring milk rules and regulations from Department of Health and Human Resources to Department of Agriculture	152	559				152, 559
*4180 -	By Delegates Hamilton, A. Evans, R. Romine, Love, Eldridge, Jennings, Lynch, Hollen and Wagner: Relating to wildlife resources (Chapter 172, Acts, Regular Session, 2018)	152	560, 622		1415	792	152, 560, 725, 772, 792, 793, 2795, 2982
4181 -	By Delegates Iaquinta, Howell, Hamrick, Dean, Ferro, Hartman, Pyles, Wagner, Queen, Diserio and Eldridge: Permitting unused, unexpired, nonnarcotic drugs to be distributed to free health care clinics	153					153
4182 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Authorizing the Director of the Division of Natural Resources to implement a sound silvicultural management plan for state park lands	153					153
4183 -	By Delegates Espinosa, R. Romine, Upson, Higginbotham, Rohrbach, Kelly, Cooper, Westfall and Dean: Relating generally to standardized testing requirements for nonpublic schools (Chapter 73, Acts, Regular Session, 2018)	153	241	1787	1787	329, 1789	154, 284, 309, 329, 1789, 2955, 2982
4184 -	By Delegate Hanshaw: Amending a current legislative rule relating to the road skills examination by removing the reference to <u>parallel parking</u>	154					154
4185 -	By Delegates Hamilton, R. Romine, A. Evans, Rowan, Ambler, Harshbarger, Cooper, Statler, Eldridge, Rodighiero and Campbell: Awarding service weapons to special natural resources police officers upon retirement	154	354				154, 354

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4186 -	By Delegates Westfall, Householder, Upson, C. Miller, Frich, White, Lane, Kessinger, Moore, Criss and Nelson: Relating generally to guaranteed asset protection waivers (Chapter 130, Acts, Regular Session, 2018)	154	405, 459	1489, 2602	1489, 2619	637, 2603	154, 405, 589, 614, 636, 637, 1497, 1535, 1789, 2250, 2593, 2602, 2603, 2955, 2984
*4187 -	By Delegates Foster, Graves, Butler, Summers, Zatezalo, R. Miller, Barrett, Isner, Hollen and Blair: Business Liability Protection Act (Chapter 4, Acts, Regular Session, 2018)	154	619, 1033	2605	2605	1143, 2612	155, 619, 1062, 1099, 1102, 1143, 2612, 2959, 2982
4188 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Creating the Shared Services Section within the Finance Division of the Department of Administration	155					155
4189 -	By Delegates Howell, Hamrick, Zatezalo, Kelly, Hollen, Atkinson, Kessinger, Jennings, Sypolt and Anderson: Prohibiting certain persons from operating state-owned vehicles	155					156
4190 -	By Delegates Howell, Hamrick, Zatezalo, Kelly, Iaquina, Hollen, Atkinson, Kessinger, Jennings and Sypolt: Relating to the debarment of vendors providing goods and services to the state and its subdivisions	156					156
4191 -	By Delegates Howell, Hamrick, Zatezalo, Kelly, Hollen, Atkinson, Kessinger, Jennings, Sypolt and Anderson: Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle	156					156
4192 -	By Delegates Howell, Queen, Hamrick, Zatezalo, Kelly, Iaquina, Hollen, Atkinson, Kessinger and Sypolt: Prohibiting lobbying by certified candidates for a seat in the West Virginia Legislature	156					156
4193 -	By Delegates Canestraro, R. Miller, Sobonya, Hollen, Barrett, E. Evans, Summers and Lovejoy: Allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance	156					157

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4194 -	By Delegates R. Miller, Canestraro, Eldridge, Summers, Hollen, Maynard, Marcum and Isner: Relating to custody and disposal of seized controlled substances and drugs	157					157
4195 -	By Delegates R. Miller, Canestraro, Eldridge, Hanshaw, Campbell, Maynard, Marcum, Robinson and Isner: Clarifying the offense of burglary, and adding provisions for the criminal trespassing of a dwelling	157					157
4196 -	By Delegates R. Miller, Hollen, Campbell, Maynard, Robinson and Isner: Including possession of known stolen property in the offense of receiving or transferring stolen property	157					157
*4197 -	By Delegates Summers, Westfall, White, Criss, Rohrbach and Frich: Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation	157	349, 620			793	158, 349, 725, 772, 773, 793
4198 -	By Delegates Frich, Statler, Fleischauer, Pyles, Williams, Ward and Summers: Adding one to the number of magistrates serving Monongalia County	158					158
*4199 -	By Delegates Ellington, Longstreth, Householder and Frich: Permitting a nursing home to use trained individuals to administer medication	158	242, 332			555	158, 243, 373, 398, 416, 453, 553, 555, 2980
4200 -	By Delegates Graves, Hamrick, Jennings, Ward, Howell, Pyles, Sypolt, Hill, Diserio, Criss and Paynter: Relating generally to the state's spending units	158	375				158, 375
4201 -	By Delegates Lynch, Iaquina, Hartman, Cooper, Pack, Deem, Anderson, A. Evans, McGeehan and Hollen: Permitting vehicles displaying disabled veterans special registration plates to park where persons with mobility impairments may park	159					159
4202 -	By Delegates Storch, Ferro, R. Romine, Hamrick, Ellington, McGeehan, Pyles, Lynch, Paynter, Barrett and Longstreth: Model Veterans Treatment Court Act	178					178

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4203 -	By Delegates Butler, Cooper, Ambler, Ward, Hollen, Westfall, Criss, Harshbarger, Kelly, Zatezalo and Householder: Campus Free Speech Act	179					179
4204 -	By Delegates C. Miller, A. Evans, Sobonya, McGeehan, Frich, Atkinson, Westfall, Butler, Cooper, Harshbarger and Ambler: Relating rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country	179					179
4205 -	By Delegates Phillips, Maynard, Criss, Statler, Paynter, Ambler, Lane, McGeehan, R. Miller, Eldridge and Dean: Entitling natural resource producers to the economic opportunity tax credit	179	808				179, 809
4206 -	By Delegates Shott, Gearheart and Ellington: Revising pupil to teacher ratio for elementary schools	179					180
*4207 -	By Delegates Shott and Hanshaw: Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement (Chapter 220, Acts, Regular Session, 2018)	180	216, 887	1498	1498	1017, 1498	180, 260, 283, 309, 963, 987, 1017, 1018, 1498, 2795, 2982
4208 -	By Delegates Storch, Hamrick, Ellington and Barrett: Uniform Real Property Electronic Recording Act	180					181
4209 -	By Delegates Storch, Ferro, R. Romine, Hamrick, Ellington, Pyles and Barrett: Revised Uniform Fiduciary Access to Digital Assets Act	181					181
4210 -	By Delegates Marcum, Thompson, Hicks, Isner, Rodighiero, Eldridge, R. Miller, Robinson and Williams: Creating tax credits for new and/or existing small businesses in this state	181					182
4211 -	By Delegates Marcum, Eldridge, Rodighiero, Hicks, R. Miller, Isner, Phillips, Hollen, Maynard and E. Evans: Increasing penalties for public school employees that embezzle public funds	182					182
4212 -	By Delegates Marcum, R. Miller, Hicks, Eldridge, Thompson, Isner, Phillips, Hollen, E. Evans and Rodighiero: Relating to intentional killing based on status as law-enforcement officer	182					182



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4213 -	By Delegates Phillips, Blair, Criss, Lane, McGeehan, Marcum, Gearheart and Maynard: Reducing the severance tax on coal to two percent	182					182
*4214 -	By Delegates Eldridge, Maynard, Diserio, R. Miller, Campbell, Marcum, Dean, Phillips, Ambler, Paynter and Cooper: Increasing penalties for unlawfully possessing or digging ginseng (Chapter 11, Acts, Regular Session, 2018)	182	561, 969	2819	2819	1082, 2820	182, 561, 1028, 1061, 1082, 2820, 2959, 2982
4215 -	By Delegates Lane, Westfall, Kelly, White, Hanshaw and Frich: Relating to the involuntary hospitalization of persons administered opioid antagonists	183	843				183, 843
4216 -	By Delegates Shott, Ellington and Gearheart: Revising the order in which qualified applicants are considered for service personnel employment by county boards of education	183					183
*4217 -	By Delegates Ellington, Sobonya, Atkinson, Queen, Summers, White, Westfall, Dean, Criss, Rohrbach and Frich: Permitting an attending physician to obtain a patient's autopsy report (Chapter 29, Acts, Regular Session, 2018)	183	242, 1041	1179, 2821	2821	1179, 2821	183, 243, 1105, 1148, 1179, 1180, 2821, 2959, 2981
*4218 -	By Delegates Ellington, Summers, Householder, Rohrbach, Sobonya, Criss, Hollen and Frich: Relating to medical professional liability	183	242, 1029			1144	183, 243, 1062, 1102, 1143, 1144
4219 -	By Delegates Espinosa, Statler, Upson, Cooper, Dean, Wilson and Higginbotham: Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System	183	785, 902				183, 786, 989, 1026, 1056
4220 -	By Delegates Espinosa, Statler, Upson, Cooper, Dean, Wilson, Higginbotham and Folk: Relating generally to grounds for revocation of a teaching certificate	184	352				184, 352
4221 -	By Delegates Brewer, Sponaule, Iaquina, Diserio, Canestraro, Ferro, Fluharty, Isner, Hornbuckle, R. Miller and Maynard: Requiring the Tax Commissioner to maintain a centralized computerized information system	184					184

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4222 -	By Delegates Hamilton, Frich, R. Romine, A. Evans, Ambler, Cooper, Lynch, Pyles, Sponaugle, Iaquina and Marcum: Requiring the owners of motorboats to carry liability insurance, regardless of the horsepower or length of the motorboat	184					184
4223 -	By Delegates Rowan, Rohrbach, R. Romine, Wagner, Cooper, Ambler, Moye and Kelly: Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language	184	1011				184, 1011
4224 -	By Delegates Shott, Ellington and Gearheart: Establishing an eight-hour work day for school service personnel	184					185
4225 -	By Delegates Shott, Gearheart and Ellington: Eliminating the written consent requirement for relegating any condition of employment for service personnel	185					185
4226 -	By Delegates Shott, Ellington and Gearheart: Eliminating the competency testing requirement for school service personnel	185					185
4227 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating generally to drug control	185					185
4228 -	By Delegates Brewer, Sponaugle, Robinson, Isner, Canestraro, Williams, E. Evans, R. Miller, Ferro, Caputo and Diserio: Requiring available materials, supplies, equipment and other items purchased by the state and its agencies to be made in the United States	185					186
4229 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley: Relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions	186					186
*4230 -	By Delegates Westfall, Frich, White and Upson: Relating to credit for reinsurance (Chapter 131, Acts, Regular Session, 2018)	186	286, 376		1415	553	186, 286, 418, 454, 455, 553, 554, 2795, 2982
4231 -	By Delegates Shott, Gearheart and Ellington: Eliminating the requirement to pay service personnel for at least a full day of work when he or she has worked more than three and one-half hours on any Saturday or Sunday	187					187

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4232 -	By Delegates Summers, Ellington, Sobonya, Rohrbach, Dean, Robinson and Campbell: Relating to the Board of Examiners on Registered Professional Nurses	163	163				163
*4233 -	By Delegates Storch, Hamrick, Ferro, Barrett and Ellington: Relating generally to fraudulent transfers (Chapter 245, Acts, Regular Session, 2018)	203	315	2822	2821	397, 2854	203, 347, 372, 397, 398, 2854, 2882
4234 -	By Delegates Iaquina, A. Evans, Hartman, Canestraro, R. Romine, Hamilton, Ellington, Dean, Barrett and Ferro: Creating the "West Virginia Winner" program	204					204
*4235 -	By Delegates Hamilton, Harshbarger, Brewer, Atkinson, Ward, Queen, Diserio, Longstreth, Wagner, R. Romine and A. Evans: Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses	204	354, 1070				204, 354, 1072, 1148, 1159
*4236 -	By Delegates Nelson, Hanshaw and Shott: Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division (Chapter 110, Acts, Regular Session, 2018)	204	461		1415	637	204, 589, 614, 637, 2795, 2982
4237 -	By Delegate Shott: Uniform Partition of Heirs Property Act	204					205
*4238 -	By Delegates Fleischauer, Williams, Pyles, Statler, Frich, Hamrick, Robinson, Brewer, Storch, Howell and Miley: Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan (Chapter 139, Acts, Regular Session, 2018)	205	596, 1002	1102	1499	1144	205, 597, 1028, 1037, 1067, 1102, 1144, 2545, 2982
4239 -	By Delegates Rohrbach, Ellington, Sobonya, Queen, Summers, White, Criss and Hollen: Relating to regulating prior authorizations	205					205
4240 -	By Delegates Summers, Pushkin, R. Miller, Lane, Moore, Kessinger, Hollen, Atkinson and Shott: Relating to expungement of the records associated with driving under the influence	205					206

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4241 -	By Delegates Westfall, White, Criss, Rohrbach, Ellington, Summers, Hanshaw and Frich: Transitioning foster children into managed care	206	287, 906				206, 287, 989, 1009
*4242 -	By Delegates Shott and Hanshaw: Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court (Chapter 5, Acts, Regular Session, 2018)	206	316	372	888	398	206, 347, 372, 398, 1065, 1161
4243 -	By Delegates Kessinger, Hill, Paynter, Howell and Moore: Requiring county boards of education to conduct regular structural inspections of school facilities and structures	206					206
4244 -	By Delegates Ward, Howell, Hollen, Paynter, Moore, Lane, Frich, Longstreth, Sobonya, Martin and Hamrick: Granting business tax credits to businesses that financially support students enrolled in the state's community and technical colleges	206					206
4245 -	By Delegates Ward, Howell, Paynter, Frich, Martin, Hamrick, Kelly, Atkinson, Hamilton, Butler and Fast: Exempting wood furniture from state sales tax under certain conditions	206					207
4246 -	By Delegates Kessinger, Pack, Martin, Hill, Paynter, Howell and Foster: Requiring abortions to be performed by a licensed physician	207					207
4247 -	By Delegates Kessinger, Pack, Hill, Paynter and Howell: Relating to life-sustaining treatment policies of health care facilities; "Simon's Law"	207					207
4248 -	By Delegates Kessinger, Martin, Hill, Paynter, Howell and Foster: Permitting vocational education classes for homeschooled and private schooled students	207					207
4249 -	By Delegates Kessinger, Martin, Hill, Paynter, Howell, Moore and Foster: Allowing private entities to lease buildings to local school boards in cases of emergency or condemnation	207					207
4250 -	By Delegates Kessinger, Hill, Paynter and Howell: Creating a digital learning pilot project	207					208

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4251 -	By Delegates Shott, Ellington and Gearheart: Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors (Chapter 114, Acts, Regular Session, 2018)	208	351	418, 2824	2824	454, 2826	208, 399, 417, 453, 454, 2826, 2959, 2982
4252 -	By Delegates R. Miller, Campbell, Canestraro, Eldridge, Maynard and Isner: Authorizing the prosecuting attorney to issue a subpoena duces tecum for certain documents	208					208
4253 -	By Delegates Kessinger, Hill, Paynter, Howell and Frich: Responders Protection Act	208					208
4254 -	By Delegates Moore, Summers, Sobonya, Shott, Hanshaw, Westfall, Maynard, Paynter, Harshbarger, Kessinger and Queen: Placing a seven-day supply limitation on the amount of Schedule II drugs which can be lawfully prescribed	229					229
4255 -	By Delegates Rodighiero, Thompson, Hicks, Marcum, Westfall, Kelly, Atkinson, Eldridge, Campbell, Williams and Lynch: Requiring the state board of education to develop an elective course on Vocational Agriculture	229					230
4256 -	By Delegates Nelson and Boggs: Allowing portions of otherwise exempt property that are being used for nonexempt purposes to be separately assessed and taxed	230					230
4257 -	By Delegates Nelson and Boggs: Repealing article creating the Office of Business Registration and Creation of Centralized Records	230					230
4258 -	By Delegates Statler, Frich, Cooper, Pethel, Fleischauer, Criss, Deem, Hill, Martin, Hollen and Williams: Requiring the purchase by county commissions and display of POW/MIA flags at county courthouses	230					230
4259 -	By Delegates Robinson, Cooper, Dean, Rowe, Lane, Canestraro, Isner, Hanshaw, Lovejoy, Williams and R. Miller: Providing information to high school students regarding career and technical educational opportunities	230					231

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4260 -	By Delegates Atkinson, Hollen, Sobonya, C. Miller, Westfall, Love, Eldridge, R. Miller, Hill, Jennings and Dean: Providing limited prescriptive authority to a licensed psychologist who meets certain criteria	231					231
4261 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating generally to procurement by state agencies	231					232
4262 -	By Delegates Fleischauer, Pyles, Williams, Boggs, Summers, E. Evans, Statler, Frich, Rohrbach, Moye and Cooper: Exempting retirement income of members of certain uniformed services from state income tax	232					232
4263 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Reducing the use of opiates	232					232
4264 -	By Delegates Ellington, Fleischauer, Longstreth and Pushkin: Repealing a section of the code relating to the penalty for performing an abortion	233					233
4265 -	By Delegates Nelson and Boggs: Relating generally to employer withholding taxes	233					233
4266 -	By Delegates Westfall, Boggs, Statler, White and Frich: Eliminating taxation on annuity considerations collected and received by a life insurer	233					233
4267 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Increasing access to career education and workforce training	233					234
*4268 -	By Delegates Anderson, Kelly, Zatezalo, Westfall, Fast, Higginbotham, Ward, Hollen, Atkinson, Foster and Lane: Co-tenancy Modernization and Majority Protection Act (Chapter 149, Acts, Regular Session, 2018)	247	358, 652	796, 798, 799, 800, 1415	1415	827, 1417	248, 358, 774, 795, 801, 825, 827, 1417, 1633, 2546
4269 -	By Delegates Kelly, Anderson, Zatezalo, Lane, Harshbarger, Shott, C. Romine, Maynard, C. Miller, Statler and Nelson: Uniform Partition of Heirs Property Act	248					248

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4270 -	By Delegates Deem, Kelly, Zatezalo, Anderson, R. Romine, Hollen, A. Evans, White, Lane, Harshbarger and Shott: Providing for the timely payment of moneys owed from oil and natural gas production (Chapter 150, Acts, Regular Session, 2018)	249	288, 653	2612	2612	827, 2618	249, 288, 774, 801, 827, 2618, 2959, 2982
4271 -	By Delegates Fast, Sobonya, Butler, Hanshaw, Kessinger, Howell, Martin, Criss, Byrd, Maynard and Rodighiero: Relating to pyramid promotional schemes	249					249
4272 -	By Delegate Nelson: Relating to the West Virginia Retirement Health Benefit Trust Fund	249					249
4273 -	By Delegates Pack, Cooper, Moye and Bates: Creating an additional magistrate court deputy clerk position for Raleigh County	249					250
4274 -	By Delegates Hamilton, Wagner, A. Evans, R. Romine, Criss, Diserio and Rodighiero: Relating to the operation of motorboats	250	560				250, 560
*4275 -	By Delegates Shott, Hanshaw and Cowles: Relating to the law-enforcement authority of the director and officers of the division of protective services (Chapter 217, Acts, Regular Session, 2018)	250	404		1789	588	250, 456, 554, 587, 588, 2952, 2982
*4276 -	By Delegates Canestraro, Hanshaw, Shott, Isner, R. Miller, Robinson and Frich: Allowing magistrates to grant work release privileges (Chapter 63, Acts, Regular Session, 2018)	250	458		2521	638	250, 589, 614, 637, 638, 2955, 2982
4277 -	By Delegates Folk, Butler, Paynter, McGeehan, Martin, Rohrbach, Upson, Blair, Espinosa, Statler and E. Evans: Allowing individuals who have completed home school to be eligible for the PROMISE scholarship	250					251
4278 -	By Delegates Rodighiero, Thompson, Marcum, Hicks, R. Miller and Eldridge: Exempting volunteer firefighters from fees for hunting, fishing and trapping licenses and permits	251					251

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4279 -	By Delegates Rowan, Fast, Moye, Paynter, Pethel, Rohrbach, Eldridge, Lynch, Maynard, Lovejoy and Fleischauer: Relating to adult protective services system (Chapter 121, Acts, Regular Session, 2018)	251	401, 621	773	1678	793	251, 402, 725, 773, 793, 794, 2955, 2982
4280 -	By Delegates Iaquina, Hamilton, A. Evans, Maynard, R. Romine, Ferro and Pushkin: Creating the "State Bank of West Virginia"	251					251
4281 -	By Delegates Higginbotham, Westfall, Lane, Storch, Harshbarger, Williams, Miley, Moore, Hartman and Pyles: Prohibiting civil rights violations based on gender identity, or sexual orientation	252					252
4282 -	By Delegates Marcum, Hicks, Isner, Rodighiero, Eldridge, R. Miller and Campbell: Changing the Unborn Victims of Violence Act to the Unborn Victims of Abuse Act	252					252
4283 -	By Delegates Marcum, Hicks, Love, Phillips, Thompson, Hamilton, R. Romine, A. Evans, Hamrick, Gearheart and E. Evans: Relating to construction of a modern highway from eastern Kentucky to Beckley, West Virginia	252					252
4284 -	By Delegates Ward, Howell, Hollen, Lane, Frich, Martin, Hamrick, Hamilton, Butler, Fast and McGeehan: Setting minimum periods in which a governing body must make available to the public and news media the agenda for its meetings	252					253
4285 -	By Delegates Frich, Westfall, White and A. Evans: Relating to the West Virginia Safe Mortgage Licensing Act (Chapter 185, Acts, Regular Session, 2018)	253	424, 814	928	1347	928	253, 424, 873, 895, 927, 928, 2214, 2982
4286 -	By Delegates Wagner, Phillips, Criss and Paynter: Repealing a section of the code related to wind power projects	253					253
4287 -	By Delegates Howell, Summers, Sobonya, Westfall, Lovejoy, White, Ellington and Ward: Relating to pharmacy benefit managers	253	287				253, 287



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4288 -	By Delegates Howell, Foster, Statler, Espinosa, Hamrick, Butler, Kessinger, Brewer, Lynch, Pyles and Ferro: Requiring contractors to provide all required information on a construction project to the State Fire Commission or the State Fire Marshall	253					253
*4289 -	By Delegates Walters, Pethel, Anderson, Hamilton, Hollen and E. Evans: Relating to disability pensions of municipal employees (Chapter 159, Acts, Regular Session, 2018)	251	785, 906		1417	1057	254, 786, 989, 1026, 1056, 2795, 2982
4290 -	By Delegate Walters: Requiring certain funds of a policeman's or a firemen's pension and relief fund be invested with the West Virginia Investment Management Board	254	785				254, 786
4291 -	By Delegates Cowles, Moore and Phillips: Exempting from certain contract and common carrier laws motor vehicles used exclusively in the transportation of railroad personnel	254					254
4292 -	By Delegates Frich, Butler, Kessinger, Overington, Fast, Foster, Higginbotham, Harshbarger, Deem, Sobonya and Hollen: Discontinuing the West Virginia Greyhound Breeding Development Fund	254					256
4293 -	By Delegates Frich, Hollen, Fast, Kessinger, Butler, Overington, Foster, Paynter, Higginbotham, Harshbarger and Deem: Prohibiting the use of anabolic steroids and certain Class I drugs on racing dogs	256					256
4294 -	By Delegates Bates, Fluharty, Fleischauer, Longstreth, Ellington, Summers and Atkinson: Creating a state-administered wholesale drug importation program	271					272
4295 -	By Delegates A. Evans, R. Romine, Hamilton, Rowan, Statler, Love and Campbell: Relating to farmers markets	272	560				272, 560
*4296 -	By Delegates A. Evans, E. Evans, R. Romine, Hamilton, Rowan, Eldridge, Love, Campbell and Hicks: Establishing the Southern West Virginia Lake Development Study Commission	272	777, 884				272, 777, 963, 987, 1009

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4297 -	By Delegates Foster, Householder, Sobonya, Frich, Fast, Upson, Cowles, C. Miller, Moore, Hamrick and Jennings: Prohibiting state licensing boards from hiring lobbyists	273					273
4298 -	By Delegates Butler, Householder, Higginbotham, Eldridge, McGeehan, Marcum, Blair, Espinosa, Foster, A. Evans and R. Romine: The Campus Self Defense Act	273	646				273, 646
4299 -	By Delegates Phillips, Hollen, Criss, White, Ward, Moye, Rohrbach, Paynter, Maynard, Marcum and Pack: Providing a \$2,000 salary increase to West Virginia State Troopers	273					273
4300 -	By Delegates Hamilton, Eldridge, Rodighiero and Maynard: Increasing compensation for Parole Board members	273					273
4301 -	By Delegates Hamrick, Howell, Moore, Espinosa, Higginbotham, Pack, Queen, Westfall, Hollen, Ward and Capito: Requiring all state agencies to develop a plan to evaluate a transition to cloud based data storage	274					274
4302 -	By Delegate Marcum: Authorizing the use of bailiffs who are not law-enforcement officers	274					274
4303 -	By Delegate Westfall: Relating generally to limited video lottery	274					274
*4304 -	By Delegates Summers, Ellington, Hamrick, Criss, Rohrbach and Hollen: Creating the Board of Nursing	274	406, 807	895		929	275, 406, 873, 895, 928, 929
4305 -	By Delegates Sobonya, C. Miller, C. Romine, R. Miller, Summers, Rohrbach, Lovejoy, Espinosa, Howell, Butler and Graves: Authorizing the West Virginia Ethics Commission to sanction persons who have violated the Freedom of Information Act	294					294
*4306 -	By Delegates Summers, Rohrbach, Barrett, Blair and Frich: Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health	294	596, 621			794	294, 596, 725, 774, 794
4307 -	By Delegate Summers: Prohibiting the alcohol beverage commission from assessing a fee to another state agency	294	562				294, 562

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4308 -	By Delegate Foster: Removing the requirement for contactors to file payroll information on public improvement construction projects	295					295
*4309 -	By Delegates Kessinger, Westfall, White, Cowles and Bates: Restricting the sale and trade of dextromethorphan	295	622, 1030	1103		1145	295, 622, 1062, 1103, 1144, 1145
4310 -	By Delegates Eldridge, Maynard, R. Miller, Lovejoy, A. Evans, Diserio, Canestraro, Ferro, Hamilton, Upson and Paynter: Mandating cognitive behavioral therapy for those who have violated the law for computer sex crimes	295					295
4311 -	By Delegates Howell, Hamrick, Higginbotham, Hanshaw, Hill and Kessinger: Making all work product by State Government to be in the public domain and not subject to copyright protection	295					295
4312 -	By Delegates A. Evans, Hartman, Hamilton and R. Romine: Requiring purchasers of roundwood to collect and maintain certain information	296					296
4313 -	By Delegates Cowles, Hamrick and Foster: Deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers	296					296
4314 -	By Delegates Howell, Hamrick, Criss, Paynter, Foster, Pack, Pyles, Ferro, Eldridge, Ward and A. Evans: Providing that paralegals and analysts who have been certified by a national association and who have been employed by the Legislature for two years are certified paralegals	296					296
4315 -	By Delegates McGeehan, Folk and Criss: Exempting certain law-enforcement officers from payment of income and personal property taxes	296					296
4316 -	By Delegates McGeehan, Folk and Criss: Exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes	297					297
4317 -	By Delegates Foster, Howell, Pack, Butler, C. Miller, Hamrick and Jennings: West Virginia Contractor Licensing Act	297	424				297, 424

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4318 -	By Delegates McGeehan, Hamilton, Folk, Butler, Kessinger and Gearheart: Life at Conception Act of 2018	298					298
4319 -	By Delegates Pushkin, Miley, Lynch, Lovejoy, Hartman, Moore, Isner, Williams, Westfall and Higginbotham: Adding “sexual orientation” and “gender identity” to the categories covered by the Human Rights Act	298					298
*4320 -	By Delegates McGeehan and Folk: Limiting the ability of an agent under a power of attorney to take self-benefiting actions (Chapter 176, Acts, Regular Session, 2018)	298	561	2826, 2827	2826, 2950	679, 2827	298, 615, 644, 679, 2828, 2959, 2982
4321 -	By Delegates Upson, Householder, Martin, Ellington and Blair: Permitting electronic records of documents to serve as original records	298					299
4322 -	By Delegates Howell, Statler, Hill, Fast, Martin, Butler, Criss, Paynter, Foster, Pack and Ward: Relating to workers’ compensation insurance	299					299
4323 -	By Delegates Howell, Hill, Diserio, Criss, Paynter, Foster, Pack, Pyles, Ferro, Eldridge and Ward: Relating to non-renewal of any certificate, license, registration, to any person who is delinquent in the payment of state or local taxes	299	563				299, 563
4324 -	By Delegates Howell, Statler, Hill, Martin, Butler, Shott, Moore, Criss, Paynter, Foster and Pack: Relating to the employment of individuals by municipal paid fire departments under civil service (Chapter 160, Acts, Regular Session, 2018)	299	728, 811	895, 2828	2828	929, 2832	300, 729, 873, 929, 2832, 2982, 2960
4325 -	By Delegates E. Evans, R. Miller, Marcum, Campbell, Rodighiero, Lovejoy, Eldridge, Zatezalo and Bates: Adding an annual annuity adjustment of one percent for eligible retirants or surviving spouses	300					300
4326 -	By Delegates Pack, Cooper, Butler, Higginbotham, Moore, Howell, Shott, Foster, Hanshaw, Capito and Lynch: Exempting veterans from obtaining a certificate of training in handling a firearm	300	837				300, 837

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4327 -	By Delegates Folk, Paynter, Sypolt, Ellington, Dean, Kessinger and Jennings: Prohibiting employers from requiring any employee to have or receive an influenza immunization	300					300
4328 -	By Delegates Pack, Kessinger, Graves, Higginbotham, C. Miller and Upson: Requiring health insurance providers to provide coverage for long-term antibiotic therapy for a patient with Lyme Disease	300					301
*4329 -	By Delegates Cooper, Ambler, Pack, Harshbarger, Moore, Lynch, Hollen, Atkinson and R. Miller: Requiring pawnbrokers to providing certain information to law-enforcement agencies	301	377				301, 418, 454, 455, 457
4330 -	By Delegates Sponaugle, A. Evans, R. Romine and Hamilton: Authorizing county commissions to initiate collection actions for emergency ambulance service	301	728				301, 728
4331 -	By Delegates Iaquinta, A. Evans, Williams, R. Romine, Hamilton, Dean, Campbell, Wagner, Canestraro and Ferro: Providing that a living organ donor is exempt from all personal income tax in the taxable year in which the organ transplantation occurs	301					301
4332 -	By Delegates Rohrbach, Fleischauer, Longstreth, Summers and Frich: Relating to home peritoneal renal dialysis (Chapter 186, Acts, Regular Session, 2018)	301	425	1357	1357	613, 1360	302, 425, 555, 589, 612, 613, 1360, 2213, 2982
4333 -	By Delegates Sponaugle, A. Evans, R. Romine, Hamilton, Barrett, Fleischauer, Fluharty, Boggs, Miley, Pushkin and Longstreth: Relating to adoption records	302					302
4334 -	By Delegates Hill, Howell, Kessinger, Martin, Butler, Pack, Sobonya, Folk, McGeehan, Moore and Paynter: Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures	302	848				302, 848
4335 -	By Delegates Sponaugle, Rowe, Hartman, Lynch, Williams, Bates, Isner, A. Evans, R. Romine, Hamilton and Barret: Requiring that lien releases filed with county clerk's office include the Deed of Trust Book and page numbers	302					302

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4336 -	By Delegates Ellington, Summers, Rohrbach, Householder, Atkinson, Criss, Hollen, Hill, Rowan, Dean and Cooper: Updating the schedule of controlled substances (Chapter 47, Acts, Regular Session, 2018)	302	407, 1045	2521	2521	1180, 2522	303, 407, 1105, 1149, 1180, 2522, 2953, 2983
4337 -	By Delegates Paynter, Eldridge, Maynard, Love, E. Evans, Cooper, Martin, A. Evans and Ambler: Establishing the West Virginia Division of Natural Resources Police Officer Retirement System	303					303
*4338 -	By Delegates Fast, R. Miller, Hanshaw, Shott, Eldridge, Robinson, Lovejoy, Lane, Williams, Isner and Foster: Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety (Chapter 107, Acts, Regular Session, 2018)	323	598, 1070	2654, 2945	2654, 2954	1181, 2746	324, 598, 1072, 1149, 1180, 1181, 2745, 2747, 2960, 2982
4339 -	By Delegates Espinosa, Howell, Hamrick, Householder, Cowles and Nelson: Dissolving the Information Services and Communications Division	324					325
4340 -	By Delegates Phillips, Lane, Kelly, Sypolt, Westfall, Marcum, Statler, Maynard, Sobonya, Pack and Foster: Relating to the powers and duties of the Office of Coalfield Community Development	325					327
4341 -	By Delegates Marcum, Thompson, Rodighiero, R. Miller, Isner, Moye, Hicks, Eldridge, E. Evans, Diserio and Lynch: Dedicating certain severance taxes to fund PEIA	327					327
4342 -	By Delegates Westfall, Statler, White, Maynard and Hartman: Relating to commercial insurance rates	327					327
*4343 -	By Delegates Frich, Westfall, White, Upton, Lovejoy, Robinson and A. Evans: Relating to the delivery of financial statements to bank shareholders (Chapter 30, Acts, Regular Session, 2018)	327	425, 727		1418	870	327, 425, 802, 835, 870, 2795, 2982
4344 -	By Delegates Lane, E. Evans, Longstreth and Rowe: Relating to the tax on soft drinks	327					327

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4345 -	By Delegates Moore, Pushkin, Upson, Hill, Paynter, Dean, White, Folk, Lane and McGeehan: Relating to limitations on permits for growers, processors and dispensaries of medical cannabis	328	1047			118	328, 1047, 1105, 1149, 1181, 1182
4346 -	By Delegates Sponaugle, Hartman, Lynch, Williams, Barrett, Boggs, Miley, Bates, Moye, Canestraro and Isner: Repealing the Public Employees Insurance Agency Finance Board	328					328, 577, 589
*4347 -	By Delegates Moore, Shott, Hanshaw, Kessinger, Harshbarger, Summers, Sobonya, Fast, Queen, Byrd and Capito: Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund (Chapter 108, Acts, Regular Session, 2018)	338	783, 965		1418	1057	339, 783, 989, 1027, 1057, 2795, 2983
4348 -	By Delegates Hanshaw and Shott: Relating to the powers and duties of the Public Land Corporation	339	462				339, 462
4349 -	By Delegates Hanshaw, Lovejoy, Shott, Summers and Pack: Relating to microprocessor permit	339					339
*4350 -	By Delegates Howell, Hamrick, Hill, Martin, Criss, Paynter, Moore, Statler, Kessinger and Fast: Eliminating the regulation of upholstery (Chapter 221, Acts, Regular Session, 2018)	339	423	2747	2747	613, 2750	340, 555, 589, 613, 2750, 2960, 2983
4351 -	By Delegates Paynter, Phillips, Maynard, Dean, McGeehan, Jennings, Howell, Hamrick, Butler, Fast and Kessinger: Classifying owner operators and independent contractors who contract with licensed and registered trucking companies as nonemployees	340	595				340, 595
4352 -	By Delegates Statler, Hamrick, Espinosa, Howell, Frich, Pethtel, Fleischauer, Hornbuckle and Atkinson: Assisting county boards of education in converting their maintenance vehicles to compressed natural gas or propane	340					340

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4353 -	By Delegates Maynard, Ambler, R. Romine, Criss, Phillips, Storch, Moore, Harshbarger and Paynter: Establishing a fee for the expungement of certain criminal convictions	340					340
4354 -	By Delegate Canestraro: Reallocating and dedicating the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin	340					340
4355 -	By Delegates Wagner and Pethtel: Relating generally to the jurisdiction of the Public Service Commission	341					341
4356 -	By Delegates Canestraro, Storch, Pethtel, Boggs and Fluharty: Relating to an oil and gas royalty arms-length transaction	341					341
*4357 -	By Delegates Shott, Hanshaw, Boggs, Capito, Foster, Moore, Queen, Barrett, Byrd, Harshbarger and Nelson: West Virginia Small Wireless Facilities Deployment Act	342	650, 1063	1183		1183	342, 651, 1105, 1149, 1182, 1183
4358 -	By Delegates Hamilton, Eldridge, Rodighiero, Hicks, Marcum and Westfall: Increasing the compensation of members and chairperson of the Board of Parole	342					342
*4359 -	By Delegates Westfall, Lovejoy, Byrd, Lane, Kessinger, Queen, Atkinson, Graves and Fleischauer: Relating to the removal of animals left unattended in motor vehicles	342	404			588	342, 404, 456, 554, 588
4360 -	By Delegates Hill, Howell, Hamrick, Higginbotham, Hanshaw, Hamilton, Hollen, Householder, Harshbarger and Hicks: Relating to boards of examination	343					343
*4361 -	By Delegates Iaquina, Williams, Cooper, A. Evans, R. Romine, Dean, Longstreth, Byrd, Robinson, Hornbuckle and Boggs: Bestowing the West Augusta Award upon each West Virginian graduating from U. S. Military Academies with the highest grade point average	343	646			828	343, 647, 775, 801, 827, 828



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4362 -	By Delegates Iaquina, Pethel, Cooper, A. Evans, R. Romine, Dean, Hornbuckle, Boggs, Miley, Hartman and Williams: Recognizing outstanding students who are top achievers in scholastic studies	343					343
4363 -	By Delegates Ward, Phillips, Frich, Anderson, Zatezalo, Kelly, Howell, Criss, Rohrbach and Graves: Creating a tax credit for a manufacturer or power generating facility in West Virginia that purchases and uses coal, oil or gas	343					343
4364 -	By Delegates Hill, Summers, Rohrbach, Butler, Sobonya, Criss, Frich, Longstreth, Atkinson and Fleischauer: Relating to registration period for nurse aide registrants	344					344
4365 -	By Delegates Dean, Wagner, R. Romine, Rowan, Thompson, Ambler, Iaquina, Cooper, Folk, McGeehan and Paynter: Fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee	344					344
4366 -	By Delegates Ellington, Householder and Frich: Relating to the approval of additional beds for intermediate care facilities	344	971				344, 971
4367 -	By Delegates Moore, Westfall, Frich, Ellington and Cowles: Relating to admissibility of certain evidence in a civil action for damages	367					367
*4368 -	By Delegates Westfall, Frich and Lane: Relating to voluntary assignments of wages by state employees who have been overpaid (Chapter 136, Acts, Regular Session, 2018)	368	595, 887	1678	1678	1018, 1681	368, 595, 963, 987, 1018, 1681, 2953, 2982
4369 -	By Delegates Sobonya, C. Miller, C. Romine, Frich, Rowan and Ward: Making the Division of Corrections and the Division of Health subject to the Occupational Safety and Health Act	368					368
4370 -	By Delegates Sobonya, C. Miller, C. Romine, Frich, Butler, Rowan, Ward and Householder: Requiring the West Virginia Supreme Court of Appeals to maintain a searchable, criminal database	368					368

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4371 -	By Delegates Sobonya, C. Miller, C. Romine, Frich, Overington, Butler, Rowan and Ward: Prohibiting school employees from counseling, referring, transporting, or assisting any student to obtain an abortion	368					368
4372 -	By Delegates Sobonya, C. Miller, C. Romine, Frich, Butler, Summers, Rowan, Ward and Householder: Requiring the Board of Pharmacy to make appropriate referrals of reports of suspicious orders of controlled substances	369					369
4373 -	By Delegates Jennings, Martin, Wagner, Rowan, E. Evans and R. Romine: Providing long-term care and substance abuse treatment	369					369
4374 -	By Delegates Sobonya, Butler, Ward and Rowan: Providing a mechanism for the independent evaluation of revenue estimates by West Virginia and Marshall Universities' business colleges	369					369
4375 -	By Delegates Sobonya, Butler, Rowan, Ward and Householder: Relating generally to benefits provided by the Department of Health and Human Resources	370					370
4376 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the balance of the Department of Health and Human Resources (Chapter 21, Acts, Regular Session, 2018)	389	775		2522	891	389, 802, 836, 872, 891, 2951, 2965, 2981
4377 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services	389					390
4378 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Bureau of Senior Services	390					390

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4379 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation (Chapter 22, Acts, Regular Session, 2018)	390	814		2522	930	390, 814, 874, 895, 929, 930, 2952, 2981
4380 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Agriculture (Chapter 23, Acts, Regular Session, 2018)	390	563		973	680	391, 615, 641, 679, 680, 1293, 1354
4381 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Education (Chapter 24, Acts, Regular Session, 2018)	390	563		973	680	391, 615, 680, 681, 1293, 1354
4382 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing and amending by decreasing and increasing existing appropriations to various agencies	391					391
4383 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing and amending existing appropriations to the Department of Health and Human Resources, and to the Bureau of Senior Services	391					391
4384 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Transportation (Chapter 25, Acts, Regular Session, 2018)	392	563		973	681	392, 615, 641, 681, 682, 1293, 1354
4385 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (Chapter 26, Acts, Regular Session, 2018)	392	775		1347	870	392, 802, 836, 870, 871, 2214, 2546

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4386 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services (Chapter 27, Acts, Regular Session, 2018)	392	563		974	682	392, 615, 641, 682, 1293, 1354
4387 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing and amending by decreasing existing appropriations and adding new appropriations to the Department of Health and Human Resources, and to the Department of Military Affairs and Public Safety	392					393
4388 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing and amending by decreasing and increasing existing appropriations to the Higher Education Policy Commission	393					393
4389 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the Enterprise Resource Planning System Fund (Chapter 28, Acts, Regular Session, 2018)	393	775	2832	2832	892, 2834	393, 802, 836, 873, 892, 2835, 2952, 2981
4390 -	By Delegates Ellington and Hamrick: Relating to provisionally licensed social workers with the Department of Health and Human Resources	393					394
4391 -	By Delegates Ellington, Foster, Householder, McGeehan, Rohrbach, Sobonya, Summers and Sypolt: Implementing work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP)	394					394
*4392 -	By Delegates Ellington, Hanshaw, Householder, Shott and Summers: Relating to Medicaid subrogation liens of the Department of Health and Human Resources	394	781, 1048	2623, 2625	2623	1184, 2625, 2950	394, 781, 1105, 1149, 1183, 1184, 2625, 2960, 2981
4393 -	By Delegates Ward, Howell, Hollen, Paynter, Frich, Phillips, Martin, Kelly, Butler, Fast and Dean: Increasing penalty for wearing a mask while committing a crime	394					395

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4394 -	By Delegates A. Evans, Hartman, Hamilton and R. Romine: Relating to forest fires (Chapter 173, Acts, Regular Session, 2018)	395	776, 1031	1103, 2750	2750	1145, 2755	395, 777, 1062, 1103, 1145, 2755, 2960, 2982
4395 -	By Delegates Pushkin, Rowe, Dean, Fleischauer, Lane, Robinson, Byrd, Longstreth and Love: Permitting certain felons to work in licensed behavioral health facilities	395					395
4396 -	By Delegates Espinosa, Moore, McGeehan, Westfall, Householder, Storch and Ambler: Permitting wagering on the results of certain professional or collegiate sports or athletic events	395	598				396, 598
4397 -	By Delegate Bates: Limiting pay of members of the Legislature when a budget bill has not been passed	396					396
4398 -	By Delegates Thompson, Marcum, Hicks, Rodighiero and Eldridge: Specifying the grade point average required for student participation in interscholastic athletics at the high school level	396					396
4399 -	By Delegates Lovejoy, Canestraro, R. Miller, Fluharty, Hornbuckle, Robinson, Sponaule, Barrett, Byrd, Williams and Isner: Relating to net neutrality for state government	396					397
*4400 -	By Delegates Westfall, Hartman, Criss, White, Lane, Walters, Upson, Frich, Capito and Shott: Relating to the West Virginia Physicians Mutual Insurance Company (Chapter 132, Acts, Regular Session, 2018)	397	619, 731		1789	893	397, 619, 803, 836, 873, 892, 893, 2954, 2983
*4401 -	By Delegates Ambler, Sobonya, Westfall, Frich, Cooper, Foster, Householder, Barrett and Phillips: Relating to the registration of business (Chapter 137, Acts, Regular Session, 2018)	397	596, 814	2282, 2302	2283, 2775	871, 1421	409, 594, 803, 836, 871, 1421, 2546, 2983
4402 -	By Delegates Espinosa, Statler, Moye, Hornbuckle, Kelly, Rodighiero, Blair, Householder, Higginbotham, Dean and Campbell: Relating to the prevention of sexual abuse of children (Chapter 74, Acts, Regular Session, 2018)	409					409

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4403 -	By Delegates Marcum, Eldridge, Dean, Folk, McGeehan, Westfall, Hicks, Phillips, E. Evans and Lynch: Relating generally to the State Athletic Commission	409					410
4404 -	By Delegates Eldridge, Love, Lynch, Maynard, Paynter, Phillips, Lane, White, Marcum, R. Miller and Rodighiero: Requiring that five percent of the permits to hunt elk be issued to West Virginia residents who are honorably discharged veterans	410					410
4405 -	By Delegates Cooper, Ambler, Iaquinta, Hollen, Pack, Rowan, Wagner, Lynch and Butler: Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park	410	618				410, 618
4406 -	By Delegates Espinosa, Barrett, Upson, Moore and Folk: Relating to the licensing of advance deposit wagering	410					411
*4407 -	By Delegates Espinosa, Statler, Kelly, Blair, Higginbotham, Atkinson and Mr. Speaker (Mr. Armstead): Relating to eligibility for alternative program teacher certificate	411	595			771	411, 642, 725, 771
4408 -	By Delegates Westfall, Householder, Espinosa, Barrett, Moore, Lane and Byrd: Relating generally to limited video lottery	411					411
4409 -	By Delegates Westfall, Householder, Barrett, Moore, Lane and Byrd: Removing restrictions on where certain traditional lottery games may be played	411					411
4410 -	By Delegates Moore, Westfall, Lane and White: Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids (Chapter 109, Acts, Regular Session, 2018)	412	459	1499	1499	638, 1499	412, 589, 614, 638, 1499, 2546, 2981
4411 -	By Delegates Moore, Westfall and Lane: Relating to the requirements of the Real Estate Division for members of the Board of Public Works	412					412

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4412 -	By Delegates Fluharty, Sponaugle, Pushkin, Caputo and Barrett: Permitting wagering on the results of certain professional or collegiate sports or athletic events and other events	412					413
4413 -	By Delegates Rodighiero, Ellington, Summers, Westfall, Fleischauer, Marcum, Hicks and Thompson: Permitting a physician assistant to practice independent of a collaborating physician	413					413
4414 -	By Delegates Foster, Hanshaw, Harshbarger and Zatezalo: Requiring billing for the renewal of permit to operate a source of air pollutants 30 days before the permit is set to expire	413					413
4415 -	By Delegates Kessinger, Phillips, Lane, Hill, Overington, Blair, Howell, Sobonya and Espinosa: The Protect Our Right to Unite Act	413					414
4416 -	By Delegates Hamrick and Howell: Increasing the amount of annual and incremental salary increases for eligible employees from \$60 to \$100	414					414
4417 -	By Delegates Ellington, Foster, Householder, Rohrbach and Sypolt: Relating to investigations conducted by the Department of Health and Human Resources to prevent fraud and abuse	414					415
4418 -	By Delegates Fleischauer, Rohrbach, Fluharty, Lovejoy, Williams, Sponaugle, Campbell, Pyles, Hornbuckle, Storch and Queen: Relating to the Consumer Credit and Protection Act	446					446
4419 -	By Delegates Howell, Maynard, Ward, Ambler, Cooper, Zatezalo, Graves, Sobonya, Frich, Criss and Kessinger: Relating to securing the borders against persons who may be in the country unlawfully	446					446
4420 -	By Delegate Sobonya: Terminating the Municipal Home Rule Pilot Program	446					446

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4421 -	By Delegates Howell, Hamrick, Ward, Ambler, Zatezalo, Graves, Upson, McGeehan, Storch, Criss and R. Miller: Repealing the section of code relating to individual gaming restrictions	446					447
4422 -	By Delegates Frich, Walters, Westfall, Upson, Householder, Statler, Ambler, A. Evans, C. Miller and Anderson: Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds (Chapter 32, Acts, Regular Session, 2018)	447	598, 883		1421	1019	447, 598, 963, 987, 1018, 1019, 2795, 2983
4423 -	By Delegates Householder, Foster, Kessinger, Butler, Westfall, Howell, Zatezalo, Hill and Overington: Local Government Labor and Consumer Marketing Regulatory Limitation Act	447					447
*4424 -	By Delegates Miley, Mr. Speaker (Mr. Armstead), Shott, Fleischauer, Lane, Rowe, Hanshaw, Boggs, Hamilton, Caputo and Campbell: Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials (Chapter 88, Acts, Regular Session, 2018)	447	888	2897	2897	1019, 2917	447, 963, 988, 1019, 2917, 2960, 2983
4425 -	By Delegate Love: Relating to crimes involving acts of violence	447					448
4426 -	By Delegates Harshbarger, Kelly, Westfall, Butler, Paynter, Hanshaw, Sobonya and Foster: Relating to the Department of Environmental Protection	448					448
4427 -	By Delegates Lane, Kelly, Zatezalo, Criss, Anderson, Fleischauer, Boggs, Caputo and Williams: Requiring federal fingerprint background checks for transportation network company drivers and taxi drivers	448					449
*4428 -	By Delegates Foster, Cowles, Upson, Householder, Moore and Butler: Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification	449	813	897, 931, 268, 2622	2618	931, 2622	449, 874, 896, 897, 931, 932, 2623



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4429 -	By Delegates Lovejoy, R. Miller, Hollen, Hornbuckle, Canestraro, Rohrbach, Sobonya, Isner, Williams, Summers and Robinson: Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder	449					449
4430 -	By Delegates Rowe, Miley, Hornbuckle, Robinson, Lovejoy, Pushkin, Fleischauer, Lane, Cooper, Rowan and Wagner: Creating a merit-based scholarship program for tuition and fee payments for certain students attending state community and technical college	449					449
*4431 -	By Delegates Statler, Miley, Caputo, Fleischauer, Pethel, Williams, Pyles, Summers, Frich, Ward and Hamrick: Establishing the Mountaineer Trail Network Recreation Authority	450	904, 1069	1184, 2756, 2773	2756	1184, 2773	450, 904, 1070, 1149, 1185, 2775
4432 -	By Delegates Statler, Anderson and Harshbarger: Requiring fifty percent of state vehicles use compressed natural gas	450					450
4433 -	By Delegates Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, C. Miller, Walters, Longstreth, Pethel and Sponaugle: Declaring certain claims against an agency of the state to be moral obligations of the state (Chapter 41, Acts, Regular Session, 2018)	450	650		1421	828	450, 775, 801, 828, 829, 2795, 2982
4434 -	By Delegates Shott and Hanshaw: Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement (Chapter 82, Acts, Regular Session, 2018)	450	775	1681	1681	829, 1685	451, 801, 829, 1685, 2953, 2982
4435 -	By Delegates Lane, Westfall, Higginbotham, Storch, Blair, Hornbuckle, Byrd, Fleischauer and Pushkin: Youth Mental Health Protection Act	451					451
4436 -	By Delegates Frich, Atkinson, Byrd, Cooper, A. Evans, Hamilton, Love, Maynard, Pushkin, Statler and Ward: Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department (Chapter 138, Acts, Regular Session, 2018)	549	729	1499	1500	932, 1501	549, 729, 811, 874, 897, 932, 933, 1501, 2546, 2981

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4437 -	By Delegates Storch, Fluharty, Zatezalo and Canestraro: Relating to collecting rents and royalties from leases of public lands	549					549
4438 -	By Delegates Storch, Fluharty, Canestraro and Ferro: Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties	549					550
4439 -	By Delegates Anderson, Hamilton and Hollen: Relating to standardization of service credit for hourly employees who become members of the Public Employees Retirement System	550					550
4440 -	By Delegates Storch, Fleischauer, Hamilton, Fluharty, Hornbuckle, Longstreth, Upson, Blair, Sypolt, Graves and Rowan: Relating to the "Equal Pay Act of 2018)"	550					550
4441 -	By Delegates Phillips, Criss, Hollen, Paynter, Westfall, Marcum, Maynard, Dean, Zatezalo and Rohrbach: Establishing that a candidate must resign to run for another public office	550					550
4442 -	By Delegates Eldridge, Iaquina, Love and Paynter: Relating to homestead exemption by a disabled veteran who has a 100 percent permanent and total service-connected disability	551					551
4443 -	By Delegates Fast, Rowan, Butler, Martin and Kessinger: Requiring bail bondsman and bail bond enforcer be subject to random drug testing	551					551
*4444 -	By Delegates Frich, Byrd, Cooper, A. Evans, Hamilton, Love, Maynard, Pushkin, Statler, Butler and Paynter: Clarifying the authority of the State Fire Commission in adopting a State Building Code (Chapter 111, Acts, Regular Session, 2018)	551	729, 1004	1422	1422	1083, 1422	551, 729, 1028, 1061, 1082, 1083, 1422, 2546, 2981
4445 -	By Delegates Hamilton, Wagner, Rodighiero, R. Miller, Campbell, Eldridge, Love, Moye and A. Evans: Allowing vehicles operated by transportation supervisors employed by county boards of education to use red flashing warning lights	551					551

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4446 -	By Delegates Storch, Ferro, Barrett, Ellington, R. Romine and Hamrick: Revised Uniform Athlete Agents Act	552					552
*4447 -	By Delegates Shott, Hanshaw, Moore, C. Miller, Harshbarger, Fast, Lane, Hollen, Capito, Summers and Byrd: Providing for a uniform and efficient system of broadband conduit installation (Chapter 226, Acts, Regular Session, 2018)	578	784, 1043	2577	2577, 2981	1185, 2891	578, 784, 1105, 1149, 1185, 2586, 2780, 2798, 2880, 2891, 2951, 2960, 2983
4448 -	By Delegates Thompson, Marcum, Hicks, Rodighiero, R. Miller, Campbell and Dean: Permitting teachers to retire after 25 years of contributing service regardless of age	578					578
4449 -	By Delegate Hamilton: Relating to failure of employers to make contributions on behalf of employees to a retirement plan	578	809				579, 809
4450 -	By Delegates Rohrbach and Lovejoy: Changing the persons responsible for the taxes on soft drinks and soft drink syrups	579					579
*4451 -	By Delegates Shott, Hanshaw, Howell, Fast, Mr. Speaker (Mr. Armstead), Lane, Moore, Zatezalo, Hollen, Harshbarger and Capito: Creating the West Virginia Sentencing Commission	579	885			1020	579, 963, 988, 1019, 1020
4452 -	By Delegates Moore, Atkinson, Hill, Howell, Upton, Zatezalo, Westfall and Storch: Creating newly-established small business tax credits	579					580
*4453 -	By Delegates Shott, Fleischauer, Pethel, Isner, Lovejoy, Hornbuckle, Byrd, Canestraro, Lane, Moore and Summers: Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review (Chapter 122, Acts, Regular Session, 2018)	580	1031		2523	1146	580, 1062, 1103, 1145, 1146, 2953, 2983
4454 -	By Delegates Caputo, Longstreth, Boggs, Ward, Hartman, Barrett, Hamilton, Lynch, Hicks and Miley: Relating to the assignment of certain benefits in dental care insurance coverage	580					580

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4455 -	By Delegates Overington, Isner, Kessinger, Harshbarger, Queen, Fast, Foster, Canestraro, Paynter, R. Miller and Martin: Relating to animal abuse	580	1044			1186	581, 1105, 1150, 1186
4456 -	By Delegates Fleischauer, Longstreth, Bates, Storch, Graves, Sobonya, C. Miller, Lovejoy, Robinson, Isner and Pushkin: Prohibiting confidential settlement terms of a contested case involving sexual harassment, sexual abuse, or sexual assault	581					581
4457 -	By Delegates Rohrbach, Sobonya, C. Miller, C. Romine, Lovejoy, Hornbuckle, Sypolt and Summers: Relating to designation of hospitals for stroke treatment	581					581
4458 -	By Delegates Butler, Sobonya, Folk, Kelly, Zatezalo, Ward, Paynter, Maynard, C. Miller and Sypolt: Citizen and State Accountability Act	581					582
4459 -	By Delegate Eldridge: Permitting parents to petition the court for visitation on Mother's Day and Father's Day	582					582
4460 -	By Delegates Hartman, Lynch, Sponaule, Caputo, Iaquina and Brewer: Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events	582					582
4461 -	By Delegates Upson, Householder, Statler, Espinosa and Blair: Limiting the use of records of criminal conviction to disqualify a person from receiving a license or other authorization to practice an occupation	582					582
4462 -	By Delegates Byrd, Hollen, Folk, Criss, Robinson, Phillips, Dean, Kelly, Westfall, Canestraro and Summers: Allowing off duty members and officers of the department of public safety to guard private property (Chapter 218, Acts, Regular Session, 2018)	583	730	1789	1789	872, 1792	583, 803, 836, 871, 872, 1792, 2952, 2982
4463 -	By Delegate Eldridge: Adding applicants for child care and foster care to background checks under the West Virginia Clearance for Access: Registry and Employment Screening Act	583					583
4464 -	By Delegate Eldridge: Extending the time that teachers may pay into the State Teachers Retirement System	583					583

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4465 -	By Delegates Summers and Pushkin: Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy	583	782, 1005			1083	583, 782, 1028, 1061, 1083
4466 -	By Delegates Fluharty, Barrett, Byrd, Fleischauer, Hornbuckle, Pushkin, Robinson, Sponaugle, Williams and Pyles: Expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics	583					584
4467 -	By Delegates Rowan, Wilson, Lane, Rohrbach, Ambler, Butler, Paynter, C. Miller, Fast, A. Evans and Frich: Nondiscrimination in Involuntary Denial of Treatment Act	584					584
4468 -	By Delegates Fleischauer, Williams, Pyles, Fluharty, Ferro, Pethel, Iaquina, E. Evans, Campbell, Dean and Ambler: Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015	584					584
4469 -	By Delegates Sponaugle, Caputo, Miley, Isner, Diserio, Robinson, Pushkin, Fluharty, Lovejoy, R. Miller and Williams: Increasing the salaries of public school teachers	584					584
4470 -	By Delegates Harshbarger, Cooper, Maynard, Paynter, Eldridge, Phillips, Martin, Ward, Thompson and Frich: Exempting all-terrain vehicles and utility terrain vehicles used as farm equipment from the sales tax	610	778				610, 778
4471 -	By Delegate Ward: Establishing a one percent tax on food for five years	610					610
4472 -	By Delegates Sobonya, C. Miller, Rowan, Ward, Rohrbach and Frich: West Virginia Addictions Treatment and Recovery Fund	610	842				610, 842
*4473 -	By Delegates Sobonya, C. Romine, Westfall, Overington, Ambler, Butler, C. Miller, Rowan, Ward, Householder and Rohrbach: Relating to use of state funds for advertising to promote a public official or government office (Chapter 89, Acts, Regular Session, 2018)	610	730	1685	1685	893, 1692	611, 803, 836, 873, 893, 7692, 2953, 2983

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4474 -	By Delegate Eldridge: Exempting all monetary benefits derived from retirement income from personal income tax obligations for individuals moving into the state	611					611
4475 -	By Delegates Shott and Ellington: Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants	611					611
4476 -	By Delegate Eldridge: Permitting persons who voluntarily enroll in a drug rehabilitation program to be included in an existing pilot program	611					611
4477 -	By Delegates Wagner, Jennings and Ferro: Allowing county commissions to impose an amusement tax	612					612
*4478 -	By Delegates Lovejoy, Rohrbach, Hanshaw, Hornbuckle, Williams, Byrd, Canestraro, R. Miller, Robinson, Rowe and Isner: Authorizing public schools to distribute excess food to students (Chapter 75, Acts, Regular Session, 2018)	612	844	1693	1693	982, 1693	612, 845, 898, 962, 981, 982, 2954, 2983
4479 -	By Delegates Westfall, A. Evans, Hartman and White: Relating to the West Virginia Life And Health Insurance Guaranty Association Act	612					612
4480 -	By Delegates Statler and Hanshaw: Revising existing standards and establishing burden of proof imposed on civil litigants seeking to circumvent corporate structure	632					632
*4481 -	By Delegates Howell, Summers, Bates, Rohrbach, Ellington, Shott, Hamrick, Statler, Hill and Frich: Relating to mandatory inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, nursing	632	783, 1004			1084	633, 783, 1028, 1061, 1083, 1084
4482 -	By Delegates Foster, Folk, Blair and Wilson: Relating to net metering	633					633
4483 -	By Delegates Kessinger, Hill and Hanshaw: Relating to generic drug products	633					633

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4484 -	By Delegates Frich, Sobonya, Foster, Martin, Kessinger, Overington, Fast, Hollen, Deem, Butler and Higginbotham: Discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund	633					635
4485 -	By Delegates Overington, Blair, Upson, Espinosa, Householder and Barrett: Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities	635					635
4486 -	By Delegates White, Frich, Lane, Westfall, Queen, Dean, Martin, Eldridge, Phillips, Moore and Foster: Relating to persons required to obtain a license to engage in the business of currency exchange (Chapter 187, Acts, Regular Session, 2018)	635	838, 1029		2590	1146	635, 838, 1063, 1103, 1146, 2960, 2982
4487 -	By Delegates Lovejoy, C. Miller, Isner, Thompson, Hicks, Eldridge, Hanshaw, Harshbarger, Moore and Atkinson: Providing a special license plate for pollinators	635					635
4488 -	By Delegates Hanshaw, Boggs and Shott: Relating to the Hatfield-McCoy Recreation Authority (Chapter 174, Acts, Regular Session, 2018)	671	784, 811		2917	933	671, 784, 874, 897, 933, 2960, 2982
4489 -	By Delegates Storch, Hamrick, Ellington, Barrett, Ferro and R. Romine: Uniform Commercial Real Estate Receivership Act	672					672
*4490 -	By Delegates Harshbarger, Hollen, Paynter, R. Romine, Ward, Atkinson, Martin, Butler, Sypolt and Storch: Relating to oil and gas permits not to be on flat well royalty leases	672	882, 1042			1187	672, 882, 1105, 1153, 1186, 1187
4491 -	By Delegates Bates, Fluharty, Byrd, Hornbuckle, Pushkin, Barrett, Sponaule, Williams, Robinson and Caputo: Relating to legalizing cannabis production, sales and adult consumption	672					673
4492 -	By Delegates Moore and Lane: Relating to the renewal of automobile insurance policies	673					673

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4493 -	By Delegates Lane, Byrd and Robinson: Permitting county commissions to set compensation of election officials	673					673
*4494 -	By Delegates Byrd, Cowles, Miley, Shott, Pushkin, Harshbarger, Rowe, McGeehan, Robinson and Ward: Authorizing certain motor vehicle manufacturers to operate as new car dealers	673	1045				673, 1067
4495 -	By Delegates Pushkin, Hornbuckle, Rowe and Fleischauer: Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health	673					674
4496 -	By Delegates Phillips, Frich, Westfall, Hollen, Rowe, Criss, White, Byrd and Maynard: Establishing the responsibilities of persons providing credit card processing services in the state	674					674
4497 -	By Delegates Hamrick, Ward, Cowles, Byrd and Howell: Exempting spouses of active military personnel from fees associated with occupational or professional licensing	674	848				674, 848
4498 -	By Delegates Hamrick, Ward, McGeehan and Howell: Relating to charges for municipal services	674					674
4499 -	By Delegates Lane, Frich, White and Westfall: Relating to rate filings for personal lines of insurance	675					675
4500 -	By Delegates Eldridge, Hornbuckle, A. Evans, Frich, Pushkin, Ellington, Campbell, R. Miller, Maynard, Love and Hamilton: Industrial Hemp Research and Development Grant Fund	675					675
4501 -	By Delegates C. Miller, Miley, Kessinger, Queen, Hamrick, Fleischauer, Iaquina and Longstreth: Allowing victims of certain crimes to get a restraining order prohibiting convicted persons from contacting or living in proximity to the victim	675	903				675



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4502 -	By Delegates Barrett, Kessinger, Moore, Sobonya, R. Miller, Lovejoy, Canestraro and Harshbarger: Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception (Chapter 64, Acts, Regular Session, 2018)	675		1693	1693	1058, 1695	675, 989, 1027, 1057, 1058, 1695, 2954, 2983
4503 -	By Delegates Moore, Maynard, Ward, Martin, Paynter, Hanshaw, Hollen, Storch and Upson: West Virginia New Markets Jobs Act	675					676
4504 -	By Delegates Brewer, E. Evans, Isner, Bates, Hartman, Diserio, Caputo, Lynch, R. Miller and Robinson: Prohibiting the awarding of public contracts to vendors and subcontractors indebted to the state or its political subdivisions	676					676
4505 -	By Delegates Rowe, Pushkin, Hornbuckle, Pyles, Lynch, Fleischauer, White, Lane, Robinson and Longstreth: Establishing a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States	676					676
4506 -	By Delegates Sobonya, Summers, Butler, Ward, Householder, Rohrbach, C. Miller, Hollen and C. Romine: Requiring agencies of the state, county or municipality that issue citations to furnish a copy of the rule or law to the person accused	676					676
4507 -	By Delegates Sobonya, C. Miller, C. Romine, Overington, Espinosa, Howell, Fast, Rowan, Hollen, Frich and Lovejoy: Relating to prostituting a child by a parent, guardian, custodian or other person in a position of trust	677					677
4508 -	By Delegate Love: Requiring contractors to provide for the safety of the public during construction projects	677					677
*4509 -	By Delegates Pushkin, Sobonya, Robinson, Summers, Fleischauer, Kessinger, Longstreth and Frich: Relating to the establishment of substance abuse treatment facilities (Chapter 204, Acts, Regular Session, 2018)	677	841, 1035	1695	1695	1147, 1696	677, 841, 1063, 1103, 1146, 1147, 1696, 2955, 2983

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4510 -	By Delegate Hanshaw: Relating to the general provisions for judicial review	677					677
*4511 -	By Delegates Shott, Hanshaw, Ellington, Howell, Frich, Zatezalo and Anderson: Modifying bail requirements	677	886			1020	678, 963, 988, 1020
4512 -	By Delegates Gearheart and Phillips: Relating to the State Road Construction Account	678	783				678, 783
4513 -	By Delegates Shott and Mr. Speaker (Mr. Armstead): Relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions	741					741
4514 -	By Delegates Sobonya, C. Miller, Rohrbach, Queen, Butler, Canestraro, Summers, Higginbotham, Pack, Lovejoy and Sypolt: Making it a felony to knowingly house drug traffickers	741					741
4515 -	By Delegates Isner, Moore, Cooper, Kessinger and Ward: Relating to elections of judges	742					742
4516 -	By Delegates R. Miller, Campbell, Lovejoy, C. Miller, Miley, Hamilton and Rohrbach: Relating to the accrued benefit of retirees in the Deputy Sheriff Retirement System	742					742
4517 -	By Delegates Ward, Paynter and Jennings: Relating to assessment value of wind turbines	742					742
4518 -	By Delegate A. Evans: Establishing the Southern West Virginia Lake Development Study Commission	742					742
4519 -	By Delegates Statler, Maynard, Cooper, R. Miller, Sponaugle, Love, Jennings and Lovejoy: Relating to supplemental Medicaid and Medicare reimbursements for ground emergency medical transportation services	743					743
4520 -	By Delegates Williams, Fleischauer, Longstreth, Lynch, Ellington, Barrett, Brewer, Caputo and E. Evans: Requiring free feminine hygiene products in grades 6 through 12	743					743
4521 -	By Delegate Wilson: Mountain State Employee Compensation Realignment Act	743					743

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4522 -	By Delegate Nelson: Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor (Chapter 239, Acts, Regular Session, 2018)	743	815	1792, 1794	1792, 2591	934, 1794	743, 874, 897, 933, 934, 1795, 2960, 2982
4523 -	By Delegate Foster: Relating to pecuniary interest of county and district officers, teachers and school officials in contracts	743					744
*4524 -	By Delegates Ellington, Summers and Rohrbach: Establishing guidelines for the substitution of certain biological pharmaceuticals (Chapter 188, Acts, Regular Session, 2018)	744	843, 1041	2918	2918	1187, 2923	744, 846, 1105, 1153, 1187, 2923, 2960, 2983
4525 -	By Delegate Sobonya: Relating to residency requirements for people entitled to vote and people eligible to register to vote	744					744
4526 -	By Delegates Campbell, Cowles, R. Miller, Queen, R. Romine, Bates and Ambler: Requiring any newly appointed chief executive of a municipal law-enforcement agency to be a certified law-enforcement officer	744					744
4527 -	By Delegate Westfall: Requiring health care insurance policies to provide coverage for services performed by a pharmacist	744					744
4528 -	By Delegate Blair: Relating to transfers and enrollment policies for students in public schools	745					745
4529 -	By Delegate Rohrbach: Relating to oath by municipal official certifying list of delinquent business and occupation taxes (Chapter 161, Acts, Regular Session, 2018)	745	1043		2523	1187	745, 1106, 1153, 1187, 1188, 2954, 2983
4530 -	By Delegates Eldridge and Canestraro: West Virginia Natural Resources Permanent Fund	745					745
4531 -	By Delegate Hanshaw: Requiring that a deputy sheriff be paid a salary of not less than \$10.50 per hour	745					745
4532 -	By Delegate Foster: Relating to a prime contractor's responsibility for wages and benefits	745					745

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4533 -	By Delegates Hornbuckle, Canestraro, Dean, Diserio, Lovejoy and R. Miller: Making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property	746					746
4534 -	By Delegate Howell: Relating to the executive secretary of the Health Professional Licensing Boards	746	904				746, 904
4535 -	By Delegate Westfall: Relating to payment by paper warrant	746					746
4536 -	By Delegates Byrd, E. Evans, Pushkin, Hornbuckle, Longstreth, Caputo and Lovejoy: Exempting certain hygiene products from sales tax	746					746
4537 -	By Delegate Rowe: Increasing the tobacco products excise tax	746					747
4538 -	By Delegates Pack, Cooper, Adkins, Moye and Bates: Adding a magistrate position to serve Raleigh County	747					747
4539 -	By Delegates Pethel, Anderson, Hamilton, Hollen and E. Evans: Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirees and surviving spouses	747	785, 1006			1084	747, 786, 1028, 1061, 1084
4540 -	By Delegate Hanshaw: Implementing a process for counties to obtain grants from an existing federal fund designated the Help America Vote Act Fund	747	902				747, 903
4541 -	By Delegates Rowe, Robinson, Ward, Pushkin, Byrd, Graves, Barrett, Caputo and Miley: Reinstating the film tax credits	747					747
*4542 -	By Delegate Hanshaw: Allowing public service districts to accept payment by credit card	747	784, 965			1059	748, 784, 989, 1027, 1058, 1059
4543 -	By Delegates Byrd, Caputo, Boggs, Bates, Barrett, Longstreth, Lovejoy, Fluharty, Diserio, Robinson and Thompson: Imposing a special excise tax on Schedule II controlled drugs	748					748
4544 -	By Delegate Caputo: Creating a matching program for the small business innovation and research program and the small business technology transfer program	748					748

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4545 -	By Delegates Hornbuckle and Moye: Establishing a pilot program to develop school-based mental and behavioral health services	748					748
*4546 -	By Delegates Sobonya, Frich, C. Romine, C. Miller, Rohrbach, Butler, Summers, Pack, Hanshaw and Lovejoy: Relating to where an application for a marriage license may be made (Chapter 66, Acts, Regular Session, 2018)	748	969		1795	1085	749, 1028, 1061, 1084, 1085, 2954, 2983
4547 -	By Delegates Statler, Maynard, Cooper, R. Miller, Lovejoy, Love, Sponaule and Jennings: Recognition of Emergency Medical Services Personnel Licensure Interstate Compact	749					749
4548 -	By Delegates Moore, Butler, Kessinger, Upson, Folk, Paynter, Martin and McGeehan: Relating to the registration of lobbyists	749					749
4549 -	By Delegates Dean, Thompson, E. Evans, Williams, Campbell and Hornbuckle: Requiring school counselors in public schools to spend 100 percent of their time on comprehensive school counseling programs	749					749
*4550 -	By Delegates Barrett and Householder: Providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists	750	1003			1085	750, 1028, 1062, 1085
4551 -	By Delegate Deem: Requiring the mineral estate of an unknown owner be sold to the legal surface owner at the fair market value of the mineral interest	750					750
4552 -	By Delegates Barrett, Byrd, Fluharty, Pack, Hornbuckle and Foster: Relating to the definition of a raffle	750					750
4553 -	By Delegates Rohrbach, Queen, Sobonya, Summers, Dean, Westfall, Frich, Ward, Pyles and Lovejoy: Requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors	750					750

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4554 -	By Delegates Hollen, Phillips, Criss, Deem, Butler, Ward, Kelly, Sobonya, Fast, Overington and Cooper: Prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures	750					751
4555 -	By Delegates Butler, McGeehan, Hollen, Ward, Phillips, C. Miller, Jennings, Folk, Moye and Lynch: Refugee Information Act	751					751
4556 -	By Delegates Pack, Hamrick, Graves, Ambler, Cooper, Wagner, Higginbotham, Howell, Phillips and Eldridge: Establishing the West Virginia Division of Natural Resources Police Officer Retirement System	751					751
4557 -	By Delegates Foster and Byrd: Increasing the salaries of circuit court judges, family court judges, and magistrates	751					751
*4558 -	By Delegates Capito, Nelson and Frich: Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office (Chapter 67, Acts, Regular Session, 2018)	752	1041		2591	1188	752, 1106, 1153, 1188, 2960, 2982
4559 -	By Delegates Westfall, Hornbuckle, Lane and R. Miller: Modernizing rental car interactions	752					752
4560 -	By Delegate Phillips: Including a line item on all personal income tax returns giving taxpayers the option to donate to veterans	752					752
4561 -	By Delegates Frich and Sobonya: Appoint the Attorney General or an assistant of Relating to the Attorney General as a special prosecutor to enforce provisions of the Uniform Controlled Substances Act	752					752
4562 -	By Delegate Foster: Relating to the definition of an "employee" for purposes of payment of minimum wages, maximum hours, and overtime compensation	753					753
*4563 -	By Delegates Miley and Hanshaw: Relating to the severance tax on oil and gas produced from low producing wells	753	971, 1064				753, 971, 1106, 1109

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4564 -	By Delegate Dean: Assessing the college- and career-readiness of 11th and 12th grade students	753					753
4565 -	By Delegate Eldridge: Exempting social security benefits from personal income tax	753					753
4566 -	By Delegates Maynard, Cooper, Eldridge, Phillips, Iaquinta, Ward, A. Evans, Jennings, Martin and Dean: Relating to property exempt from taxation for military and veterans who have been honorably discharged	753					753
4567 -	By Delegate Upson: Ban-the-Box Act	754					754
4568 -	By Delegates Williams, Iaquinta, Isner and Byrd: Relating to cruelty to animals	754					754
4569 -	By Delegates Williams, Fleischauer, Fluharty, Diserio, Pushkin, Canestraro and Isner: Creating a statutory right to petition circuit and family courts for sibling visitation	754					754
4570 -	By Delegates Campbell, R. Miller, Canestraro, Thompson, Hicks, Ambler, Cooper, Wagner, Brewer, Lynch and Dean: Relating to a one percent supplement to retirement benefits for certain retirees and beneficiaries	754					755
*4571 -	By Delegates Campbell, Ambler, Lynch, R. Miller, Canestraro, Thompson, Hicks, Cooper, Wagner, Brewer and Dean: Relating to the final day of filing announcements of candidates for a political office (Chapter 83, Acts, Regular Session, 2018)	755	1042	1153, 1189, 2775	2775	1189, 2776	755, 1106, 1153, 1188, 1189, 2776, 2961, 2983
4572 -	By Delegates Miley, C. Miller, Hamrick, Queen and Iaquinta: Increasing frequency of the State Police updating the state sex offender registry	755					755
4573 -	By Delegates Shott and Hanshaw: Adding violations of law upon which a public servant's retirement plan may be forfeited	755					755
4574 -	By Delegate Maynard: Relating to development of interests in natural gas and oil	755					756

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4575 -	By Delegate Householder: Providing an exemption from use tax for sales of tangible personal property, custom software, or services generated through affiliate marketing	756					757
4576 -	By Delegates Paynter, Ward, Martin, Maynard, Cooper, Ambler and Fluharty: Relating to insurance unfair trade practices	757					757
4577 -	By Delegate Dean: Relating to seniority rights and school consolidation	757					757
4578 -	By Delegates Paynter, Phillips, Maynard, Dean, McGeehan, Martin, Hill, Pack and Eldridge: Permitting residential customers to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income	757					757
4579 -	By Delegate Ward: Relating generally to financing political campaigns for elections	757					758
4580 -	By Delegates Zatezalo and Householder: Relating to submission of the budget bill	758					758
4581 -	By Delegates Brewer, Iaquina, Pyles and Campbell: Requiring influenza immunizations for health care workers	758					758
4582 -	By Delegate Shott: Relating to possession of a deadly weapon on a school bus or education grounds	758					759
4583 -	By Delegates Shott and Hanshaw: Relating generally to the disclosure of certain confidential information	759					759
4584 -	By Delegates Ward, Butler, Hollen, Phillips, Folk, Graves, Longstreth and Pyles: Prohibiting retailers from selling or leasing products that make content accessible on the Internet	759					759
4585 -	By Delegate Lovejoy: Relating to the Farm-To-Food Bank Tax Credit	759					760
4586 -	By Delegate Moye: Relating to verification of eligibility for employment	760					760



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4587 -	By Delegates Miley, Pyles, Diserio, Ferro, Brewer, Iaquina, Isner, Hornbuckle, Longstreth, Pushkin and Sponaugle: Freezing the contribution of public employees for their health insurance costs through the Public Employees Insurance Agency	760					760
4588 -	By Delegates Folk, McGeehan and Householder: Establishing a system of district courts of appeals to serve as an intermediate level of appeals in judicial proceedings	760					761
4589 -	By Delegates Miley, Fluharty, Lovejoy, Byrd, Fleischauer, Rowe, R. Miller, Marcum, Isner, Hicks and Sponaugle: Authorizing magistrates to order emergency removal of child when parent's drug use creates unsafe environment	761					761
4590 -	By Delegate Sponaugle: Nullifying certain adoption orders	761					761
4591 -	By Delegate Sponaugle: Allowing municipalities to cancel elections when only one person is running	761					761
4592 -	By Delegate C. Miller: Relating to probation and parole	761					762
4593 -	By Delegate R. Miller: Establishing motor vehicle registration plates for official vehicles of emergency management agencies	762					762
4594 -	By Delegates Thompson, Marcum and Hicks: Permitting public employees the right to collectively bargain	762					762
4595 -	By Delegate Pyles: Providing local government the authority to place video cameras at road intersections	762					762
4596 -	By Delegates Isner, Kessinger, Summers, Canestraro, Iaquina, Moore, R. Miller, Foster, Sobonya and Hollen: Relating to terminating parental rights if an infant has tested positive for a Schedule I drug	762					762
4597 -	By Delegates Howell, Graves, Pack, Hamrick, Martin, Ambler, McGeehan, Criss, Ward, Butler and Hill: Relating to the procedure to determine if an occupation or profession should be regulated	762	881				763

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4598 -	By Delegates Isner, Kessinger, Longstreth, Pushkin, Thompson, Hicks, Williams and Fleischauer: Requiring that free feminine hygiene products be provided to female prisoners	763					763
4599 -	By Delegate Pyles: Permitting retail liquor licensees to sell alcoholic beverages after one o'clock p.m. on Sundays	763					763
4600 -	By Delegates Howell, Hamrick, Statler and Hill: Authorizing employed investigators of the Board of Medicine, the Board of Osteopathy and the Board of Pharmacy to carry concealed handguns	763	905				763, 905
4601 -	By Delegates Howell, Graves, Higginbotham and Hamrick: Changing the licensing requirement for certain casino employees	763					764
4602 -	By Delegates Campbell, R. Miller, Dean, Paynter, Thompson, Hicks, Ambler, Cooper, Wagner, Moye and Boggs: Relating generally to school calendars	764					764
*4603 -	By Delegates Lane, Pushkin, Byrd, Capito, Robinson and Rowe: Providing immunity from civil liability to facilities and employees providing crisis stabilization (Chapter 6, Acts, Regular Session, 2018)	764	1048	2776, 2778	2776, 2950	1189, 2778	764, 1106, 1154, 1189, 2778, 2961, 2983
4604 -	By Delegates Hanshaw and Shott: Providing that proceeds from certain oil and gas wells that are due to persons whose name or address are unknown be kept in a special fund	764					765
4605 -	By Delegates Campbell, Lynch, Moye, Rowe, Boggs, Caputo and Thompson: Relating to the assessment of nonoccupied property owned by out-of-state individuals	765					765
4606 -	By Delegates Campbell, Ambler, Cooper, Wagner, Brewer, Lynch and Dean: Relating to qualifications for a limited video lottery operator's license	765					765

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*4607 -	By Delegates Hamrick, Higginbotham, Howell and Graves: Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails (Chapter 175, Acts, Regular Session, 2018)	765	903	2945	2945	1059, 2947	765, 989, 1027, 1059, 2947, 2961, 2983
4608 -	By Delegate Hamrick: Creating a consumer's sales and service tax exemption for motion pictures	765					765
4609 -	By Delegates Anderson and Deem: Relating to advertising by physicians and podiatrists	766	843				766, 843
4610 -	By Delegate Campbell: Authorizing the city of White Sulphur Springs, Greenbrier County, West Virginia, to expend both principal and interest from a special interest-bearing fund	766					766
4611 -	By Delegates Kessinger, Hill, Pack, Robinson and Graves: The Ryan Brown Addiction Prevention and Recovery Fund Act	766					766
4612 -	By Delegate Hanshaw: Prohibiting public utilities from prohibiting customers from constructing, installing, or maintaining a connection or other infrastructure	766					766
4613 -	By Delegates Rohrbach, Barrett, Householder, Lovejoy, Ambler and Fleischauer: Providing funds from the State Excess Lottery Revenue Fund to the Ron Yost Personal Assistance Services Fund	767					767
4614 -	By Delegate Pushkin: Relating to education to children and adults housed in correctional facilities and regional jails	767					767
4615 -	By Delegates Shott, Hanshaw, McGeehan, Folk, Paynter, Wilson and Foster: Relating generally to forfeiture of contraband	767					768
4616 -	By Delegates Moye, Campbell and Sponaugle: Requiring a majority of affected persons to a minor boundary adjustment annexation to approve of the annexation	768					768

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4617 -	By Delegates Shott and Hanshaw: Clarifying where a charge of DUI may be brought against an individual	768	887			1021	768, 963, 988, 1020, 1021
*4618 -	By Delegates Shott and Hanshaw: Relating to the authority of the Division of Protective Services (Chapter 112, Acts, Regular Session, 2018)	768	886	2523	2523	1021, 2527	768, 964, 988, 1021, 2527, 2954, 2983
*4619 -	By Delegates Espinosa, Statler, Upson, Folk, Cooper, Rohrbach, Atkinson and Cowles: Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth (Chapter 76, Acts, Regular Session, 2018)	732	732, 966		1361	1060	775, 989, 1027, 1059, 1060, 2213, 2982
4620 -	By Delegates Nelson, Anderson, C. Miller, Cowles, A. Evans, Storch, Frich, Butler, Ellington and Ambler: Expiring funds to the balance of the Department of Administration, Public Employees Insurance Agency	813	813			875	874, 875, 876
4621 -	By Delegates C. Miller, Anderson, Frich, Hamilton, Storch, Walters, Westfall, Boggs, Longstreth, Sponaugle and Maynard: Relating to removing reference to certain entities with respect to work (Chapter 50, Acts, Regular Session, 2018)	843	843		1422	982	898, 963, 982, 2795, 2982
4622 -	By Delegates Espinosa, Rohrbach, Upson, Kelly, Hicks, Statler, Higginbotham, Pyles, E. Evans, Hornbuckle and Rodighiero: Relating to authorizing legislative rules regarding higher education (Chapter 115, Acts, Regular Session, 2018)	812	812		1696	934	876, 897, 934, 2954, 2982
*4623 -	By Delegates Ellington, Kessinger, Boggs, Sobonya, Hollen and Frich: Relating to obtaining substance abuse treatment services	842	842, 972			1147	842, 1028, 1037, 1067, 1103, 1147
4624 -	By Delegates Howell, Hamrick, Pack, Brewer, Jennings, Iaquina, Ferro, Hill, Diserio, Marcum and Maynard: Relating to West Virginia coordinate systems (Chapter 48, Acts, Regular Session, 2018)	905	905	1423	1423	1061, 1424	989, 1027, 1060, 1061, 1424, 2546, 2983

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4625 -	By Delegates Nelson, Ambler, Butler, Espinosa, Frich, Householder, C. Miller, Storch, Westfall and Hanshaw: Relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund	902	902			1022	902, 964, 988, 990, 991, 1021, 1022
4626 -	By Delegates Anderson, Nelson, Boggs, Householder, Ellington, Gearheart, Frich, Ambler, Bates and Longstreth: Relating to West Virginia innovative mine safety technology tax credit act (Chapter 240, Acts, Regular Session, 2018)	1040	1040		2923	1190	1106, 1154, 1190, 2955, 2982
4627 -	By Delegate Moore: Relating to providing a limitation on the eminent domain authority of a municipal park board (Chapter 162, Acts, Regular Session, 2018)	1047	1047	2923	2924	1190, 2925	1106, 1154, 1190, 2925, 2961, 2982
4628 -	By Delegates Nelson, C. Miller, Boggs, Westfall, Espinosa, Ambler, Frich, Hartman and Storch: Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019 (Chapter 247, Acts, Regular Session, 2018)	1063	1063	1191	2591	1191	1106, 1154, 1190, 1191, 2955, 2982
4629 -	By Delegates Hanshaw, Harshbarger, Byrd, Robinson, R. Miller, Pushkin, Sobonya, Hollen, Canestraro, Lane and Zatezalo: Relating to broadband enhancement and expansion policies generally (Chapter 31, Acts, Regular Session, 2018)	1069	1069	2587	2587, 2951	1192, 2893	1069, 1154, 1191, 1192, 2589, 2781, 2813, 2891, 2893, 2894, 2951, 2961, 2983
4630 -	By Delegates Nelson, Anderson, C. Miller, Boggs, Westfall, Ellington, Ambler, Longstreth, Hartman and Gearheart: Relating to a 2019 across-the-board salary adjustment for employees of the Department of Health and Human Resources	1634	1634				1762, 1998, 2308

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
4631 -	By Delegates Nelson, Anderson, C. Miller, Boggs, Westfall, Ellington, Ambler, Longstreth, Hartman and Gearheart: Expiring funds to the unappropriated surplus balance in the State Fund - Insurance Commission Fund	1763	1763				1763, 1998, 2308

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\*Denotes Committee Substitute

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Mr. Speaker (Mr. Armstead): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor	3			20	4	4
2 -	By Delegate Atkinson: U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge	39	1046		2925	1081	39, 1081
3 -	By Delegates Westfall and Ambler: U. S. Army Cpl David Michael Hopkins and U.S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge	49	1032		1696	1054	49, 1054
4 -	By Delegates Ambler, Cooper, Wagner, Westfall, Maynard and Howell: U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge	50	1046		1696	108	50, 1081
5 -	By Delegates Ambler, Cooper, Wagner, Westfall, Maynard and Howell: U. S. Army PFC Jessie Franklin Crow Memorial Bridge	52	1032	1795	1795	1054, 1795	52, 1054, 1795
6 -	By Delegates Phillips, Maynard, R. Miller, Eldridge and Marcum: U. S. Army Colonel Larkin Bilton Vance Memorial Highway	100					100
7 -	By Delegates Phillips, Maynard, R. Miller, Eldridge and Marcum: Balentine Brothers Bridge	102					101
8 -	By Delegates Phillips, Maynard, R. Miller, Eldridge, Marcum and C. Miller: Funding for feasibility study of Coal-to-Chemicals Project	103	1109		1796	1177	103, 1177
9 -	By Delegates Atkinson, Harshbarger, Cooper and Queen: U. S. Air Force Major Neil L. Ferrell Memorial Bridge	104	351, 1046		2925	1081	104, 351, 1081
10 -	By Delegate Hanshaw: U. S. Army SGT Rodney David King Memorial Bridge	106					106
*11 -	By Delegates Nelson, Pushkin, Graves, Rowe, Lane, Byrd, Mr. Speaker (Mr. Armstead), Capito and Robinson: Charleston Police Department Captain Jerry D. Hill Memorial Bridge	108	1503, 1629			1715	108, 1503, 1715, 1716

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
12 -	By Delegates Phillips, Maynard, R. Miller and Eldridge: John B. Short Memorial Bridge	112					112
*13 -	By Delegates Phillips, Maynard, R. Miller, Eldridge and Marcum: U. S. Army SGM Bill E. Jeffrey Memorial Road	113	843, 1032		2925	1054	113, 844, 1053
14 -	By Delegate Lane: Glenn Franklin Lough, P.E. Memorial Bridge	115					115
15 -	By Delegates Hamilton, A. Evans, Wagner, Iaquina and Lynch: U. S. Army PVT Winten L. Ways Memorial Bridge	117					117
16 -	By Delegate Rowan: Frenchburg Bridge	144	1114, 1200		1697	1249	144, 1114, 1249
17 -	By Delegates Phillips, Paynter, R. Miller, Eldridge, Dean and Marcum: U. S. Army CPL F. Lee Noel Memorial Bridge	145					145
18 -	By Delegates Phillips, Paynter, R. Miller, Eldridge, Dean and Marcum: U. S. Army PFC O. T. (Teaberry) Mullins Memorial Bridge	147					147
19 -	By Delegates Rowan, Frich, Eldridge, Hicks, Ambler, Anderson, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Capito, Caputo, Cowles, Criss, Dean, Gearheart, Graves, Hamilton, Harshbarger, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquina, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, Mr. Speaker (Mr. Armstead), Nelson, Overington, Pack, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowe, Shott, Sobonya, Sponaule, Statler, Storch, Summers, Sypolt, Thompson, Upson, Wagner, Ward, Westfall, White, Williams, Wilson, Zatezalo, Cooper and Campbell: World Moyamoya Awareness Day	168	805		2527	861	167, 861



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
20 -	By Delegates Robinson, Rowe, Pushkin, Lane, Graves, Mr. Speaker (Mr. Armstead), Byrd and Capito: U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge	169	2979				169, 2797, 2798
21 -	By Delegates R. Miller, Rodighiero and Eldridge: U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge	171	1630				170, 1715
22 -	By Delegates R. Miller, Eldridge, Rodighiero and Maynard: U. S. Navy MM2 Carl E. Keeney, U. S. Navy SNI Frankie Keeney and U. S. Army PFC Carl M. Nicholas Bridge	172					172
23 -	By Delegates Fast, Shott, Love, C. Romine and R. Miller: Relating to Correctional Officer's Salaries	175					175
24 -	By Delegates Kelly, Zatezalo, Wagner, Atkinson, Sobonya, Westfall, Summers, Sypolt, Deem, Criss and Lane: Recognizing March 2, 2018 as National Speech and Debate Education Day	196	1109			1177	196, 1177
25 -	By Delegates Hollen, Criss, Deem, Kelly, Anderson, Cooper, Phillips, McGeehan, Atkinson and Butler: U. S. Army SPC David A. Hess Memorial Bridge	198	1046		2925	1081	198, 1081
26 -	By Delegate A. Evans: U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge	200	805		1697	862	200, 862
27 -	By Delegates Summers, Queen, Hamrick, Miley and Iaquina: Making Grafton's Annual Memorial Day Parade the Official State Memorial Day Parade	221	806		1697	862	221, 862
28 -	By Delegates Maynard, Howell and Hamrick: Raising Speed Limits on West Virginia Highways	228					227
29 -	By Delegates Iaquina, Maynard, A. Evans, Brewer, Ferro, Robinson, Sponaugle and Williams: Requesting the Joint Committee on Government and Finance to study Bitcoin	228					228
*30 -	By Delegates Wagner, Westfall, Hamilton, Jennings, McGeehan and Queen: U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge	243	1032		2926	1054	243, 1053, 1054

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
31 -	By Delegates Rodighiero, Eldridge and R. Miller: Lowe Mountain Memorial Highway	244					244
32 -	By Delegate Rowan: Making Apple Cider West Virginia's State Beverage	246					245
33 -	By Delegates Westfall, Wagner, Atkinson, Higginbotham, Rodighiero and Frich: U. S. Army 2LT Clarence Drago Memorial Bridge	290	1032		1697	1054	290, 1053
34 -	By Delegates Eldridge, R. Miller, Rodighiero, Phillips, Maynard and Byrd: U. S. Army PFC Glenn S. Perdue, U. S. Army TEC 5 Charley H. Perdue and U. S. Army Air Corps SGT Carl C. Perdue Memorial Road	320					320
35 -	By Delegates Martin, Butler, Hamrick, Hill, Jennings, Howell and Foster: USMC LCpl George W. Henry, Jr. Memorial Bridge	335	1046		2926	1081	335, 1081
36 -	By Delegates Phillips, Paynter, Marcum, Eldridge and Maynard: Betty Jo Delong Memorial Bridge	336					336
37 -	By Delegate Bates: Amending Joint Rules of the Senate and House of Delegates	381					381
38 -	By Delegates Marcum, Thompson, Hicks, Phillips and Dean: U. S. Army SGT Benny Fleming Memorial Bridge	382					382
39 -	By Delegates Miley, Ambler, Anderson, Barrett, Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Cooper, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Hornbuckle, Iaquina, Isner, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, R. Miller, Moye, Paynter, Pethel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, R. Romine, Rowe, Sobonya, Sponaugle, Statler, Storch, Summers, Thompson, Upson, Ward, Williams and Wilson: Requesting the Joint Committee on Government and Finance to study sustainability of the state's higher education system	385	1630			1715	385, 1715, 1716

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
*40 -	By Delegates Maynard, Dean, Eldridge, Moye and Rohrbach: U. S. Air Force SMSgt Billie E. ‘Bunky’ Hodge Bridge	387	1503		2527	1715	387, 1715
*41 -	By Delegates Higginbotham, Espinosa, Kelly, Atkinson, Wilson, Statler, Rohrbach, Cooper, Westfall, Hamrick and Kessinger: Relating to a study of a statewide virtual library	435	1011			1054	435, 1053, 1054
42 -	By Delegates Robinson, Ambler, Anderson, Atkinson, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Dean, Deem, Diserio, Eldridge, Ellington, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Howell, Iaquina, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, McGeehan, Miley, R. Miller, Moore, Moye, Nelson, Overington, Pack, Paynter, Pethel, Phillips, Pushkin, Pyles, Queen, Rodighiero, Rohrbach, R. Romine, Rowan, Rowe, Shott, Sobonya, Sponaugle, Statler, Storch, Sypolt, Thompson, Wagner, Ward, Westfall, Williams, Wilson and Zatezalo: Requesting the Joint Committee on Government and Finance study methods to incentivize and advise middle and high school students to participate in career and technical education programs	437					437
43 -	By Delegates Martin, Butler, Dean, A. Evans, Folk, Hamilton, Higginbotham, Hill, Jennings, Kessinger, Pack, C. Romine, R. Romine, Rowan, Storch and Sypolt: U. S. Navy BT 2 Wade Eugene Lee Burnside Memorial Bridge	439					439
44 -	By Delegates Eldridge, Rodighiero, R. Miller, Marcum, Phillips, Maynard and Love: U. S. Army PFC Clayton Collins Memorial Bridge	441	1630			1715	441, 1715, 1716
*45 -	By Delegates Lovejoy, Rohrbach, Sobonya, C. Romine, Hornbuckle, C. Miller, Hicks, Thompson, Byrd and Cowles: U. S. Air Force Reserves 2nd Lieutenant Richard E. Tyson Memorial Bridge	442	844, 1200		2926	1249	442, 844, 1249

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
46 -	By Delegates Phillips, Marcum, R. Miller, Eldridge and Maynard: U. S. Army PFC Charles Thurman "Buddy" Ellis Memorial Bridge	444					44
47 -	By Delegates C. Miller, Butler, Maynard, Brewer, Lovejoy, Eldridge, Rohrbach and C. Romine: U. S. Army SPC 4 William L. Amos Memorial Bridge	538	1032			1054	538, 1053, 1054
48 -	By Delegate Rodighiero: U. S. Army SGT Denver E. Short Memorial Bridge	540					540
49 -	By Delegate Marcum: Albert and Laura Baisden Memorial Bridge	541					541
50 -	By Delegates Eldridge, Diserio and Love: Proclaiming and making the fiddle the official musical instrument of the State of West Virginia	543					543
*51 -	By Delegates Miley, Queen, Hamrick and Iaquina: Gill Brothers World War Veterans' Memorial Bridge	574	1115			1249	574, 1116, 1249, 1250
52 -	By Delegate Thompson: Curtis 'Pap' and Millie 'Mammie' Asbury Bridge	575					575
*53 -	By Delegates Ward, Caputo, Longstreth and Summers: Pastor Robert L. 'Bob' Barker Memorial Bridge	601	1115, 1630		2951	1715	601, 1116, 1715, 1716
*54 -	By Mr. Speaker (Mr. Armstead): U. S. Army SPC 4 Thurman 'Duwayne' Young Memorial Road	602	1504, 1630			1715	602, 1505, 1716
55 -	By Delegates Phillips, Rodighiero and Marcum: U. S. Army SSG Henry Kilgore Bridge	604					604
56 -	By Delegates Howell, Hill, Hamrick, Summers, Moore, Criss, Maynard, Householder, Butler, Espinosa and Atkinson: Requesting the Joint Committee on Government and Finance study the Public Employees Insurance Agency and potential alternative methods to control healthcare costs	605	1630				605, 1715

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
57 -	By Delegates Overington, Blair, Butler, Ellington, Espinosa, A. Evans, Fast, Folk, Foster, Frich, Gearheart, Graves, Hamilton, Hamrick, Harshbarger, Higginbotham, Hill, Householder, Howell, Kessinger, Martin, Maynard, Pack, Paynter, Phillips, Queen, Rohrbach, C. Romine, R. Romine, Sobonya, Statler, Storch, Summers, Sypolt, Ward, Westfall, Wilson, Zatezalo, Upton, Adkins, Dean, Marcum and Jennings: Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V	607					607
58 -	By Delegates Rowe, Robinson and White: U. S. Army SGT Tommy Meadows Memorial Road	625					625
59 -	By Delegate Hanshaw: Three Marks Brothers Bridge	626					626
60 -	By Delegate Rodighiero: Lando Adkins, Sr. Memorial Road	627					627
61 -	By Delegates Eldridge, Maynard, Love, C. Miller, C. Romine, Phillips, R. Miller, Rodighiero, Thompson, Hicks and Hornbuckle: U. S. Army PFC Cornelious Wiley Memorial Bridge	628	1046		2926	1081	628, 1081
62 -	By Delegates Hartman, Lynch, Iaquina, Isner, Love, Pethel, Sponaule, Williams, Boggs, Gearheart and Hamilton: Pocahontas County Veterans Memorial Bridge	629	1200	2926	2926	1249, 2927	629, 1249, 1250, 2927
63 -	By Delegates Rodighiero, R. Miller, Eldridge, Thompson, Hicks and Maynard: The "U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway"	631					631
64 -	By Delegates C. Miller, Sobonya, C. Romine, Hornbuckle, Wilson, Lovejoy, Rohrbach, Butler, Higginbotham and Maynard: USMC Cpl Hershel 'Woody' Williams Highway	660	1032			1054	660, 1054
65 -	By Delegates Eldridge, Maynard, R. Miller, Rodighiero, Thompson, Hicks, Hornbuckle, Marcum, Phillips, C. Romine and C. Miller: U. S. Army CPL George Browning Memorial Road	663	1046			1081	663, 1081

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
66 -	By Delegates Sponaugle and A. Evans: Dr. H. Luke Eye Memorial Bridge	664					664
*67 -	By Delegates Eldridge, Maynard, C. Romine, R. Miller, Rodighiero, Thompson, Hicks, Hornbuckle, Lovejoy, Love and C. Miller: U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road	666	1115, 1630			1715	666, 1116, 1715, 1716
68 -	By Delegates Maynard, Eldridge, C. Miller, Hornbuckle, C. Romine, Paynter, R. Miller, Cooper, Phillips, Dean and Love: U. S. Army SGT Douglas Thompson Memorial Road	667	1046		2927	1081	667, 1081
69 -	By Delegates Marcum, Rodighiero, Hicks, Thompson, R. Miller and Eldridge: James L. 'Bud' Hall, Sr. Memorial Bridge	668					668
*70 -	By Delegates Miley, Iaquina, Queen and Hamrick: U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge	669	1116, 1200			1249	669, 1116, 1249, 1250
71 -	By Delegates Thompson, Hicks, Rodighiero, R. Miller, Eldridge, Marcum and Lovejoy: U. S. Army CPL Lee Roy Young Memorial Bridge	991	1630			1715	991, 1715, 1716
73 -	By Delegates Pyles, Lynch, Ferro, Iaquina, Caputo, Fleischauer, Love, Moye, Longstreth, Rowan and Rohrbach: Urging the United States Congress to increase the Social Security death benefit from \$255 to \$1000	738					738
74 -	By Delegates Thompson, Hicks, Rodighiero, R. Miller, Eldridge, Marcum, Lovejoy, Rohrbach, C. Miller and Sobonya: U. S. Army CPT Benjamin Ronk Memorial Bridge	739					739
75 -	By Delegates A. Evans, Rowan, R. Romine, Hamilton and Howell: PVT George Howell, Continental Army Memorial Highway	912	1032	2928	2928	1054, 2928	912, 1054, 2928
*76 -	By Delegates Rowe, Robinson, Pushkin, Byrd, Lane and White: U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge	913	1629			1715	913, 1715, 1716
77 -	By Delegates R. Miller, Rodighiero, Eldridge and Maynard: Deputy Sheriff Jesse R. Browning Memorial Road	915	1109		2929	1177	915, 1177

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
78 -	By Delegates Kelly, Anderson, Atkinson, Hollen, Deem, Criss, Harshbarger, Cooper, Longstreth, Iaquina and Hartman: U. S. Marine Corps PFC Danny Marshall Memorial Bridge	917	1032		2929	1054	917, 1054
79 -	By Delegate Sponaugle: John and Wilbur Hahn Dutch Hollow Pioneers Bridge	918					918
80 -	By Delegates Rowe, Robinson and White: U. S. Army SGT Tommy Meadows Memorial Road	920					920
81 -	By Delegates Pushkin, Rowe and Fleischauer: Proposing to rescind HCR 36 passed by the Regular Session of the Legislature 2016	921					921
82 -	By Delegates Gearheart, Shott, Ellington and Paynter: Designating ATV Recreation Areas	923					923
*83 -	By Delegates Cooper, Ambler, Harshbarger, Pack, Hollen, Foster, Maynard, Paynter and Wilson: Vietnam Veterans Memorial Highway	925	1116				925, 1116
84 -	By Delegates Statler, Maynard, Cooper, Jennings, Sypolt, R. Miller, Fast, Lovejoy, Love, Ambler and Adkins: Requesting the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services	1077	1200			1249	1077, 1249, 1250
*85 -	By Delegates Howell, Capito, Criss, Espinosa, A. Evans, Fast, Gearheart, Hamrick, Hill, Martin, Moore, Pack, Rowan, Statler, Storch, Westfall and Overington: Requesting the legislatures and departments of transportation of Maryland, Pennsylvania, and Virginia to endorse and pursue the construction of a new four-lane, limited access highway, extending Interstate Highway 99 from its present terminus at Bedford, Pennsylvania, to Covington, Virginia	1079	1504, 1630		2951	1715	1079, 1505, 1715
86 -	By Delegates Gearheart and Shott: Bluefield Police Lt. Aaron L. Crook Memorial Road	1126	1200			1249	1126, 149, 1250

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
87 -	By Delegates Gearheart, Ellington and Shott: Constable Joseph H. Davidson Memorial Bridge	1127	1201		1697	1249	1127, 1249, 1250
88 -	By Delegate Storch: U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge	1129	1201		2929	1249	1129, 1249, 1250
89 -	By Delegates Lynch, A. Evans, Sponaugle, Williams, Iaquina, Pyles, Ferro, Hamilton, R. Romine, Rowan, Jennings, Campbell, Brewer, Byrd, Canestraro, Criss, Deem, Diserio, Gearheart, Pethel, Phillips, Robinson, Rodighiero, Rowe and Thompson: Colonel Morgan Morgan Memorial Bridge	1132					1132
90 -	By Delegates Eldridge, Maynard, Hornbuckle, C. Miller, Phillips, R. Romine, C. Romine, R. Miller, Rodighiero, Thompson and Marcum: Mack D. Huffman Memorial Bridge	1134					1134
91 -	By Delegates R. Romine, A. Evans, Hamilton, McGeehan, Jennings, Rowan, Pethel and Ferro: U.S. Navy Capt Homer Leroy Smith Memorial Bridge	1135	1201		1698	1249	1135, 1249, 1250
92 -	By Delegates Robinson, Ambler, Anderson, Atkinson, Campbell, Barrett, Bates, Boggs, Brewer, Canestraro, Capito, Caputo, Cooper, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Graves, Hamilton, Hamrick, Harshbarger, Hartman, Higginbotham, Hill, Hornbuckle, Isner, Kelly, Kessinger, Jennings, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, C. Miller, R. Miller, Moyer, Nelson, Pack, Overington, Paynter, Pethel, Queen, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Shott, Sobonya, Sponaugle, Summers, Ward, Williams and Zatezalo: Home of Pro-Football Hall of Fame Member Randy G. Moss	1138					1138



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
93 -	By Delegates Hamrick, Dean, Folk, Graves, Higginbotham, Howell, Martin, McGeehan, Pack, Queen, Rohrbach, C. Romine, Storch, Westfall and White: Requesting the Joint Committee on Government and Finance study exempting state employees from the payment of state income tax	1310	1630			1715	1310, 1716
94 -	By Delegates C. Miller, Foster, Overington, Jennings, Ambler, Butler, Cooper, Dean, Graves, Hamrick, Hanshaw, Harshbarger, Higginbotham, Howell, Kessinger, Maynard, Pack, Paynter, Queen, Rohrbach, R. Romine, Rowan and Storch: Requesting the Joint Committee on Government and Finance to conduct a study comparing West Virginia's asbestos rules with those in other states	1311	1630			1715	1311, 1715, 1716
95 -	By Delegate Westfall: Requesting the Joint Committee on Government and Finance study the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state	1312					1312
96 -	By Delegates Rowe, Robinson and White: Kidd Brothers Bridge	1313					1313
97 -	By Delegates Eldridge, Maynard, Rodighiero, C. Miller, C. Romine, Phillips, Hornbuckle, Love, R. Miller, Marcum, Hicks and Adkins: Hill Family Veterans Memorial Highway	1315					1315
*98 -	By Delegates Cowles, Dean, Folk, Foster, Harshbarger, Maynard, Rohrbach, Storch, Wagner, Westfall and Williams: Requesting the Joint Committee on Government Organization to conduct a study to consider removing solid waste facilities and the intrastate transportation of solid waste from the jurisdiction of the Public Service Commission	1318				2635	1318, 2635

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
99 -	By Delegates Westfall, Rowe, Lovejoy, Hartman, Iaquina, Criss, Bates, A. Evans, Shott, White, Frich and Robinson: Requesting the Joint Committee on Government and Finance to study the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state	1768	1631, 2633				1768, 2635
100 -	By Delegates Statler and Frich: Morgantown High School Veterans Bridge	1426	1631		2591	1804	1426, 1716, 1804
101 -	By Delegates Howell, Blair, Cowles, Espinosa, A. Evans, Folk, Householder, Moore, Overington, Rowan, Upson and Wilson: Requesting the Governor's Task Force on Public Employee Insurance Agency Stability to review means and methods of including medical facilities	1427	1631			1716	1427, 1716
102 -	By Delegates Rowe, Robinson and White: U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders, Jr., Memorial Bridge	1428	1631			1716	1428, 1716, 1717
103 -	By Delegate Westfall: Requesting the Joint Committee on Government and Finance study the feasibility and propriety of adopting "Right to Shop" legislation	1712	2633			2635	1712, 2635
104 -	By Delegates Dean, Maynard, Paynter, Caputo, Eldridge and Rohrbach: Requesting the Joint Committee on Government and Finance study the requirements and costs to implement a state-based occupational pneumoconiosis, or Black Lung, compensation program	1713					1713
105 -	By Delegates Howell, Hamrick, Adkins, Criss, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sybolt, Ward and Williams: Requesting the Joint Committee on Government and Finance to conduct a study regarding evaluating Department of Environmental Protection funds	1769	2633			2635	1774, 2635

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
106 -	By Delegates Howell, Hamrick, Adkins, Criss, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sypolt, Ward and Williams: Requesting the Joint Committee on Government and Finance to conduct a study of licensure, certification and registration forms of occupational and professional regulation	1770	2633			2635	1774, 2635
107 -	By Delegates Howell, Hamrick, Adkins, Criss, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sypolt, Ward and Williams: Requesting the Joint Committee on Government and Finance to conduct a study of the feasibility of a single building to house all occupational and professional regulatory boards	1771	2633			2635	1774, 2635
108 -	By Delegates Howell, Hamrick, Adkins, Criss, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sypolt, Ward, Williams and Brewer: Requesting the Joint Committee on Government and Finance to conduct a study encouraging the film industry and tourism mechanisms for promoting West Virginia	1772	2633			2635	1774, 2635
109 -	By Delegates Howell, Hamrick, Adkins, Criss, Graves, Jennings, Martin, Maynard, Pack, Paynter, Pyles, Sypolt, Ward and Williams: Requesting the Joint Committee on Government and Finance to conduct a study on legislative rules being outcome driven rather than process driven	1773	2633			2635	1774, 2635
110 -	By Delegates Nelson , Anderson, Zatezalo, Pethel, Ferro, Kelly, Caputo, Shott, Harshbarger, Boggs, Miley, Criss, Gearheart and Storch: Requesting that the Joint Committee on Government and Finance comprehensively study mineral severance taxes and associated fees in West Virginia	1801	2633			2635	1801, 2635

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
111 -	By Delegates Rowan, Boggs, Eldridge, A. Evans, Ferro, Fleischauer, Graves, Kelly, Love, Lovejoy, Lynch, Martin, Maynard, Moye, Paynter, Pethtel, Pyles, Queen, Rohrbach, C. Romine, R. Romine, Sypolt, White and Zatezalo: Requesting the Joint Committee on Government and Finance study the issues, needs and challenges facing senior citizens in West Virginia	2229	2633			2635	2228, 2635
112 -	By Delegates Eldridge, Maynard, R. Miller, Barrett, Rodighiero, Marcum, Love, Diserio, Phillips, White and Kelly: Home of Professional Boxing Champion Perry ‘The Punisher’ Ballard’	2230	2633			2635	2230, 2635
113 -	By Delegates Ellington, Lane, E. Evans, Longstreth, R. Miller, Atkinson, Hollen, Hornbuckle, Queen, Byrd, Bates, Canestraro and Rowe: Requesting the Joint Committee on Government and Finance to conduct a study on the health outcomes of high sugar diets, and the short-term and long-term health and economic benefits of a sugar drink tax	2233	2633			2635	2233, 2635
114 -	By Delegate Westfall: Requesting the Joint Committee on Government and Finance study the feasibility and propriety of modernizing state code as it relates to rental of motor vehicles	2235	2634			2635	2635
115 -	By Delegates Nelson, Mr. Speaker (Mr. Armstead), Ambler, Anderson, Bates, Boggs, Butler, Cooper, Cowles, Dean, Ellington, Espinosa, Frich, Gearheart, Harshbarger, Hartman, Householder, Kelly, Lane, Maynard, McGeehan, C. Miller, Moye, Paynter, Pethtel, Shott, Sobonya, Westfall, Wilson and Zatezalo: Requesting the Joint Committee on Government and Finance study the issue of retirement security and the state taxation of Social Security benefits	2546	2634			2635	2546, 2635

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
116 -	By Delegates Nelson, Ambler, Butler, Cooper, Dean, Ellington, Espinosa, Frich, Gearheart, Harshbarger, Hartman, Householder, Kelly, Maynard, McGeehan, C. Miller, Moye, Paynter, Shott, Sobonya, Westfall, Wilson and Zatezalo: Requesting that the Joint Committee on Government and Finance study the impact on states that require a legislative supermajority to enact tax increases or impose new taxes	2548	2634			2635	2548, 2635
117 -	By Delegates Nelson, Ambler, Butler, Cooper, Dean, Ellington, Espinosa, Frich, Gearheart, Harshbarger, Hartman, Householder, Kelly, Maynard, McGeehan, C. Miller, Moye, Paynter, Shott, Sobonya, Westfall, Wilson, Zatezalo and Foster: Requesting that the Joint Committee on Government and Finance study the impact on states that impose tax and expenditure limitations to restrain the growth of state budgets.	2549	2634			2635	2549, 2635
118 -	By Delegates Nelson, Westfall and Ellington: Requesting the Joint Committee on Finance to study the fiscal effects of the discretionary use of a video link between a physician and a patient during telemedicine calls regarding non-emergent acute illnesses	2551	2634			2635	2551, 2635



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Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
2 -	By Delegate Bates: Term Limits for Senators and Delegates in the West Virginia Legislature	3					3
3 -	By Delegate Foster: Manufacturing Inventory and Equipment Tax Exemption Amendment	3					3
4 -	By Delegates Sponaugle, Fluharty, Hornbuckle and Marcum: Veteran's Property Tax Exemption Amendment	3					3
5 -	By Delegate Caputo: Homestead Exemption Increase Amendment	3					3
6 -	By Delegates Bates and Pushkin: State Apportionment Commission	3					3
7 -	By Delegates Overington, Espinosa, Upson, Frich and Phillips: Homestead Exemption Increase Amendment	3					3
8 -	By Delegates Ferro, Hamilton and Caputo: The Simple Majority Levy Approval Amendment	3					3
9 -	By Delegates Sponaugle, Hornbuckle and Phillips: Volunteer Emergency Service Personnel Property Tax Exemption Amendment	3					3
10 -	By Delegates Rodighiero, Hicks, Marcum and Eldridge: Homestead Exemption Increase Amendment	3					3
11 -	By Delegates Overington, Foster and Upson: Prohibiting the Governmental Taking of Private Property for Private Use Amendment	3					3
12 -	By Delegates Overington, Frich and Gearheart: Super-Majority Required for Passage of Tax Bill Amendment	3					3
13 -	By Delegates Overington, Gearheart, Frich and Sobonya: Initiative, Referendum, and Recall Amendment	3					3
14 -	By Delegates Sponaugle, Marcum, Hicks, Hamilton and Phillips: Right to Hunt and Fish in West Virginia Amendment	3					3

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
15 -	By Delegates Howell, Frich, Cooper and Blair: Senior Citizen Homestead Valuation Amendment	3					3
19 -	By Delegates Wilson, Upson, Kessinger, Phillips, C. Miller, Rodighiero, Hollen, Rowan and Frich: Life Begins at Conception Amendment	3					3
21 -	By Delegates Wilson, Paynter, Dean, Maynard, Higginbotham, Folk and Bates: Senators and Delegates Service Limit Amendment	3					3
24 -	By Delegates Cooper, Kessinger, Butler, Dean, Deem and Espinosa: Proposing an amendment to the Constitution of the State of West Virginia relating to education, and providing for the election of members of the State Board of Education	3					3
25 -	By Delegates Sponaugle, Iaquina, Hartman, Lynch, Longstreth, Phillips, McGeehan, A. Evans, Rowan, R. Romine and Hamilton: Proposing an amendment to the Constitution of the State of West Virginia relating to exempting honorably discharged veterans of the Armed Forces of the United States	3					3
101 -	By Delegates Folk, Pushkin, Sobonya, Butler, Paynter, Gearheart, McGeehan and Dean: Judicial Budget Oversight Amendment	40					41
102 -	By Delegate Deem: Business Inventory Exemption Amendment	41					41
103 -	By Delegates Espinosa, Sobonya, Hill, Rowan, Frich, Cowles, Kessinger, Jennings, Hamilton, Butler and Mr. Speaker (Mr. Armstead): Election of West Virginia Board of Education members amendment	53	161				53, 161
104 -	By Delegates Ambler, Cooper, Harshbarger, Sobonya, Moore, Blair, Howell, Westfall, Zatezalo and Gearheart: Judicial Budget Oversight Amendment	118					118
105 -	By Delegates Marcum, Hicks and Isner: Constitutional Officers Term Limit Amendment	148					148



Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
106 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Just Cut Taxes and Win or JCTAW Amendment	177					177
107 -	By Delegates Zatezalo, Householder, Martin, Storch, Hill, Blair, C. Romine, Kessinger, Statler, McGeehan and Fast: Taxpayer Bill of Rights	201					202
108 -	By Delegates McGeehan, Kessinger, Hamrick, Butler, Folk, Paynter, Dean, Howell, R. Romine, Ward and Overington: Super-Majority Required for Passage of Tax Bill Amendment	202					202
109 -	By Delegates Cowles, Folk, Frich, Westfall, Maynard, Pack, Criss, Ellington, Dean, Nelson and Butler: Legislative Review of Judiciary Budget Amendment	366					366
110 -	By Delegate Bates: State Apportionment Commission	388					389
111 -	By Mr. Speaker (Mr. Armstead), and Delegates Kessinger, Rowan, Ward, Fast, C. Romine, Frich, Hollen, Graves, Jennings and Harshbarger: Amendment prohibiting state funding for abortion except when necessary to save the life of the mother	577					577
112 -	By Delegates Pack and Cooper: Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof, all relating to limiting the number of years Senators and Delegates may serve	741					741



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Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1 -	By Mr. Speaker (Mr. Armstead): Authorizing the appointment of employees for this, the Second Regular Session of the Eighty-third Legislature, two thousand eighteen	4			10	10
2 -	By Mr. Speaker (Mr. Armstead): Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates	10			11	11
3 -	By Mr. Speaker (Mr. Armstead): Relating to the Standing Committees of the House and creating a new Standing Committee on Fire Departments and Emergency Medical Services and setting forth its duties, jurisdiction and membership	12			17	17
4 -	By Delegates Pushkin, Barrett, Diserio, E. Evans, Hornbuckle, McGeehan, Paynter, Pyles, Robinson and Pack: Relating to the House Committee on the Judiciary to investigate allegations of impeachable offenses	431				431
5 -	By Mr. Speaker (Mr. Armstead), and Delegates Nelson, Ambler, Anderson, Butler, Capito, Cooper, Cowles, Criss, Dean, Ellington, Espinosa, Frich, Gearheart, Graves, Hamilton, Hamrick, Harshbarger, Higginbotham, Hill, Hollen, Householder, Howell, Jennings, Kelly, Kessinger, Lane, Martin, McGeehan, C. Miller, Overington, Pack, Phillips, Queen, Rohrbach, Rowan, Shott, Sobonya, Statler, Storch, Summers, Upson, Walters, Westfall, White, Zatezalo, A. Evans, Folk, Arvon, Atkinson, Barrett, Blair, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Deem, Diserio, Eldridge, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Foster, Hanshaw, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, R. Miller, Moore, Moye, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, C. Romine, R. Romine, Rowe, Sponaule, Sypolt, Thompson, Wagner, Ward, Williams and Wilson: Requesting the West Virginia Public Employees Insurance Agency (PEIA) Finance Board maintain its current financial plan for the coming year	569				571

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
6 -	By Delegates Lynch and Boggs: Encouraging the extension of appropriate public service district water systems to serve the residents on Bug Ridge in Braxton County and Erbacon Mountain in Webster County	571	881			571, 882
7 -	By Delegates Kelly, Anderson, Higginbotham, Hollen, Deem, Criss, Pethtel, Harshbarger, Storch, Zatezalo and Miley: Urging federal policymakers to support legislation advancing the development of an Appalachian Storage Hub	572	1110			572, 1177
8 -	By Delegates C. Miller, Higginbotham, Espinosa, Graves, C. Romine, Rohrbach, Jennings, R. Romine, A. Evans, Deem, Ambler, Anderson, Cooper, Ellington, Harshbarger, Hollen, Kelly, Lane, Maynard, Overington, Pack, Paynter, Phillips, Storch, Ward and Westfall: Urging Congress and the President of the United States to enact legislation regarding the Glass-Steagall Act	909				909
9 -	By Delegates Sypolt, Jennings, Adkins, Ambler, Anderson, Arvon, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Campbell, Canestraro, Caputo, Caputo, Cooper, Cowles, Criss, Dean, Deem, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Graves, Hamilton, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Jaquinta, Isner, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, Mr. Speaker (Mr. Armstead), Nelson, Overington, Pack, Paynter, Pethtel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sobonya, Sponaule, Statler, Storch, Summers, Thompson, Upson, Wagner, Walters, Ward, Westfall, White, Williams, Wilson and Zatezalo: Memorializing the life of the Honorable Tony Jerome Lewis, dedicated husband, father, grandfather, coalminer, soldier, farmer, businessman and public servant	1038			1040	1039

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
10 -	By Delegates Caputo, Anderson, Barrett, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Iaquina, Isner, Kessinger, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pack, Paynter, Pethel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowe, Sponaule, Statler, Storch, Thompson, Wagner, Ward, Westfall and Williams: Requesting the Governor to increase public access to the State Capitol	1124				1124
11 -	By Delegate Walters: Urging the United States Congress to support efforts to return to national banking policies to repair our nation’s infrastructure	1308				1308
12 -	By Delegates Sponaule, Adkins, Ambler, Anderson, Arvon, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Deem, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Graves, Hamilton, Hamrick, Hanshaw, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquina, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, Mr. Speaker (Mr. Armstead), Nelson , Overington, Pack, Paynter, Pethel, Phillips, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowan, Rowe, Shott, Sobonya, Statler, Storch, Summers, Sypolt, Thompson, Upson, Wagner, Walters, Ward, Westfall, White, Williams, Wilson and Zatezalo: Memorializing the life of the Honorable Clyde McNeill See, Jr., former Speaker of the House of Delegates, dedicated community leader, public servant and family man	1297			1300	1297
13 -	By Mr. Speaker (Mr. Armstead), Miley and Bates: Recognizing the Fiftieth Anniversary of the establishment of the Commission on Special Investigations	2224			2226	2224, 2226

Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
14 -	By Delegates R. Miller, Bates, Boggs, Brewer, Byrd, Campbell, Canestraro, Caputo, Eldridge, E. Evans, Ferro, Fluharty, Frich, Hartman, Hicks, Iaquina, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, Miley, Moye, Pushkin, Pyles, Robinson, Rodighiero, Sponaule, Thompson, Ward and Westfall: Expressing support for Taiwan's signing of a Bilateral Trade Agreement with the United States	2226				2226

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Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*7 -	By Senators Trump, Cline and Takubo: Relating to claims under Wage Payment and Collection Act	333	1303	1440		334, 1373, 1439, 1517
*10 -	By Senators Sypolt, Clements, Rucker, Smith, Maroney, Cline and Gaunch: Relating generally to PSC jurisdiction (Chapter 219, Acts, Regular Session, 2018)	425	1631	1826	2244, 2779	426, 1760, 1826, 2244, 2245, 2961, 2983
*30 -	By Senator Maynard: Relating generally to hunting with dogs	1073				1073
*36 -	By Senators Woelfel and Plymale: Relating generally to DNA testing (Chapter 207, Acts, Regular Session, 2018)	849	1403		1717	850, 1480, 1535, 1717, 2955, 2983
*37 -	By Senators Woelfel, Trump and Ojeda: Equalizing penalty for entering without breaking regardless of time of day (Chapter 56, Acts, Regular Session, 2018)	267	1112		1319	267, 1197, 1252, 1319, 2632, 2981
*39 -	By Senators Woelfel, Baldwin, Plymale and Beach: Creating Sexual Assault Victims' Bill of Rights	267				267
*46 -	By Senators Cline and Takubo: Permitting pharmacists to inform customers of lower-cost alternative drugs (Chapter 123, Acts, Regular Session, 2018)	378, 1515, 1796	782, 1113	1253, 1320, 2798	1320, 2801	378, 782, 1197, 1252, 1253, 1321, 1515, 2275, 2798, 2801, 2961, 2982
47 -	By Senators Romano and Ojeda: Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child (Chapter 33, Acts, Regular Session, 2018)	908	1229, 1302		1518	908, 1229, 1374, 1440, 1518, 2952, 2981
*51 -	By Senators Gaunch and Cline: Relating to domestic relations (Chapter 65, Acts, Regular Session, 2018)	334, 2801	1405	1535, 1718, 2801	1717, 2803	334, 1405, 1480, 1535, 1717, 1718, 2223, 2255, 2533, 2803, 2961, 2982
*53 -	By Senator Palumbo: Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons	218				218
*57 -	By Senator Romano: Relating to third-party litigation financing	786				787
62 -	By Senator Prezioso: Adjusting requirements for hiring school attendance directors (Chapter 68, Acts, Regular Session, 2018)	218, 816	594	683	769	219, 642, 683, 768, 769, 901, 1014

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
67 -	By Senators Weld and Cline: Exempting DNR police officers' pensions from state income tax	317				317
*71 -	By Senators Weld, Prezioso and Cline: Defining "veteran" as it pertains to veteran-owned business (Chapter 90, Acts, Regular Session, 2018)	378	882		1015	378, 882, 963, 982, 1015, 1353, 1637
*73 -	By Senators Weld and Cline: Modifying crime of fleeing from scene of accident (Chapter 241, Acts, Regular Session, 2018)	194	1230		1433	194, 1333, 1367, 1433, 2631, 2983
*75 -	By Senators Ferns and Maroney: Relating to sale or transfer of video lottery locations	268				268
78 -	By Senators Ferns and Cline: Continuing personal income tax adjustment for certain retirees	654				655
*82 -	By Senators Ferns and Cline: Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation (Chapter 246, Acts, Regular Session, 2018)	1161	1629		2245	1161, 1760, 1854, 2245, 2961, 2983
*87 -	By Senators Karnes and Cline: Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65	908				908
*98 -	By Senators Palumbo, Gaunch, Drennan, Takubo and Beach: Creating incentives to consolidate local governments	219				219
*102 -	By Senator Trump: Creating WV Uniform Fiduciary Access to Digital Assets Act (Chapter 92, Acts, Regular Session, 2018)	565, 1796	1347	1441, 1519	1519	566, 1374, 1440, 1465, 1518, 1520, 2983
*110 -	By Senator Trump: Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises (Chapter 208, Acts, Regular Session, 2018)	219, 1528	1231	1367, 1434	1434	220, 1333, 1367, 1369, 1433, 1434, 2631, 2981
112 -	By Senators Trump and Boso: Clarifying that natural resources police officers' subsistence allowance is pensionable	1073	1156			1073, 1156
*116 -	By Senator Trump: Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset	317	1377			317, 1377, 1480, 1517
*133 -	By Senators Gaunch, Blair, Swope, Baldwin, Jeffries, Boso and Ojeda: Exempting renewal of certain contracts entered into during declared state of emergency (Chapter 93, Acts, Regular Session, 2018)	220, 1796	1067, 1347	1465, 1520	1520	220, 1068, 1374, 1465, 1466, 1520, 1521, 2952, 2982



Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*134 -	By Senators Gaunch, Blair, Swope, Baldwin, Jeffries, Ojeda, Cline and Maroney: Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery (Chapter 209, Acts, Regular Session, 2018)	268, 1424	1110	1254	1321, 1425	268, 1197, 1254, 1321, 1322, 1424, 1425, 2631, 2982
*141 -	By Senator Sybolt: Expanding county assessment and collection of head tax on breeding cows	599, 2947	1157, 1635	1855	2246	599, 1157, 1760, 1854, 1855, 2245, 2246, 2961, 2970
143 -	By Senator Sybolt: Permitting DNR identification tag be used to identify trap (Chapter 163, Acts, Regular Session, 2018)	317, 1403	777, 1202	1329	1364	317, 777, 1291, 1329, 1330, 1364
*146 -	By Senator Trump: Correcting technical error within Solid Waste Management Act (Chapter 84, Acts, Regular Session, 2018)	243	1113		1322	243, 1197, 1254, 1322, 2632, 2982
*152 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Budget Bill (Chapter 12, Acts, Regular Session, 2018)	2211, 2948		2308	2552	2211, 2308, 2552, 2553, 2952, 2967
*154 -	By Senator Maynard: Authorizing Department of Administration to promulgate legislative rules (Chapter 140, Acts, Regular Session, 2018)	194	651		821	194, 774, 794, 821, 822, 1009, 1160
*163 -	By Senator Maynard: Authorizing DEP promulgate legislative rules (Chapter 141, Acts, Regular Session, 2018)	361	729		862	362, 801, 830, 862, 863, 1009, 1160
*165 -	By Senator Maynard: Authorizing DHHR promulgate legislative rules (Chapter 142, Acts, Regular Session, 2018)	362, 908	731	830, 864	864	363, 801, 830, 862, 863, 1009, 1160
*181 -	By Senator Maynard: Authorizing MAPS promulgate legislative rules (Chapter 143, Acts, Regular Session, 2018)	566, 1361	970	1192	1250	566, 1009, 1109, 1154, 1192, 1194, 1250, 1251, 2632, 2982
*184 -	By Senator Maynard: Authorizing DOT promulgate legislative rules (Chapter 144, Acts, Regular Session, 2018)	378, 888	651	794	822	378, 774, 794, 795, 822, 823, 1010, 1160
*230 -	By Senator Maynard: Authorizing Department of Commerce promulgate legislative rules (Chapter 145, Acts, Regular Session, 2018)	599, 2948	1629	1855	2246	600, 1760, 1855, 01860, 2246, 2247, 2948, 2961, 2982

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*237 -	By Senator Maynard: Authorizing Department of Revenue promulgate legislative rules (Chapter 146, Acts, Regular Session, 2018)	379, 1117	885	982, 1016	1016	379, 963, 987, 1015, 1017, 1353, 1637
242 -	By Senators Trump, Blair, Maroney and Rucker: Requiring health insurance providers provide coverage for certain Lyme disease treatment (Chapter 124, Acts, Regular Session, 2018)	379	1302, 1501		1804	379, 1302, 1627, 1732, 1804, 1805, 2955, 2982
*244 -	By Senators Azinger and Rucker: Specifying conditions for unlawful possession of firearm at school-sponsored activities (Chapter 69, Acts, Regular Session, 2018)	567, 2781,	1111, 1634	1866, 2247, 2781	2247, 2782	567, 1111, 1760, 1860, 1867, 2247, 2248, 2782, 2961, 2983
*258 -	By Senators Azinger and Cline: Exempting honorably discharged veterans from fees for license to carry deadly weapons	426	839, 1201			426, 839, 1201
*261 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund (Chapter 116, Acts, Regular Session, 2018)	1203, 2626	1376	1536, 1818	1818, 2627	1204, 1481, 1536, 1561, 1637, 1817, 1819, 2627, 2961, 2982
263 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Eliminating film tax credits (Chapter 227, Acts, Regular Session, 2018)	220			304	221, 258, 276, 303, 304, 333
*267 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Increasing salaries of certain state employees (Chapter 189, Acts, Regular Session, 2018)	426, 935	598	724, 769	769, 961	426, 642, 683, 724, 769, 770, 962, 1010, 1049
*268 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Eliminating requirement that certain agencies purchase commodities produced on institutional farms	427				427
*271 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Creating centralized Shared Services Section of Department of Administration (Chapter 94, Acts, Regular Session, 2018)	655, 2947	1005, 1512	1867	2248	655, 1005, 1760, 1867, 1868, 2248, 2962, 2982
*272 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to drug control (Chapter 194, Acts, Regular Session, 2018)	732, 1796	1307	1466, 1521	1521	732, 1307, 1466, 1521, 1522, 2952, 2983

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*273 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Reducing use of certain prescription drugs (Chapter 46, Acts, Regular Session, 2018)	889, 2591	1301, 1375	1751, 1805	1805	890, 1301, 1481, 1533, 1637, 1732, 1751, 1760, 1805, 1806, 2962, 2983
*275 -	By Senators Clements, Azinger, Beach, Jeffries, Maroney, Prezioso, Romano, Unger, Takubo, Stollings and Cline: Relating to tax on purchases of intoxicating liquors (Chapter 228, Acts, Regular Session, 2018)	1117, 2929	1502	1732, 2929	1807, 2930	1117, 1502, 1627, 1732, 1733, 1807, 2930, 2962, 2983
280 -	By Senators Gaunch, Boso, Maynard, Blair and Cline: Allowing airports' emergency management and operations vehicles to use red flashing warning lights	335				335
282 -	By Senators Gaunch, Baldwin, Blair, Jeffries, Swope, Boso and Cline: Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery (Chapter 95, Acts, Regular Session, 2018)	1203, 2223, 2255, 2938	1404	1561, 1719, 2938	1718, 2940	1204, 1481, 1561, 1563, 1718, 1719, 2223, 2224, 2603, 2939, 2940, 2962, 2983
*283 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to procurement by state agencies (Chapter 96, Acts, Regular Session, 2018)	656, 2783	1003, 1512	1873, 2249	2249, 2789	656, 1003, 1760, 1868, 1873, 2249, 2250, 2789, 2962, 2983
*284 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Increasing access to career education and workforce training	363				364
*285 -	By Senators Karnes and Boso: Establishing regional recreation authorities and areas	364				365
*288 -	By Senators Gaunch, Maynard, Boso, Clements, Jeffries, Maroney, Palumbo, Smith, Takubo, Weld and Cline: Regulating cremation, embalming and directing of funeral service	816	1068, 1635	1929, 2251	2251	818, 1068, 1760, 1823, 1930, 2251, 2253
*290 -	By Senators Smith, Azinger, Boso, Clements and Cline: Relating to DEP standards of water quality and effluent limitations (Chapter 85, Acts, Regular Session, 2018)	788	1505		1807	788, 1627, 1733, 1807, 1808, 2955, 2983
*292 -	By Senators Woelfel and Trump: Relating to Commission on Special Investigations	268				269
295 -	By Senator Boso: Relating to Local Powers Act	1204				1205

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
296 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings: Relating to sale or transfer of surplus property	195				195
297 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings: Eliminating taxation on annuity considerations collected by life insurer	195	647			195, 647
298 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings: Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes (Chapter 229, Acts, Regular Session, 2018)	195	1303	1469	1522	195, 1374, 1469, 1522, 2958, 2982
299 -	By Senators Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso, Stollings and Blair: Relating to mandatory insurance coverage for medical foods for amino acid-based formulas (Chapter 125, Acts, Regular Session, 2018)	196, 2528	287, 1376	1563, 1719	1719	196, 287, 1481, 1563, 1581, 1719, 1720, 2958, 2983
300 -	By Senators Stollings, Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale and Prezioso: Creating five-year tax credits for businesses locating on post-coal mine sites	221				221
301 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings: Removing limitation on amount collected by county via hotel occupancy tax used for medical or emergency services	196				196
*307 -	By Senators Trump, Blair, Plymale and Boso: Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance (Chapter 222, Acts, Regular Session, 2018)	1073, 1528	1230	1369	1435	1073, 1333, 1369, 1434, 1435, 2631, 2982
311 -	By Senators Romano, Facemire, Gaunch, Boso, Plymale and Takubo: Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft	318				318

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*313 -	By Senators Gaunch, Azinger, Boso, Karnes, Maynard, Ojeda, Palumbo, Romano, Rucker, Baldwin, Cline, Stollings, Prezioso and Plymale: Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers	1117, 2940	1513	1930, 2940	2254, 2943	1118, 1761, 1930, 2253, 2254, 2943, 2962, 2970
*319 -	By Senators Rucker, Azinger, Drennan, Gaunch, Karnes, Smith, Sypolt, Trump, Unger, Cline, Boso, Plymale, Clements, Maroney and Takubo: Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma (Chapter 113, Acts, Regular Session, 2018)	974, 1797	1306	1469, 1523	1523	974, 1307, 1374, 1469, 1470, 1522, 1523, 2952, 2982
*321 -	By Senators Blair and Boso: Relating to powers and duties of Public Land Corporation	818				818
322 -	By Senator Weld: Relating to employees of Department of Agriculture	537	1158, 1502		1808	537, 1158, 1627, 1733, 1808, 2955, 2972
324 -	By Senator Blair: Removing restrictions where certain traditional lottery games may be played	427				427
*327 -	By Senators Weld, Boso, Gaunch, Cline and Drennan: Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty (Chapter 57, Acts, Regular Session, 2018)	380	1230		1435	380, 1333, 1369, 1435, 2631, 2982
*331 -	By Senators Karnes, Boso, Cline, Drennan, Gaunch, Mann, Rucker, Swope, Sypolt and Blair: Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system	1161				1162
*335 -	By Senators Karnes, Weld, Boso, Blair, Rucker, Cline and Ferns: Protecting employees' wages or salaries from being withheld or diverted for political activities	657				657
*336 -	By Senators Ferns, Weld, Boso, Baldwin, Blair and Cline: Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance (Chapter 97, Acts, Regular Session, 2018)	407	1774		2553	108, 1774, 2501, 2553, 2962, 2982
338 -	By Senators Blair and Boso: Changing date for employers to file annual reconciliation and withholding statements (Chapter 230, Acts, Regular Session, 2018)	365, 1425	1112	1254	1323	365, 1197, 1254, 1259, 1322, 2632, 2982

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
339 -	By Senators Gaunch and Blair: Relating to WV Retirement Health Benefit Trust Fund within PEIA (Chapter 98, Acts, Regular Session, 2018)	908, 2947	1160, 1635	1930	2257	909, 1160, 1761, 1930, 1938, 2257, 2962, 2982
*341 -	By Senators Ferns and Rucker: Relating generally to WV Appellate Reorganization Act of 2018	850				852
343 -	By Senator Sypolt: Limiting expenses in preparing list for notice to redeem	537, 2949	1202	1635	1635	537, 1291, 1330, 1364, 2632, 2973
345 -	By Senator Maynard: Authorizing DNR establish procedures and fee schedule for limited permit hunts	427				427
346 -	By Senators Maynard and Cline: Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses (Chapter 164, Acts, Regular Session, 2018)	658, 1528	1156, 1292	1370	1436	658, 1156, 1333, 1370, 1435, 1436, 2631, 2982
*347 -	By Senator Maynard: Relating to operation of motorboats (Chapter 165, Acts, Regular Session, 2018)	852, 2528	1375	1581	1721	853, 1481, 1581, 1720, 1721, 2958, 2982
*348 -	By Senator Maynard: Allowing for disposal of service weapons of special DNR police officers (Chapter 166, Acts, Regular Session, 2018)	853, 1361	970	1194, 1251	1251	853, 1009, 1109, 1155, 1194, 1196, 1251, 2632, 2982
350 -	By Senators Ferns, Trump, Maynard, Jeffries, Baldwin and Plymale: Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State (Chapter 99, Acts, Regular Session, 2018)	427, 1403	806, 1202	1330, 1366	1366	428, 806, 1291, 1330, 1332, 1365, 1366, 2632, 2982
351 -	By Senators Trump, Weld, Azinger, Clements, Cline, Jeffries, Karnes, Maynard, Ojeda, Romano, Rucker, Smith, Swope and Woelfel: Permitting ballot commissioners serve while candidates for certain offices (Chapter 77, Acts, Regular Session, 2018)	318	1294		1436	318, 1294, 1333, 1370, 1436, 1437, 2631, 2982
*355 -	By Senators Gaunch and Blair: Dissolving IS&C Division under Office of Technology	853	1068, 1635	1938	2257	854, 1068, 1761, 1938, 1939, 2257
357 -	By Senator Blair: Relating generally to limited video lottery	428				428
*358 -	By Senator Trump: Imposing fee for processing criminal bonds	890				890

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*359 -	By Senators Trump, Unger and Weld: Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates (Chapter 195, Acts, Regular Session, 2018)	1074	1201, 1354		1721	1074, 1201, 1481, 1581, 1720, 1721, 2599, 2982
*360 -	By Senator Clements: Clarifying oil and gas permits not be on flat well royalty leases (Chapter 86, Acts, Regular Session, 2018)	1205			1323	1206, 1259, 1323, 1407, 2546
*361 -	By Senator Trump: Relating to treatment supervision under Drug Offender Accountability and Treatment Act	600				601
364 -	By Senators Mann, Karnes, Rucker, Gaunch, Azinger, Swope, Takubo and Cline: Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle (Chapter 70, Acts, Regular Session, 2018)	538	113		1324	538, 1197, 1259, 1323, 1324, 2632, 2982
365 -	By Senators Weld, Ferns, Unger, Plymale, Baldwin, Cline and Boso: Relating to Young Entrepreneur Reinvestment Act (Chapter 91, Acts, Regular Session, 2018)	788, 1797	1307	1524	1523	788, 1307, 1374, 1470, 1523, 1524, 2982
*368 -	By Senators Jeffries, Beach and Rucker: Protecting consumers against business using automatic purchase renewals without consent	733				734
*370 -	By Senator Cline: Exempting nonpaid volunteers at ski areas from workers' compensation benefits	855				855
371 -	By Senator Trump: Relating to proceedings for voluntary custody for examination	601				601
*375 -	By Senators Sypolt, Rucker, Takubo, Baldwin and Boso: Relating to farmers markets (Chapter 7, Acts, Regular Session, 2018)	789, 2947	1512	1939	2757	789, 1761, 1939, 2757, 2962, 2983
379 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR (Chapter 13, Acts, Regular Session, 2018)	658	776		866	658, 801, 835, 865, 866, 1010, 1060

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
382 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund (Chapter 14, Acts, Regular Session, 2018)	658	776		867	658, 802, 835, 866, 867, 868, 1010, 1160
384 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Decreasing and increasing appropriations from State Fund, General Revenue to DHHR (Chapter 15, Acts, Regular Session, 2018)	428	776		867	428, 802, 835, 866, 867, 1010, 1160
385 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Decreasing and adding appropriations out of Treasury to DHHR and MAPS (Chapter 16, Acts, Regular Session, 2018)	380	776		1809	380, 802, 830, 1637, 1733, 1808, 1809, 2951, 2982
*386 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission (Chapter 17, Acts, Regular Session, 2018)	429	776		868	429, 802, 835, 868, 869, 1010, 1160
388 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration (Chapter 18, Acts, Regular Session, 2018)	380	776		869	381, 802, 835, 869, 1010, 1160
*392 -	By Senators Boso, Facemire, Jeffries and Prezioso: Reconfiguring membership of Emergency Medical Services Advisory Council	734, 2589, 2856	1502	1733	1809, 2859	734, 1627, 1733, 1734, 1809, 2962, 2973
393 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Palumbo, Plymale, Prezioso, Stollings, Sypolt and Takubo: Relating to compensation and composition of WV Racing Commission	567	1350			567, 1350
*395 -	By Senators Trump and Boso: Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board (Chapter 87, Acts, Regular Session, 2018)	659, 1528	1294	1370, 1479	1437, 1480	659, 1333, 1370, 1373, 1437, 1479, 1488, 2631, 2982



Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*397 -	By Senators Sypolt, Facemire, Romano and Cline: Creating crime of impersonating blind or disabled person (Chapter 58, Acts, Regular Session, 2018)	818	1230		1438	818, 1333, 1373, 1438, 2631, 2983
398 -	By Senators Gaunch, Cline and Plymale: Relating to requirements for making consumer loans	974				974
400 -	By Senators Maynard, Boso, Gaunch and Cline: Prohibiting state licensing boards from hiring lobbyists	538	1110			538, 1110
*401 -	By Senators Weld, Ferns, Romano, Baldwin and Drennan: Requiring specified coverage in health benefit plans for treatment of substance abuse disorders (Chapter 126, Acts, Regular Session, 2018)	1206, 2947	1301, 1512	1939	2258	1206, 1301, 1761, 1939, 1961, 2258, 2962, 2983
*402 -	By Senators Gaunch and Boso: Creating exemption from certain contract and common carrier laws for motor vehicles	1206				1206
*403 -	By Senators Rucker, Blair, Cline, Ferns, Jeffries, Romano, Swope, Trump and Woelfel: Licensing advance deposit wagering	1207				1207
*404 -	By Senators Weld and Cline: Relating to sex offender registry information (Chapter 210, Acts, Regular Session, 2018)	659, 1797	1230	1373	1438	659, 1333, 1373, 1438, 2952, 2983
406 -	By Senators Ferns, Takubo, Boso, Cline and Baldwin: Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement (Chapter 117, Acts, Regular Session, 2018)	975, 2948	1304, 1763	1961, 2259	2259	975, 1304, 1763, 1961, 2258, 2259, 2962, 2983
407 -	By Senators Takubo, Maroney, Stollings and Plymale: Licensing and approval of child care programs (Chapter 34, Acts, Regular Session, 2018)	819	1632		2260	819, 1761, 1961, 2259, 2260, 2962, 2983
*408 -	By Senators Takubo, Maroney, Stollings and Plymale: Licensing of nursing homes and assisted living residences (Chapter 196, Acts, Regular Session, 2018)	819, 2947	1034, 1513	2635	2260, 2636	819, 1034, 1761, 1961, 2260, 2635, 2636, 2962, 2983
411 -	By Senators Takubo and Maroney: Removing Commissioner of Bureau for Public Health from State Board of Sanitarians (Chapter 100, Acts, Regular Session, 2018)	820	1034, 1503		1810	820, 1034, 1627, 1734, 1810, 2963, 2982

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*412 -	By Senator Trump: Relating to authority of county litter control officers (Chapter 51, Acts, Regular Session, 2018)	1050	1110, 1348		1524	1050, 1110, 1374, 1470, 1524, 2952, 2983
*415 -	By Senators Ferns, Blair, Maroney, Trump, Weld, Woelfel, Stollings and Takubo: Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities (Chapter 101, Acts, Regular Session, 2018)	975, 1425	1112	1290, 1325	1325	975, 1197, 1259, 1290, 1324, 1327, 1407, 2983
*419 -	By Senators Boley, Rucker, Cline and Boso: Establishing classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory	1207	1348			1208, 1349
*420 -	By Senators Rucker, Kames, Smith, Sypolt, Trump, Cline and Boso: Transferring Safety and Treatment Program from DHHR to DMV	1118				1118
*421 -	By Senators Maynard and Cline: Relating to crossbow hunting	1208				1208
425 -	By Senators Ferns, Cline and Plymale: Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan (Chapter 157, Acts, Regular Session, 2018)	567	1160, 1635		2261	567, 1160, 1761, 1961, 2260, 2261, 2963, 2983
*426 -	By Senators Trump, Weld and Boso: Modernizing certain alcohol laws	1162				1164
427 -	By Senators Gaunch and Facemire: Modifying form of notice for certain tax delinquencies (Chapter 231, Acts, Regular Session, 2018)	734, 1797	1303	1470, 1525	1525	734, 1374, 1470, 1524, 1525, 2952, 2982
*432 -	By Senators Gaunch, Weld and Boso: Relating to municipal home rule	1208				1210
*433 -	By Senators Trump, Gaunch, Palumbo, Prezioso and Boso: Rewriting code sections regarding pyramid promotional schemes	735				735
*434 -	By Senators Trump and Boso: Specifying documents not subject to discovery in certain proceedings	1164, 2948	1633	1967	2261	1165, 1761, 1961, 1967, 2261, 2963, 2975
*438 -	By Senators Maynard, Prezioso, Beach, Plymale and Jeffries: Relating to debt service on bonds secured by State Excess Lottery Revenue Fund (Chapter 167, Acts, Regular Session, 2018)	1210, 2948	1635	1967, 2262	2261	1210, 1761, 1967, 1968, 2261, 2262, 2963, 2982
*440 -	By Senators Gaunch, Cline, Plymale, Boso and Jeffries: Establishing Library Facilities Improvement Fund	735				735

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
441 -	By Senators Takubo, Maroney, Stollings, Woelfel and Plymale: Relating to health care provider taxes (Chapter 232, Acts, Regular Session, 2018)	735, 1797	1034, 1303	1471	1525	735, 1034, 1374, 1470, 1471, 1525, 1526, 2952, 2983
*442 -	By Senators Takubo, Maroney, Stollings, Woelfel and Plymale: Establishing universal forms and deadlines when submitting prior authorization electronically	1210, 2948	1635	1968	2262	1210, 1761, 1968, 2262, 2963, 2976
*443 -	By Senators Arvon, Azinger, Cline, Gaunch, Maynard, Rucker and Smith: Terminating parental rights when certain conditions are met (Chapter 35, Acts, Regular Session, 2018)	1165, 2948	1301, 1512	1968, 2263	2263	1165, 1301, 1761, 1968, 1970, 2262, 2263, 2963, 2983
444 -	By Senator Trump: Repealing antiquated code sections regarding safety glass and lighting in motor vehicles (Chapter 42, Acts, Regular Session, 2018)	909	1113		1327	909, 1113, 1197, 1290, 1327, 2632, 2982
*445 -	By Senators Boso, Swope, Gaunch, Jeffries, Rucker, Maroney, Plymale, Maynard and Beach: Allowing DOH acquire real or personal property for utility accommodation (Chapter 223, Acts, Regular Session, 2018)	1211, 2948	1634	1970, 2263, 2274	2264	1212, 1761, 1970, 1977, 2263, 2264, 2274, 2275, 2963, 2983
*446 -	By Senators Rucker, Sypolt, Unger, Trump and Boso: Creating Agritourism Responsibility Act (Chapter 8, Acts, Regular Session, 2018)	790, 2943	1157, 1634	2269, 2943	2269, 2945	790, 1157, 1761, 1977, 2269, 2270, 2945, 2963, 2983
*448 -	By Senators Gaunch and Boso: Relating generally to professional associations	1212				1213
*450 -	By Senators Karnes, Azinger, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Mann, Maroney, Maynard, Romano, Rucker, Smith, Swope and Trump: Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program	976				976
*451 -	By Senators Maynard, Clements, Ferns, Gaunch, Maroney, Rucker, Smith, Swope, Weld and Cline: Relating generally to hunting and fishing (Chapter 168, Acts, Regular Session, 2018)	976, 1515	1155	1328, 1362, 1363, 1515	1328, 1363, 1516	977, 1155, 1197, 1290, 1327, 1361, 1362, 1364, 1516, 2952, 2983
452 -	By Senator Maynard: Exempting hunting license information from public disclosure	1213				1213

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*456 -	By Senators Gaunch, Takubo, Ferns, Boso and Maroney: Physical Therapy Licensure Compact Act (Chapter 177, Acts, Regular Session, 2018)	1118, 1798	1301	1471, 1526	1526	1119, 1374, 1471, 1526, 1527, 2958, 2983
*458 -	By Senators Swope, Rucker, Trump, Cline and Boso: Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship	855				856
*461 -	By Senators Ferns and Cline: Extending time to file petition for motor fuel excise tax refund (Chapter 233, Acts, Regular Session, 2018)	856, 2528	1376	1582, 1722	1721	856, 1481, 1581, 1582, 1721, 1722, 2958, 2982
462 -	By Senators Karnes and Gaunch: Establishing contribution holiday for public pension plans funded at 130 percent or more	568				568
463 -	By Senators Sypolt, Rucker, Clements, Cline, Mann, Maynard, Smith, Baldwin, Beach, Ojeda and Woelfel: Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture (Chapter 197, Acts, Regular Session, 2018)	568, 2627	778, 1502	1734, 1810, 2627	1810, 2630	568, 778, 1627, 1734, 1735, 1810, 1811, 2630, 2963, 2983
464 -	By Senators Gaunch, Boso and Cline: Changing statutory payment date for incremental salary increases due state employees (Chapter 190, Acts, Regular Session, 2018)	736	1111		1329	736, 1197, 1291, 1329, 2632, 2982
*465 -	By Senators Trump, Boso, Ferns, Baldwin and Cline: Relating to mandated reporting of child abuse and neglect (Chapter 36, Acts, Regular Session, 2018)	1165	1403		1722	1165, 1481, 1582, 1722, 2955, 2983
*467 -	By Senator Trump: Relating generally to Public Defender Services	1074	1230			1230
468 -	By Senators Gaunch and Boso: Changing date and recipients for submission of Auditor's annual report (Chapter 205, Acts, Regular Session, 2018)	736, 2948	1513	1977	2270	736, 1762, 1977, 2270, 2963, 2983
*469 -	By Senators Weld, Boso, Unger, Ferns, Maroney, Clements and Cline: Converting Addiction Treatment Pilot Program to permanent program (Chapter 62, Acts, Regular Session, 2018)	820, 2949	1300, 1632	2271	2271	820, 1300, 1762, 1977, 1979, 2270, 2271, 2963, 2983
*472 -	By Senators Blair, Unger and Cline: Providing funds to DHHR for local boards of health employee pay raises	1213	1632			1213, 1632

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*473 -	By Senators Takubo, Ojeda, Stollings, Baldwin and Cline: Requiring insurance coverage for the prescription drug Varenicline	820	1034			821, 1034
*474 -	By Senators Swope, Azinger, Blair, Boso, Clements, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Sypolt, Trump, Weld, Maroney and Cline: Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential	1050				1051
*475 -	By Senators Woelfel, Baldwin and Beach: Industrial Hemp Development Act (Chapter 9, Acts, Regular Session, 2018)	977	1156, 1375		1723	978, 1157, 1481, 1582, 1585, 1722, 1723, 2957, 2983
*477 -	By Senators Smith, Boso, Clements, Jeffries, Swope, Sypolt and Cline: Relating to five-year sunset on tax credits and incentives	992				992
479 -	By Senator Gaunch: Establishing local government monitoring by Auditor (Chapter 102, Acts, Regular Session, 2018)	978	1111, 1404		1723	978, 1111, 1481, 1585, 1723, 2955, 2983
485 -	By Senator Blair: Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers	1214				1214
*490 -	By Senators Gaunch and Boso: Relating to Revised Uniform Athlete Agents Act of 2015	1119	1348			1120, 1348
*491 -	By Senators Boso and Cline: Establishing fee for expungement of certain criminal convictions	1075	1512			1075, 1512
*493 -	By Senator Azinger: Relating to guaranty associations (Chapter 127, Acts, Regular Session, 2018)	1075	1304		1529	1076, 1304, 1374, 1471, 1529, 2955, 2983
494 -	By Senators Azinger and Ferns: Considering members of State Teachers Retirement System absent while serving as officer with statewide professional association	979				979
*495 -	By Senator Azinger: Designating specific insurance coverages exempt from rate filing requirements (Chapter 128, Acts, Regular Session, 2018)	992, 2790	1306, 1512	1979, 2272	2272, 2790	992, 1306, 1762, 1979, 1984, 2271, 2273, 2790, 2963, 2983
498 -	By Senators Maynard, Stollings and Plymale: Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest (Chapter 169, Acts, Regular Session, 2018)	1014, 2790	1155, 1503	1736, 2790	1811, 2791	1015, 1156, 1627, 1736, 181, 2791, 2963, 2983

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*499 -	By Senators Maroney, Clements, Prezioso, Stollings, Takubo, Plymale, Cline and Jeffries: Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees (Chapter 178, Acts, Regular Session, 2018)	1120, 1798	1301	1471, 1529	1529	1120, 1374, 1471, 1529, 1530, 2957, 2983
*500 -	By Senators Baldwin, Mann, Gaunch, Jeffries, Woelfel and Plymale: Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund (Chapter 249, Acts, Regular Session, 2018)	1120	1354		1724	1121, 1481, 1585, 1723, 1724, 2957, 2983
*501 -	By Senators Drennan, Cline, Jeffries, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Weld, Woelfel, Boso and Plymale: Relating to accrued benefit of retirees in Deputy Sheriff Retirement System (Chapter 52, Acts, Regular Session, 2018)	1076, 2949	1160	1984	2272	1076, 1160, 1635, 1762, 1984, 2272, 2273, 2963, 2983
*504 -	By Senators Maynard and Plymale: Excluding seasonal amusement park workers from definition of "employee"	1214				1214
*506 -	By Senators Swope, Smith, Boso and Cline: Deregulating persons who perform work on heating, ventilating, and cooling systems (Chapter 133, Acts, Regular Session, 2018)	1166, 2792	1502	1737	1812	1166, 1502, 1627, 1736, 1737, 1811, 1812, 2964, 2983
*507 -	By Senators Ferns, Boso, Swope and Plymale: Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities	1166				1167
*508 -	By Senators Maynard and Cline: Establishing State Trail Authority	1214	1503			1215, 1518
*510 -	By Senators Maynard, Takubo, Stollings, Cline, Boso and Plymale: Designating hospitals for stroke treatment (Chapter 198, Acts, Regular Session, 2018)	1215, 1798	1302	1530	1530	1215, 1374, 1472, 1530, 1531, 2957, 2983
*512 -	By Senators Trump, Takubo, Romano, Boso, Plymale and Cline: Authorizing certain WV courthouse security officers carry concealed weapons	979				980
*514 -	By Senators Sypolt, Stollings and Boso: Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact	1167	1349			1169, 1349

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*515 -	By Senators Gaunch, Stollings, Boso and Cline: Clarifying PSC jurisdiction over water and sewer utilities	1170	1349			1349
*521 -	By Senators Trump, Gaunch, Maynard, Stollings and Boso: Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer (Chapter 179, Acts, Regular Session, 2018)	1121, 2949	1631	1985, 2273	2273	1121, 1762, 1985, 1986, 2273, 2274, 2964, 2983
*522 -	By Senator Maynard: Relating generally to Administrative Procedures Act (Chapter 103, Acts, Regular Session, 2018)	1051	1348		1531	1051, 1375, 1472, 1531, 2957, 2982
523 -	By Senator Smith: Relating to tax treatment of pollution control facilities and wind power projects	1051				1052
524 -	By Senators Gaunch, Maynard, Facemire, Boso, Baldwin, Maroney, Sypolt, Clements, Takubo, Jeffries, Smith, Palumbo, Weld and Woelfel: Relating to disposition of complaint proceedings	857				857
525 -	By Senators Gaunch, Maynard, Facemire, Boso, Baldwin, Maroney, Sypolt, Clements, Takubo, Jeffries, Smith, Palumbo, Weld and Woelfel: Relating to certification for emergency medical training - mining (Chapter 151, Acts, Regular Session, 2018)	857, 2792, 2949	1294, 1502	1737, 2792	1812	857, 1294, 1627, 1737, 1738, 1812, 2793, 2964, 2982
*528 -	By Senator Trump: Providing additional circuit judge for nineteenth judicial circuit (Chapter 54, Acts, Regular Session, 2018)	1121	1293, 1764		2274	1121, 1293, 1764, 1986, 2274, 2964, 2983
530 -	By Senators Maynard and Cline: Requiring Secretary of State provide database for registered corporations and sole proprietorship	1215				1215
531 -	By Senators Gaunch and Cline: Eliminating required waiting period for municipal court notifications to DMV	1215				1216
*534 -	By Senators Palumbo, Takubo, Stollings, Woelfel, Cline and Jeffries: Increasing penalty for tobacco-related offenses on public school property	1216				1216
*535 -	By Senators Trump, Unger, Stollings, Woelfel, Plymale and Cline: Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers	1076				1076

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
539 -	By Senators Trump, Stollings and Woelfel: Increasing limit for settling claims against DOH (Chapter 38, Acts, Regular Session, 2018)	1121	1294		1439	1121, 1333, 1373, 1439, 2631, 2982
*543 -	By Senators Trump and Cline: Relating to confidentiality of medical records (Chapter 199, Acts, Regular Session, 2018)	1052	1375		1725	1052, 1481, 1585, 1724, 1725, 2957, 2983
545 -	By Senators Boso, Swope, Gaunch, Jeffries, Plymale and Beach: Relating to driving privileges and requirements for persons under 18	1170, 2224, 2255, 2894	1348	1472, 1532, 2894	1532	1171, 1375, 1472, 1479, 1531, 1532, 2224, 2552, 2896, 2897
*548 -	By Senators Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope and Cline: Authorizing county commissions to pay election officials (Chapter 78, Acts, Regular Session, 2018)	1216, 2592	1505		1813	1216, 1627, 1738, 1813, 2964, 2983
*549 -	By Senators Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Trump and Cline: Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property	1076				1077
551 -	By Senators Karnes and Cline: Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB	1217	1628	2276	2276	1217, 1762, 1986, 2275, 2276
*555 -	By Senator Ferns: Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities (Chapter 1, Acts, Regular Session, 2018)	1122	1403		1725	1122, 1482, 1585, 1725, 2957, 2983
*556 -	By Senators Jeffries, Beach and Plymale: Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority	1217	1503	2277	2277	1218, 1627, 1738, 1814, 1815, 1998, 2276, 2277
557 -	By Senators Sypolt, Cline, Beach, Plymale, Baldwin and Ojeda: Relating to Senior Farmers' Market Nutrition Program	1171				1171
*558 -	By Senator Swope: Relating to certification requirements for crane operators	1171				1171



Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*561 -	By Senator Jeffries: Increasing minimum contract price requiring execution of bond with respect to building or repairing school property (Chapter 71, Acts, Regular Session, 2018)	1122	1231		1439	1122, 1231, 1333, 1373, 1439, 2631, 2983
*562 -	By Senators Trump and Romano: Allowing courts discretion to impose period of supervised release of defendant	1122				1122
*565 -	By Senators Jeffries, Gaunch, Palumbo, Baldwin, Facemire, Ojeda, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel and Cline: Clarifying authority of State Fire Commission	1218				1218
566 -	By Senators Karnes, Maroney, Weld, Arvon, Plymale and Gaunch: Relating to disability pensions of municipal employees	1123				1123
*567 -	By Senator Weld: Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted	1218				1218
*568 -	By Senator Trump: Deferring further proceedings for certain first offenses upon completion of Motor Vehicle Alcohol Test and Lock Program within 12 months	1218				1219
*572 -	By Senators Karnes, Sypolt, Cline, Ojeda and Plymale: Creating Farm-to-School Grant Program	1171	1350			1171, 1350
*573 -	By Senators Mann, Baldwin and Boso: Relating generally to school calendars	1123				1123
*574 -	By Senators Weld and Cline: Relating to crime of misrepresentation of military honors (Chapter 59, Acts, Regular Session, 2018)	1123	1375		1726	1123, 1482, 1585, 1725, 1726, 2957, 2983
*575 -	By Senators Takubo, Arvon, Azinger, Boley, Boso, Clements, Cline, Drennan, Maroney, Maynard, Rucker, Sypolt, Stollings and Plymale: Approving additional beds for intermediate care facilities (Chapter 200, Acts, Regular Session, 2018)	1172, 2528	1376	1585	1726	1172, 1482, 1585, 1586, 1726, 2957, 2983
576 -	By Senators Gaunch, Palumbo, Ferns, Trump and Plymale: Relating to Patient Injury Compensation Fund (Chapter 2, Acts, Regular Session, 2018)	1077, 2528	1224, 1376	1586, 1727	1726	1077, 1224, 1482, 1586, 1726, 1727, 2957, 2982

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*582 -	By Senators Clements and Maroney: Allowing candidate for political party executive committee serve as election official (Chapter 79, Acts, Regular Session, 2018)	1219, 2256, 2793, 2853	1375	1588, 1727	1727, 2855	1219, 1482, 1586, 1727, 1728, 2256, 2644, 2853, 2855, 2964, 2983
584 -	By Senators Blair, Boso, Sypolt and Facemire: Finding certain claims against state to be moral obligations of state (Chapter 39, Acts, Regular Session, 2018)	1219, 2528	1404	1588	1729	1219, 1482, 1588, 1589, 1728, 1729, 2957, 2982
585 -	By Senators Romano, Facemire, Trump and Weld: Altering boundary line between Doddridge and Harrison counties (Chapter 248, Acts, Regular Session, 2018)	1219, 2592	1501	1738, 1815	1815	1219, 1628, 1738, 1742, 1815, 1816, 2964, 2983
*589 -	By Senators Rucker, Arvon, Clements, Cline, Drennan, Gaunch, Maynard, Smith, Sypolt and Plymale: Relating to issuance of personalized plates for antique motor vehicles (Chapter 153, Acts, Regular Session, 2018)	1220	1404		1730	1220, 1482, 1589, 1729, 2957, 2983
*590 -	By Senators Jeffries, Baldwin, Beach, Clements, Cline, Facemire, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld and Woelfel: Providing special license plate for curing childhood cancer (Chapter 154, Acts, Regular Session, 2018)	1220	1513	1986	2278	1220, 1782, 1589, 1729, 1730, 2958, 2983
592 -	By Senators Sypolt and Boso: Adding examination of advanced care technician for firefighter paramedic	1220	1513	1986	2278	1220, 1762, 1986, 1992, 2278
*595 -	By Senator Azinger: Creating Protect Our Right to Unite Act	1220				1221
*597 -	By Senators Gaunch, Boso and Cline: Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business	1172				1173
*598 -	By Senators Trump, Ferns, Weld and Cline: Relating to civil actions against county commissions and municipalities for injuries	1221				1221
*601 -	By Senator Facemire: Relating to personal income tax	1221				1222
*603 -	By Senators Drennan, Blair, Gaunch, Maroney, Maynard, Plymale and Trump: Relating to proceedings for involuntary custody for examination (Chapter 201, Acts, Regular Session, 2018)	1173, 2949	1501	1743, 1816	1816	1173, 1628, 1743, 1816, 2964, 2983

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
612 -	By Senators Boley, Boso and Maynard: Relating to sale of municipal property (Chapter 158, Acts, Regular Session, 2018)	1222	1513		2279	1222, 1762, 1992, 2278, 2279, 2958, 2983
*616 -	By Senators Boso and Cline: Establishing maximum gross weight for certain wood-bearing trucks (Chapter 242, Acts, Regular Session, 2018)	1222, 2529	1376	1589	1730	1222, 1482, 1589, 1730, 2957, 2982
*625 -	By Senators Gaunch, Maynard, Boso, Clements, Jeffries, Palumbo, Smith, Sypolt and Weld: Creating WV Volunteer Fire and Rescue Act of 2018 (Chapter 211, Acts, Regular Session, 2018)	1173, 2835	1377, 1636	1997, 2279, 2835	2279, 2839	1176, 1377, 1762, 1992, 1997, 1998, 2279, 2282, 2839, 2964, 2983
626 -	By Senator Smith: Relating generally to coal mining (Chapter 152, Acts, Regular Session, 2018)	1052, 2529	1159, 1376	1589	1731	1053, 1159, 1482, 1589, 1626, 1730, 1731, 2958, 2983
627 -	By Senators Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements and Ferns: Permitting local governments to access certain economic development project-related tax records	1124	1405			1124, 1405
628 -	By Senators Maroney, Maynard, Arvon, Baldwin, Cline, Drennan and Swope: Relating generally to WV Jobs Investment Trust Board	1176				1177
629 -	By Senators Maynard, Beach, Cline, Facemire, Karnes, Rucker, Smith, Stollings, Sypolt and Woelfel: Expanding conditions of permanent disability required for Class Q permit	1222				1222
630 -	By Senators Blair, Arvon, Boley, Boso, Drennan, Facemire, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger: Relating to changes in distribution of certain racetrack video lottery net terminal income and excess lottery fund	1223	1634			1223, 1634
631 -	By Senators Blair, Arvon, Boley, Boso, Drennan, Facemire, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger: Relating generally to one-call system (Chapter 244, Acts, Regular Session, 2018)	1223	1404		1731	1223, 1482, 1627, 1731, 2958, 2983

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
632 -	By Senators Trump, Weld, Azinger, Baldwin, Beach, Clements, Cline, Jeffries, Karnes, Maynard, Ojeda, Romano, Rucker, Smith, Swope and Woelfel: Allowing retired judicial officers recalled to service to avoid limit on temporary payments under certain circumstances	1248	1505			1248, 1533
633 -	By Senators Blair, Arvon, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger: Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund (Chapter 19, Acts, Regular Session, 2018)	2305, 2948		2592	2306, 2593	2306, 2307, 2592, 2593, 2953, 2981
634 -	By Senators Blair, Arvon, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger: Adding, increasing, and decreasing appropriations from General Revenue to DHHR (Chapter 20, Acts, Regular Session, 2018)	2529	2796		2796	2529, 2796, 2797, 2953, 2981
635 -	By Senators Arvon, Boso, Drennan, Facemire, Ferns, Gaunch, Palumbo, Prezioso, Stollings, Sypolt, Takubo and Blair: Relating to 2019 salary adjustment for employees of DHHR (Chapter 191, Acts, Regular Session, 2018)	2307			2308	2307, 2308, 2964, 2982

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Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1 -	By Senators Ojeda, Plymale, Beach and Woelfel: US Army SGT Denver E. Short Memorial Road	623	1114, 2797		2797	623,1114, 2797, 2798
2 -	By Senators Romano, Facemire, Plymale, Beach and Woelfel: Walter E. Swiger, Jr., Memorial Bridge	992			2635	992, 2635
*3 -	By Senators Romano, Facemire, Plymale, Beach and Woelfel: Michael Angiulli Memorial Bridge	429,	1114, 2797		2797	429, 114, 2797, 2798
*4 -	By Senators Boso, Plymale and Woelfel: WV Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge	318	457, 830		861	318, 458, 861
6 -	By Senators Ferns, Carmichael (Mr. President), Weld, Stollings, Beach, Plymale and Boso: Supporting construction of Gold Star Families Memorial Monument	192			194	194
*11 -	By Senators Rucker and Unger: Evans Center for Excellence in Aircraft Maintenance	736	1114, 1200		1249	736, 1114, 1249, 1250
12 -	By Senators Stollings, Smith, Boso, Drennan, Beach and Plymale: US Army SP4 Darrell Gregory Triplett Memorial Bridge	994				994
14 -	By Senators Woelfel, Stollings and Plymale: US Army SPC 4 William L. Amos Memorial Bridge	995	2937		2938	995, 2938
15 -	By Senators Romano, Facemire, Unger, Stollings and Plymale: US Marine SGT Stephen E. Drummond Memorial Bridge	996				996
16 -	By Senators Romano, Facemire, Unger, Stollings and Plymale: Sardis District Veterans Memorial Bridge	998				998
17 -	By Senators Rucker, Unger, Stollings and Plymale: John Hancock Hall Memorial Bridge	1698	2634		2635	1698, 2635
20 -	By Senators Sypolt, Stollings, Boso and Cline: Requesting Bureau for Medical Services review and update Medicaid rates for ground and air ambulance services	857				857
21 -	By Senators Stollings, Beach and Plymale: US Army PFC Charles Thurman "Buddy" Ellis Memorial Bridge	1699			2635	1699, 2634
22 -	By Senators Stollings, Beach and Plymale: US Army Colonel Larkin Bilton Vance Memorial Highway	1701	2634		2635	1701, 2635

Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
23 -	By Senators Stollings, Beach and Plymale: Betty Jo DeLong Memorial Bridge	2930			2932	2930, 2932
25 -	By Senators Stollings, Beach and Plymale: US Army PFC O. T. (Teaberry) Mullins Memorial Bridge	1701	2634		2635	1702, 2635
26 -	By Senators Jeffries, Drennan, Gaunch, Swope, Stollings, Beach and Plymale: US Army PFC Thomas Mayford Martin Memorial Bridge	1704	2634		2635	1704, 2635
27 -	By Senators Stollings, Beach and Plymale: US Army CPL F. Lee Noel Memorial Bridge	1705			2635	1705, 2635
*29 -	By Senators Maynard, Plymale and Stollings: US Army SGT Benny Fleming Memorial Bridge	1798	2797		2797	1798, 2797
32 -	By Senators Beach, Baldwin, Clements, Facemire, Jeffries, Ojeda, Palumbo, Romano, Rucker, Smith, Stollings, Plymale and Cline: Recognizing importance of industrial hemp	999				999
37 -	By Senators Stollings, Plymale and Beach: Sheriff John E. White Memorial Road	1707	2634		2635	1707, 2635
43 -	By Senators Romano, Facemire, Stollings, Beach and Plymale: US Army T-4 CE Caesar Bango Memorial Bridge	1710	2634		2635	1710, 2635
48 -	By Senators Carmichael (Mr. President), Plymale and Stollings: US Army MSG Monty Ray Skeen, Sr., Memorial Bridge	2932			2934	2932, 2934
49 -	By Senators Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Stollings and Plymale: US Army PFC Robert "Bobby" Tate, Jr., Memorial Bridge	2934			2635	2934, 2935
51 -	By Senator Trump: Extending conference committee relating to Engrossed Committee Substitute for HB 4013	1505, 1517		1506	1506	1505, 1506
*52 -	By Senators Drennan, Plymale, Boso and Stollings: Deputy Sheriff John Janey Memorial Bridge	2936			2937	2936, 2937
54 -	By Senators Plymale, Boso and Cline: Requesting study on effect of new vehicle weights on WV roads	2529	2635		2635	2529, 2635
55 -	By Senators Plymale, Boso and Cline: Urging Congress pass law permitting WV to increase vehicle weight on interstate highways	2531			2635	2531, 2635

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Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
*3 -	By Senators Boso and Cline: Judicial Budget Oversight Amendment	859, 2642, 2793	1112, 1514	1826, 2244, 2642, 2839	2238, 2846	859, 1112, 1760, 1819, 1826, 2237, 2244, 2644, 2794, 2803, 2839, 2840, 2846, 2853
*12 -	By Senators Rucker, Arvon, Azinger, Blair, Boley, Boso, Cline, Ferns, Gaunch, Karnes, Mann, Maynard, Smith, Swope, Sypolt and Maroney: No Constitutional right to abortion Amendment	660	1292		1432	1333, 1366, 1367, 1431, 1433









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Number	SPONSORS AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
101 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Reestablishing the Division of Culture and History as the Department of Arts, Culture and History (Chapter 3, Acts, 1st Extraordinary Session, 2018)	2995		3002	3021	3004	2995, 3002, 3004, 3005, 3026, 3027
102 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act (Chapter 6, Acts, 1st Extraordinary Session, 2018)	2996		3005, 3021	3021	3008, 3024	2996, 3005, 3007, 3008, 3024, 3026, 3027
103 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to the management and inventory of state vehicles (Chapter 4, Acts, 1st Extraordinary Session, 2018)	2996			3025	3009	2996, 3009, 3010, 3026, 3027
104 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Modifying the type of businesses and establishments required to post human trafficking assistance notices	2997					2997, 3010
105 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to the Physical Therapy Licensure Compact Act	2997					2997, 3010
106 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to securing a real estate deed by a purchaser of a tax lien	2997					2997, 3010
107 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing and amending the appropriations to the Department of Health and Human Resources	2998					2998, 3010
108 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing and amending the appropriations to the Department of Military Affairs and Public Safety (Chapter 1, Acts, 1st Extraordinary Session, 2018)	2998			3025	3011	2999, 3010, 3011, 3012, 3026, 3027
109 -	By Delegates Pushkin, Bates, Ferro, Barrett, Caputo, Byrd, Williams and Fluharty: West Virginia Medical Cannabis Banking Act	2999					3000



**FIRST EXTRAORDINARY SESSION, 2018**

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Number	SPONSORS AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
1004 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Modifying types of businesses required to post human trafficking assistance notices (Chapter 7, Acts, 1st Extraordinary Session, 2018)	3012			3013	3013, 3014, 3026, 3027
1005 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Amending sections of Physical Therapy Licensure Compact Act (Chapter 5, Acts, 1st Extraordinary Session, 2018)	3014			3015	3014, 3015, 3026, 3027
1006 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Amending deadlines for securing deeds (Chapter 8, Acts, 1st Extraordinary Session, 2018)	3015			3018	3016, 3018, 3019, 3026, 3027
1007 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplementing and amending appropriations to DHHR, Division of Health (Chapter 2, Acts, 1st Extraordinary Session, 2018)	3019			3020	3019, 3020, 3027









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**Number****ABORTION**

2053. Requiring facilities providing abortions to obtain parental notification or consent in writing

**ACTIONS, SUITS AND LIENS**

2531. Allowing military personnel and reservists the additional five-year period to enter upon or recover land already allowed to infants and the insane
2539. Permitting a housing authority to garnish delinquent rents and other amounts owed to the authority from the renter's income tax refund
2580. Relating to damages for medical monitoring
2581. Relating to admissibility of certain evidence in a civil action for damages
2647. Preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay
3003. Allocating disability or death benefits resulting from an occupational pneumoconiosis claim among the claimant's employers on a proportional basis
3017. Providing that a person when being attacked in a place that is not his or her home should retreat instead of using deadly force
3024. Limiting recoverable damages when a patient has been transferred from health care facility to another health care facility
3097. Codifying the application of the compelling interest test and strict scrutiny standard involving rights enumerated under the First Amendment
4013. Clarifying venue in West Virginia state courts as it applies to nonresidents of the state
4187. Business Liability Protection Act
4218. Relating to medical professional liability
4221. Requiring the Tax Commissioner to maintain a centralized computerized information system
4319. Adding "sexual orientation" and "gender identity" to the categories covered by the Human Rights Act

- 4367. Relating to admissibility of certain evidence in a civil action for damages
- 4480. Revising existing standards and establishing burden of proof imposed on civil litigants seeking to circumvent corporate structure
- 4603. Providing immunity from civil liability to facilities and employees providing crisis stabilization

**ACTS**

- 2077. West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act
- 2085. Ensuring Patient Safety Act
- 2103. Making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing Act
- 2212. West Virginia Firearms Freedom Act
- 2339. Intrastate Coal and Use Act

**ADVERTISING**

- 2204. Removing limitations on advertising and promotional activities by limited video lottery retailers

**AGRICULTURE**

- 2044. Relating to the Senior Farmers' Market Nutrition Program
- 2418. Prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat
- 2566. West Virginia Fresh Food Act
- 2790. Transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture
- 2927. Transferring certain revenues derived from racetrack video lottery and racetrack table games
- 2968. Requiring moneys collected from the sale of timber realized through management of the state-owned forests and parks be distributed on a pro rata basis
- 3027. Imposing a tax on cattle which is to be used to help fund the U. S. Department of Agriculture's Wildlife Services Fund
- 4166. Establishing a special revenue fund to be known as the "Capital Improvements Fund — Department of Agriculture Facilities"
- 4295. Relating to farmers markets
- 4349. Relating to microprocessor permit
- 4406. Relating to the licensing of advance deposit wagering
- 4500. Industrial Hemp Research and Development Grant Fund
- 4568. Relating to cruelty to animals

**ALCOHOL**

- 2049. Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors
- 2129. Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs

**ALCOHOLIC LIQUORS AND BEERS**

- 2096. Exempting commercial airlines from obtaining licenses to serve liquor, beer or wine on flights
- 2350. Deleting the language that remitted a portion of the alcoholic beverage tax to municipalities
- 2425. Authorizing licensees authorized to sell growlers of nonintoxicating beer to offer complimentary samples
- 2433. Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises
- 2517. Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage
- 2563. Relating to complimentary samples of nonintoxicating beer or nonintoxicating craft beer
- 2842. Authorizing a temporary foreign brewers import license
- 2888. Removing the restriction on liquor licensees from having speakers outside or playing music outdoors
- 2894. Relating to the collection of taxes on wine and intoxicating liquors
- 3002. Relating to special licenses for the retail sale of wine at festivals or fairs
- 3074. Increasing the volume of alcohol that nonintoxicating beer and nonintoxicating craft beer may contain
- 4307. Prohibiting the alcohol beverage commission from assessing a fee to another state agency
- 4336. Updating the schedule of controlled substances
- 4460. Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events
- 4488. Relating to the Hatfield-McCoy Recreation Authority
- 4561. appoint the Attorney General or an assistant of Relating to the Attorney General as a special prosecutor to enforce provisions of the Uniform Controlled Substances Act
- 4599. Permitting retail liquor licensees to sell alcoholic beverages after one o'clock p.m. on Sundays

**ANIMALS**

- 2029. Permitting counties to adopt certain ordinances relating to dogs and cats

2177. Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license

### **APPROPRIATIONS**

4433. Declaring certain claims against an agency of the state to be moral obligations of the state

### **ATHLETICS**

2056. Providing for the use of neck braces by football players

### **ATTORNEYS**

2396. Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested attorneys in the circuit

### **AVIATION**

2310. Requiring regional airport authority board members to include persons of area expertise

### **BANKING AND FINANCE**

4280. Creating the "State Bank of West Virginia"  
4321. Permitting electronic records of documents to serve as original records  
4343. Relating to the delivery of financial statements to bank shareholders  
4486. Relating to persons required to obtain a license to engage in the business of currency exchange

### **BANKS AND BANKING**

2176. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance

### **BOARDS AND COMMISSIONS**

2045. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers  
2166. Requiring county boards of education to employ a certified library media specialist in each county school  
2187. Establishing an advisory council on rare diseases  
2310. Requiring regional airport authority board members to include persons of area expertise  
2524. Improving the focus on school-level continuous improvement processes  
2853. Relating to more equitable disbursement of funds to county boards  
2866. Relating to social determinants of health

- 3041. Relating to the classification plans for employees in the classified and classified-exempt service
- 3072. Relating to ending transfers to the Licensed Racetrack Modernization Fund
- 4023. Relating to the regulation of dialysis technicians
- 4025. Permitting reciprocity for licensure as a pharmacy technician
- 4026. Exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act
- 4027. Creating an education permit for allopathic physician resident
- 4156. Establishing the qualifications of full and part time nursing school faculty members
- 4163. Relating to termination of the Women's Commission
- 4167. Relating to regulation of cremation, embalming, and funeral service directing
- 4181. Permitting unused, unexpired, nonnarcotic drugs to be distributed to free health care clinics
- 4260. Providing limited prescriptive authority to a licensed psychologist who meets certain criteria
- 4288. Requiring contractors to provide all required information on a construction project to the State Fire Commission or the State Fire Marshall
- 4297. Prohibiting state licensing boards from hiring lobbyists
- 4300. Increasing compensation for Parole Board members
- 4304. Creating the Board of Nursing
- 4314. Providing that paralegals and analysts who have been certified by a national association and who have been employed by the Legislature for two years are certified paralegals
- 4323. Relating to non-renewal of any certificate, license, registration, to any person who is delinquent in the payment of state or local taxes
- 4332. Relating to home peritoneal renal dialysis
- 4334. Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures
- 4360. Relating to boards of examination
- 4403. Relating generally to the State Athletic Commission
- 4422. Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds
- 4444. Clarifying the authority of the State Fire Commission in adopting a State Building Code
- 4481. Relating to mandatory inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, nursing
- 4506. Requiring agencies of the state, county or municipality that issue citations to furnish a copy of the rule or law to the person accused
- 4534. Relating to the executive secretary of the Health Professional Licensing Boards

4597. Relating to the procedure to determine if an occupation or profession should be regulated

**CHILD WELFARE**

2051. Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act
2072. Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program
2088. Establishing a bill of rights for children in foster care
2089. Establishing a bill of rights for foster parents
2115. Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility

**CIVIL SERVICE**

2074. Establishing seniority rights for public employees

**CLAIMS**

2030. Eliminating the requirement that proceedings against the State, a state agency or state officer be brought and prosecuted in the circuit court of Kanawha County

**COMPACTS**

2521. Advanced Practice Registered Nurse Compact

**CONSTITUTIONAL AMENDMENTS**

2028. Relating to the venue for suits and other actions against the state

**CONSTITUTIONAL OFFICERS**

2956. Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund
3004. Relating to filling vacancies in certain offices
4009. State Settlement and Recovered Funds Accountability Act
4016. Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency
4580. Relating to submission of the budget bill

**CONSUMER PROTECTION**

2058. Prohibiting the use of a credit score in casualty insurance rate filings
2121. West Virginia Residential Furniture and Children's Products Flame Retardants Act
2146. Allowing a home improvement transaction to be performed under an oral contract
2327. Protecting consumers from surprise bills by health care providers

- 2371. Relating to consumer protection of new manufactured home warranties
- 2464. Relating to disclaimers and exclusions of warranties in consumer transactions for goods
- 2768. Modifying the penalties imposed on debt collectors who violate the provisions of the West Virginia Consumer Credit and Protection Act
- 2907. Relating to real property option to purchase contracts executed with lease agreements
- 3084. Repealing the article of the code related to unfair trade practices
- 4045. Prohibiting telemarketers and sellers from misrepresenting the location and identification from which a phone call solicitation originates
- 4150. Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient
- 4271. Relating to pyramid promotional schemes
- 4418. Relating to the Consumer Credit and Protection Act
- 4496. Establishing the responsibilities of persons providing credit card processing services in the state
- 4508. Requiring contractors to provide for the safety of the public during construction projects

### **CORPORATIONS**

- 4140. Transferring of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund
- 4285. Relating to the West Virginia Safe Mortgage Licensing Act
- 4338. Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety
- 4357. West Virginia Small Wireless Facilities Deployment Act

### **CORPORATIONS AND BUSINESS ENTITIES**

- 2039. Establishing a tax credit for new businesses that locate in the state

### **CORRECTIONS**

- 2023. Changing the way that the costs of incarcerating inmates in regional jails is collected
- 2086. Allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program
- 2206. Work/Incarceration Prison pilot program
- 2391. Establishing an arborists program for inmates
- 2480. Changing the way counties pay for regional jail inmates

- 2483. Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday
- 2727. Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license
- 2845. Establishing that the Division of Corrections is responsible for the costs of housing and maintaining an inmate the day following an inmate's conviction
- 2891. Including electronic communications to and from inmates with the types of communications that the Division of Corrections currently monitors and may record
- 2938. Relating to deduction from jail sentence for litter cleanup
- 2947. Relating to salary increase for Regional Jail Authority employees
- 4044. Increasing pay to facilitate hiring and retention of employees by the Division of Corrections
- 4338. Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety
- 4598. Requiring that free feminine hygiene products be provided to female prisoners
- 4614. Relating to education to children and adults housed in correctional facilities and regional jails

## **COUNTIES**

- 2010. Requiring authorization from the Legislature before submitting an application for an MS-4 permit to the United States Environmental Protection Agency
- 2034. Relating to county budget stabilization funds
- 2095. Relating to the rule-making authority of local boards of health
- 2168. Prohibiting counties and municipalities from adopting ordinances or regulations that base restrictions on the breed of a dog
- 2202. Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person
- 2208. Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan
- 2216. Making individuals responsible for the costs relating to the filing of excessive false complaints
- 2627. Requiring that open hunting season for big game begin on a Saturday
- 2638. Relating to county commissions authorizing reasonable fees charged for fire department or fire company response
- 2654. Expanding county commissions' ability to dispose of county or district property



- 2884. Requiring funding by the West Virginia Library Commission to local libraries be based on the population served by each respective library
- 2916. Authorizing certain first responders to carry firearms
- 2971. Granting the State Auditor the authority to audit the books and records of local economic development authorities
- 3025. Authorizing by ordinance a vacant building registration program
- 4043. Requiring national accreditation of local health departments
- 4238. Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan
- 4258. Requiring the purchase by county commissions and display of POW/MIA flags at county courthouses
- 4330. Authorizing county commissions to initiate collection actions for emergency ambulance service
- 4423. Local Government Labor and Consumer Marketing Regulatory Limitation Act
- 4477. Allowing county commissions to impose an amusement tax
- 4508. Requiring contractors to provide for the safety of the public during construction projects
- 4523. Relating to pecuniary interest of county and district officers, teachers and school officials in contracts
- 4531. Requiring that a deputy sheriff be paid a salary of not less than \$10.50 per hour
- 4540. Implementing a process for counties to obtain grants from an existing federal fund designated the Help America Vote Act Fund
- 4554. Prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures

#### **COUNTIES — LAW ENFORCEMENT**

- 2029. Permitting counties to adopt certain ordinances relating to dogs and cats

#### **COUNTY OFFICIALS**

- 2368. Relating to candidates for professional employee positions involving supervision of a county transportation department
- 4252. Authorizing the prosecuting attorney to issue a subpoena duces tecum for certain documents
- 4516. Relating to the accrued benefit of retirees in the Deputy Sheriff Retirement System
- 4523. Relating to pecuniary interest of county and district officers, teachers and school officials in contracts

#### **COURTS**

- 2098. Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test

- 2181. Creating an additional magistrate court deputy clerk position for Marion County
- 2411. Relating to Public Defender Services
- 2607. Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations
- 2655. Defining and establishing the crime of cyberbullying
- 2769. Relating to the preservation of rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country
- 2891. Including electronic communications to and from inmates with the types of communications that the Division of Corrections currently monitors and may record
- 2922. Reducing the cost of the fee for a state license to carry a concealed weapon
- 2944. Requiring the Insurance Commissioner to regulate professional bondsmen
- 2956. Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund
- 3040. Creating a new court to be known as West Virginia Intermediate Court of Appeals
- 4004. Creating a new court to be known as West Virginia Intermediate Court of Appeals
- 4005. Clarifying that appeals to the Supreme Court are a matter of right
- 4020. Making technical corrections in the code when referencing chapter 49
- 4137. Removing the cap on payments for service by retired circuit judges, family court judges, and magistrates in limited circumstances
- 4173. Relating to bail in criminal cases
- 4198. Adding one to the number of magistrates serving Monongalia County
- 4204. Relating rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country
- 4242. Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court
- 4273. Creating an additional magistrate court deputy clerk position for Raleigh County
- 4276. Allowing magistrates to grant work release privileges
- 4302. Authorizing the use of bailiffs who are not law-enforcement officers
- 4443. Requiring bail bondsman and bail bond enforcer be subject to random drug testing
- 4510. Relating to the general provisions for judicial review
- 4515. Relating to elections of judges
- 4557. Increasing the salaries of circuit court judges, family court judges, and magistrates

- 4588. Establishing a system of district courts of appeals to serve as an intermediate level of appeals in judicial proceedings
- 4592. Relating to probation and parole

#### **COURTS — MAGISTRATE**

- 2090. Increasing the minimum number of magisterial districts in a county

#### **COURTS (AND RELATED SUBHEADINGS)**

- 2314. Removing the compensation caps entirely for secretary-clerks and case coordinators

#### **CREDITORS AND DEBTORS**

- 2058. Prohibiting the use of a credit score in casualty insurance rate filings

#### **CRIME**

- 2021. Relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement
- 2099. Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law
- 2106. Creating a domestic violence registry
- 2137. Making it a misdemeanor for a person to impersonate a veteran
- 2154. Relating to sanctions for recipients of benefits from the Temporary Assistance for Needy Families Program
- 2306. Establishing new procedures for courts with criminal jurisdiction to suspend and revoke driver's licenses based on D.U.I.
- 2322. Prohibiting sex offender registrants from having Halloween related contact with children
- 2352. Relating to the criminal offense of desecration of graves and vandalizing cemeteries
- 2390. Providing death penalty for first degree murder
- 2607. Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations
- 2648. Increasing penalties for manufacturing or transportation of a controlled substance in the presence of a minor
- 2710. Including unborn child or fetus in statute setting criminal penalties for child neglect resulting in death
- 2715. Establishing procedures for carrying out the death sentence
- 2825. Requiring state institutions of higher education adopt policies concerning sexual assault, domestic violence, dating violence and stalking
- 2873. Relating to alternate sentencing for nonviolent felony offenders
- 2918. Creating a felony penalty of life without mercy for the first degree murder of a law-enforcement officer
- 2922. Reducing the cost of the fee for a state license to carry a concealed weapon

- 2976. Relating to the theft of consumer identity protections
- 2988. Clarifying the penalties for embezzlement
- 2992. Relating to civil asset forfeiture
- 3005. Relating to regulation of unmanned aircraft systems
- 3010. Making it a felony to knowingly expose another individual to HIV
- 3019. Relating to the West Virginia Contraband Forfeiture Act
- 3020. Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person
- 3026. Providing that a vehicle driver who injures a “vulnerable road user” is guilty of reckless driving
- 3035. Relating to the legalization of marijuana
- 4028. Allowing funding allotted for treatment supervision of drug offenders to be applied to participants in the Adult Drug Court Program
- 4139. Specifying the conditions where and by whom it is unlawful to possess a firearm at school-sponsored functions
- 4160. Establishing an alternative methodology for pretrial release of persons charged with crimes
- 4177. Prohibiting smoking of tobacco products in a motor vehicle while an individual sixteen years of age or less is present
- 4193. Allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance
- 4194. Relating to custody and disposal of seized controlled substances and drugs
- 4195. Clarifying the offense of burglary, and adding provisions for the criminal trespassing of a dwelling
- 4196. Including possession of known stolen property in the offense of receiving or transferring stolen property
- 4211. Increasing penalties for public school employees that embezzle public funds
- 4212. Relating to intentional killing based on status as law- enforcement officer
- 4217. Permitting an attending physician to obtain a patient’s autopsy report
- 4252. Authorizing the prosecuting attorney to issue a subpoena duces tecum for certain documents
- 4254. Placing a seven-day supply limitation on the amount of Schedule II drugs which can be lawfully prescribed
- 4264. Repealing a section of the code relating to the penalty for performing an abortion
- 4281. Prohibiting civil rights violations based on gender identity, or sexual orientation
- 4282. Changing the Unborn Victims of Violence Act to the Unborn Victims of Abuse Act

- 4293. Prohibiting the use of anabolic steroids and certain Class I drugs on racing dogs
- 4309. Restricting the sale and trade of dextromethorphan
- 4310. Mandating cognitive behavioral therapy for those who have violated the law for computer sex crimes
- 4338. Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety
- 4347. Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund
- 4353. Establishing a fee for the expungement of certain criminal convictions
- 4359. Relating to the removal of animals left unattended in motor vehicles
- 4370. Requiring the West Virginia Supreme Court of Appeals to maintain a searchable, criminal database
- 4372. Requiring the Board of Pharmacy to make appropriate referrals of reports of suspicious orders of controlled substances
- 4375. Relating generally to benefits provided by the Department of Health and Human Resources
- 4393. Increasing penalty for wearing a mask while committing a crime
- 4419. Relating to securing the borders against persons who may be in the country unlawfully
- 4425. Relating to crimes involving acts of violence
- 4451. Creating the West Virginia Sentencing Commission
- 4455. Relating to animal abuse
- 4501. Allowing victims of certain crimes to get a restraining order prohibiting convicted persons from contacting or living in proximity to the victim
- 4502. Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception
- 4507. Relating to prostituting a child by a parent, guardian, custodian or other person in a position of trust
- 4511. Modifying bail requirements
- 4514. Making it a felony to knowingly house drug traffickers
- 4523. Relating to pecuniary interest of county and district officers, teachers and school officials in contracts
- 4533. Making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property
- 4582. Relating to possession of a deadly weapon on a school bus or education grounds
- 4584. Prohibiting retailers from selling or leasing products that make content accessible on the Internet

- 4600. Authorizing employed investigators of the Board of Medicine, the Board of Osteopathy and the Board of Pharmacy to carry concealed handguns
- 4615. Relating generally to forfeiture of contraband
- 4618. Relating to the authority of the Division of Protective Services

### **CRIMES**

- 2013. Relating to replacing the present crime of burglary with the crime of home invasion
- 2024. Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated
- 2140. Modifying the definition of child abuse or neglect to exclude accidental injury

### **DISABILITIES**

- 2179. Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder
- 2189. Exempting disabled veterans from campground rental fees during certain times
- 2197. Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability
- 2217. Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled

### **DOMESTIC RELATIONS**

- 2089. Establishing a bill of rights for foster parents
- 2528. Requiring the amount of child support to be paid is effective from the date the petition for the modification was filed
- 2547. Relating to grandparent's rights
- 2855. Relating to care, custody and visitation of pets involved in separation and divorce proceedings
- 4010. Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs
- 4333. Relating to adoption records
- 4459. Permitting parents to petition the court for visitation on Mother's Day and Father's Day
- 4546. Relating to where an application for a marriage license may be made
- 4569. Creating a statutory right to petition circuit and family courts for sibling visitation
- 4589. Authorizing magistrates to order emergency removal of child when parent's drug use creates unsafe environment
- 4590. Nullifying certain adoption orders

**DRUGS AND DRUG PARAPHERNALIA**

2130. Relating to drug testing of legislators

**ECONOMIC DEVELOPMENT**

2615. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
2727. Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license
2843. Permitting Class III municipalities to be included in the West Virginia Tax Increment Act
2921. Establishing a website clearinghouse for sharing information about potential sources of revenue, financial, technical and legal assistance for government agencies
2958. Relating generally to development of infrastructure in the state
3086. Relating to the West Virginia Economic Development Authority
3087. Economic and Community Development Task Force
4154. Establishing the 2018 Regulatory Reform Act
4296. Establishing the Southern West Virginia Lake Development Study Commission
4431. Establishing the Mountaineer Trail Network Recreation Authority
4447. Providing for a uniform and efficient system of broadband conduit installation
4488. Relating to the Hatfield-McCoy Recreation Authority
4495. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
4518. Establishing the Southern West Virginia Lake Development Study Commission
4544. Creating a matching program for the small business innovation and research program and the small business technology transfer program
4558. Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office

**EDUCATION**

2014. Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent
2073. Making available elective courses on the history of the old and new testaments of the bible
2093. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax
2172. Providing that school nutrition plans include take home meals for low income students
2194. Reducing personnel employed by the West Virginia Department of Education

- 2309. Discontinuing the use of common core standards and assessments in the state
- 2334. Relating to school curricular standards and assessments
- 2378. Providing school days to register and transport students to vote
- 2429. Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school

**EDUCATION (AND RELATED SUBHEADINGS)**

- 2050. Allowing state employees to take paid leave to attend parent-teacher conference for their children
- 2166. Requiring county boards of education to employ a certified library media specialist in each county school
- 2185. Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction

**EDUCATION — RETIREMENT**

- 2057. Increasing benefits of retired state personnel and retired teachers
- 2184. Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits

**EDUCATION (AND RELATED SUBHEADINGS)**

- 2046. Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office
- 2104. Requiring that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship
- 2191. Relating to educational benefits for dependents of deceased or disabled veterans
- 2213. Relating to compulsory school attendance

**EDUCATION (HIGHER)**

- 2075. Providing the Auditor with greater oversight of advance allowance accounts
- 2144. Relating to relocation or closure of state higher education institutions
- 2557. Relating to tuition and fees at community and technical colleges
- 2756. Making Promise scholarships available for students pursuing certificates or degrees through an accredited community and technical college
- 2818. Prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing



- 2849. Providing that the compensation level of the Chancellor for Higher Education may be no more than the salary of the Governor
- 2858. Creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state
- 2887. Relating to retirement and separation incentives
- 3001. Abolishing the West Virginia Higher Education Policy Commission
- 3095. Allowing retired teachers to be employed by a higher education institution
- 4037. Expiring the PROMISE Scholarship Program, and establishing the Promise for All Scholarship Program
- 4203. Campus Free Speech Act
- 4251. Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors
- 4277. Allowing individuals who have completed home school to be eligible for the PROMISE scholarship
- 4298. The Campus Self Defense Act
- 4430. Creating a merit-based scholarship program for tuition and fee payments for certain students attending state community and technical college
- 4466. Expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics
- 4594. Permitting public employees the right to collectively bargain

**EDUCATION (K12)**

- 2031. Eliminating requirements that state provide for professional training and development of teachers
- 2123. Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority
- 2142. Providing a salary increase for special education teachers
- 2157. Relating to school calendar
- 2198. Redirecting certain funds of the West Virginia Department of Education
- 2210. Increasing pay to teachers and service personnel
- 2211. Increasing salaries for teachers
- 2214. West Virginia Educational Restoration Act
- 2336. Reducing the number of pupils per school nurses
- 2374. Requiring schools post signs displaying the Childhelp National Child Abuse Hotline
- 2403. Permitting county boards of education to accumulate instructional days and use them when needed
- 2436. Suspending the implementation of the school aid formula until the year 2021
- 2443. Establishing academic standards and assessment methods

- 2524. Improving the focus on school-level continuous improvement processes
- 2543. Preventing the State Board of Education from implementing common core academic standards and assessments
- 2571. Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition
- 2572. Providing for the authorization and oversight of public charter schools
- 2695. Creating a pilot program for expansion of school-based mental health and school-based diversion
- 2742. School Consolidation Task Force
- 2761. Relating to qualifications of paraprofessionals, autism mentors and braille or sign support specialists
- 2787. Creating an additional class of special education classroom aides
- 2795. Clarifying a director of a multicounty vocational technical school is a principal
- 2809. Relating to basic state aid to public education
- 2902. Requiring county school boards to provide adequate mental health and counseling services
- 2926. Relating to the comprehensive statewide student assessment
- 2945. Relating to exemptions from mandated immunizations
- 2974. Relating to public school education in dating violence, domestic abuse and sexual violence prevention
- 2997. Relating generally to applied associate of science degrees that target workforce needs
- 3008. Relating to eliminating county school systems and creating ten school districts
- 3023. Relating to public school education assessment of students for dyslexia and dyscalculia
- 3031. Creating a state program allowing high school students advance to getting a college degree or technical training while in high school
- 3036. Allowing county boards of education to hire retired teachers
- 3061. Encouraging mastery-based education through the Innovation In Schools program
- 3089. Relating to the adoption of instructional resources for use in the public schools
- 4006. Revising the processes through which professional development is delivered for those who provide public education
- 4007. Allowing home-schooled students to participate in secondary school extracurricular activities
- 4008. Education Savings Account Act
- 4183. Relating generally to standardized testing requirements for nonpublic schools
- 4206. Revising pupil to teacher ratio for elementary schools

- 4216. Revising the order in which qualified applicants are considered for service personnel employment by county boards of education
- 4219. Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System
- 4220. Relating generally to grounds for revocation of a teaching certificate
- 4223. Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language
- 4224. Establishing an eight-hour work day for school service personnel
- 4225. Eliminating the written consent requirement for relegating any condition of employment for service personnel
- 4226. Eliminating the competency testing requirement for school service personnel
- 4231. Eliminating the requirement to pay service personnel for at least a full day of work when he or she has worked more than three and one-half hours on any Saturday or Sunday
- 4243. Requiring county boards of education to conduct regular structural inspections of school facilities and structures
- 4248. Permitting vocational education classes for homeschooled and private schooled students
- 4249. Allowing private entities to lease buildings to local school boards in cases of emergency or condemnation
- 4250. Creating a digital learning pilot project
- 4255. Requiring the state board of education to develop an elective course on Vocational Agriculture
- 4259. Providing information to high school students regarding career and technical educational opportunities
- 4352. Assisting county boards of education in converting their maintenance vehicles to compressed natural gas or propane
- 4362. Recognizing outstanding students who are top achievers in scholastic studies
- 4371. Prohibiting school employees from counseling, referring, transporting, or assisting any student to obtain an abortion
- 4398. Specifying the grade point average required for student participation in interscholastic athletics at the high school level
- 4402. Relating to the prevention of sexual abuse of children
- 4407. Relating to eligibility for alternative program teacher certificate
- 4445. Allowing vehicles operated by transportation supervisors employed by county boards of education to use red flashing warning lights
- 4469. Increasing the salaries of public school teachers
- 4478. Authorizing public schools to distribute excess food to students
- 4520. Requiring free feminine hygiene products in grades 6 through 12
- 4528. Relating to transfers and enrollment policies for students in public schools
- 4545. Establishing a pilot program to develop school-based mental and behavioral health services

- 4549. Requiring school counselors in public schools to spend 100 percent of their time on comprehensive school counseling programs
- 4564. Assessing the college-and career-readiness of 11th and 12th grade students
- 4577. Relating to seniority rights and school consolidation
- 4594. Permitting public employees the right to collectively bargain
- 4602. Relating generally to school calendars
- 4614. Relating to education to children and adults housed in correctional facilities and regional jails

### **ELECTED OFFICIALS**

- 2046. Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office
- 2395. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists

### **ELECTIONS**

- 2065. Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections
- 2102. Allowing a group of affiliated voters to become a recognized political party under certain criteria
- 2124. Providing that members of the House of Delegates in districts having more than one delegate be elected from numbered divisions
- 2320. Allowing nonmembers of a political party to request that party's partisan ballot at a primary election
- 2378. Providing school days to register and transport students to vote
- 2597. Campaign Advertising Fairness Act
- 2635. Relating to nonpartisan election of justices of the Supreme Court of Appeals
- 2723. Relating to primary elections for nonpartisan offices including Justices of the Supreme Court, circuit court judges, family court judges, and magistrates
- 3039. Allowing municipalities to cancel elections when only one person is running for each office
- 4164. Providing that members of the House of Delegates in districts having more than one delegate be elected from numbered divisions
- 4174. Designating the placement of nonpartisan judicial offices on the primary election ballot
- 4434. Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement
- 4441. Establishing that a candidate must resign to run for another public office

- 4493. Permitting county commissions to set compensation of election officials
- 4515. Relating to elections of judges
- 4525. Relating to residency requirements for people entitled to vote and people eligible to register to vote
- 4571. Relating to the final day of filing announcements of candidates for a political office
- 4579. Relating generally to financing political campaigns for elections
- 4591. Allowing municipalities to cancel elections when only one person is running

**ENERGY**

- 2076. Establishing the Legislative Oversight Commission on Energy Workers Safety
- 2087. Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling
- 2170. Relating generally to horizontal well control standards
- 2534. Authorizing local units of government to adopt local energy efficiency partnership programs
- 4168. Relating to entry onto private property by natural gas companies
- 4551. Requiring the mineral estate of an unknown owner be sold to the legal surface owner at the fair market value of the mineral interest
- 4604. Providing that proceeds from certain oil and gas wells that are due to persons whose name or address are unknown be kept in a special fund

**ENVIRONMENT**

- 2615. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2931. Authorizing shut-in of oil and gas wells in West Virginia
- 2990. Requiring continuous monitoring of air, noise, dust and particulates
- 3042. Clarifying the intent of gas royalty leases which required not less than 1/8th (12.5%) of the total amount paid to, received by or delivered to the owner
- 4253. Responders Protection Act
- 4414. Requiring billing for the renewal of permit to operate a source of air pollutants 30 days before the permit is set to expire
- 4426. Relating to the Department of Environmental Protection
- 4485. Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities

**ENVIRONMENTAL PROTECTION**

- 2339. Intrastate Coal and Use Act

**ESTATES AND TRUSTS**

- 2432. Barring persons who are convicted of certain criminal offenses from acquiring property from their victims
- 2868. Relating generally to Uniform Unclaimed Property Act
- 4320. Limiting the ability of an agent under a power of attorney to take self-benefiting actions

**ETHICS**

- 2395. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 4424. Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials
- 4473. Relating to use of state funds for advertising to promote a public official or government office
- 4523. Relating to pecuniary interest of county and district officers, teachers and school officials in contracts
- 4548. Relating to the registration of lobbyists

**FINANCE AND ADMINISTRATION**

- 2413. Requiring the comprehensive annual financial report to be published by the end of December
- 2488. Relating to the forfeiture of unencumbered funds in special revenue accounts
- 2489. Requiring a transfer from reappropriated revenue accounts to General Revenue Fund
- 2515. West Virginia Monument and Memorial Protection Act of 2017
- 2556. Requiring the Joint Committee on Government and Finance to prepare a “Coercive Federal Funds Report” on each budget bill
- 2790. Transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture
- 2829. Establishing a toll-free phone line for receipt of comments from the public about state programs and services
- 2936. Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit
- 2964. Budget Stabilization Act of 2017
- 3013. Requiring an inspection or inspections of any building prior to purchase or major renovation by the state
- 4015. Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies
- 4034. Exempting the renewal of certain contracts entered into during a declared state of emergency from purchasing requirements
- 4038. Requiring training conducted on behalf of a state agency to be provided in state-owned facilities

- 4151. Exempting Buildings 6, 7 and 9 of the Capitol Complex from the requirement that food service facilities be operated by West Virginia Division of Vocational Rehabilitation
- 4161. Exempting the State Conservation Committee and the Conservation Agency from the requirements of the Purchasing Division for contracts related to flood recovery
- 4170. Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies
- 4176. Allowing the West Virginia Insurance Commissioner to self-insure state agencies Workers' Compensation programs
- 4190. Relating to the debarment of vendors providing goods and services to the state and its subdivisions
- 4191. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 4200. Relating generally to the state's spending units
- 4229. Relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions
- 4236. Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division
- 4261. Relating generally to procurement by state agencies
- 4301. Requiring all state agencies to develop a plan to evaluate a transition to cloud based data storage
- 4339. Dissolving the Information Services and Communications Division
- 4348. Relating to the powers and duties of the Public Land Corporation
- 4374. Providing a mechanism for the independent evaluation of revenue estimates by West Virginia and Marshall Universities' business colleges
- 4432. Requiring fifty percent of state vehicles use compressed natural gas
- 4458. Citizen and State Accountability Act
- 4504. Prohibiting the awarding of public contracts to vendors and subcontractors indebted to the state or its political subdivisions
- 4513. Relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions
- 4535. Relating to payment by paper warrant

#### **FIRE FIGHTING AND PREVENTION**

- 2048. Providing meetings and conference rights for members of municipal fire departments
- 2160. Providing that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced workers' compensation premiums when not actively engaged in fire fighting
- 2400. Reducing federal adjusted gross income for volunteer fire department and rescue squad members

**FIREARMS**

- 2100. Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation
- 2212. West Virginia Firearms Freedom Act
- 2311. Making all future federal and local statutes, ordinances, laws, orders and rules concerning firearms, firearm accessories, ammunition and their accouterments invalid and unenforceable

**FUEL**

- 2197. Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability
- 2205. Exempting heating oil for residential use from the Motor Fuel Excise Tax

**FUNDS**

- 2025. Providing one-time supplements to all annuitants when they reach the age of seventy
- 2034. Relating to county budget stabilization funds
- 2193. Relating to the West Virginia Future Fund
- 2317. Establishing a retired teachers instant lottery scratch-off game

**GAMING ACTIVITIES**

- 2033. Permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner's property without a license
- 2105. Establishing the state parks instant lottery scratch-off game
- 2204. Removing limitations on advertising and promotional activities by limited video lottery retailers
- 2317. Establishing a retired teachers instant lottery scratch-off game

**GOVERNMENTAL AGENCIES**

- 2175. Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card
- 2395. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists

**GOVERNOR — BILLS REQUESTED BY**

- 4019. Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution
- 4135. Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act



- 4140. Transferring of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund
- 4142. Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment
- 4143. Eliminating the requirement that the Division of Corrections and the Bureau of Public Health purchase commodities produced on institutional farms from the Department of Agriculture
- 4144. Relating to the elimination of film tax credits
- 4145. Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel
- 4146. Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
- 4154. Establishing the 2018 Regulatory Reform Act
- 4157. Eliminating the refundable exemption for road construction contractors
- 4182. Authorizing the Director of the Division of Natural Resources to implement a sound silvicultural management plan for state park lands
- 4188. Creating the Shared Services Section within the Finance Division of the Department of Administration
- 4227. Relating generally to drug control
- 4261. Relating generally to procurement by state agencies
- 4263. Reducing the use of opiates
- 4267. Increasing access to career education and workforce training
- 4376. Expiring funds to the balance of the Department of Health and Human Resources
- 4377. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services
- 4378. Making a supplementary appropriation to the Bureau of Senior Services
- 4379. Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation
- 4380. Making a supplementary appropriation to the Department of Agriculture
- 4381. Making a supplementary appropriation to the Department of Education
- 4382. Supplementing and amending by decreasing and increasing existing appropriations to various agencies
- 4383. Supplementing and amending existing appropriations to the Department of Health and Human Resources, and to the Bureau of Senior Services
- 4384. Making a supplementary appropriation to the Department of Transportation

- 4385. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services
- 4386. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services
- 4387. Supplementing and amending by decreasing existing appropriations and adding new appropriations to the Department of Health and Human Resources, and to the Department of Military Affairs and Public Safety
- 4388. Supplementing and amending by decreasing and increasing existing appropriations to the Higher Education Policy Commission
- 4389. Expiring funds to the Enterprise Resource Planning System Fund

### **HAZARDOUS MATERIALS**

- 2169. Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates
- 2410. Relating to public sewage services

### **HEALTH**

- 2022. Relating to public health
- 2068. Operating and maintaining a fully interoperable statewide network to facilitate public and private use of health care information in the state
- 2082. Prohibiting state funding of abortions
- 2095. Relating to the rule-making authority of local boards of health
- 2165. Relating to out of state physicians and surgeons traveling with sports teams within this state
- 2175. Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card
- 2187. Establishing an advisory council on rare diseases
- 2330. Prohibiting the sale of paraphernalia designed or marketed for use with controlled substances
- 2331. Raising the legal age for purchase of tobacco and tobacco products
- 2523. Eliminating the certificate of need program
- 2614. Prohibiting health care practitioners from knowingly and in bad faith prescribing or administering drugs
- 2633. Requiring state institutions of higher education to conduct Phase 3 clinical research studies for any cancer treatment
- 2695. Creating a pilot program for expansion of school-based mental health and school-based diversion
- 2778. Relating to licensure of behavioral health centers and behavioral health consumer rights
- 2808. The West Virginia Assisted Outpatient Treatment Act

- 2823. Establishing a statewide call-in center to receive assistance with healthcare
- 2826. Eliminating provisions and repealing statutes related to the West Virginia Health Information Network
- 2914. Relating to powers and duties of the Commissioner of Public Health
- 2945. Relating to exemptions from mandated immunizations
- 2951. Assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection
- 2999. Establishing a program for the licensing and regulation of outpatient substance abuse counseling programs
- 3052. Prohibiting state funding of abortions
- 4003. Reducing the use of certain prescription drugs
- 4035. Creating a legislative coalition to study and report to the Legislature on palliative care
- 4043. Requiring national accreditation of local health departments
- 4147. Authorizing the earlier issuance of identification cards to approved medical marijuana consumers and caregivers
- 4148. Allowing medical marijuana to be grown outdoors by licensed growers
- 4149. Authorizing possession and smoking of medical cannabis by approved persons
- 4153. Imposing a health care related provider tax on certain health care organizations
- 4159. Removing certain limitations on medical marijuana grower, processor and dispensary licenses
- 4171. Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present
- 4172. Establishing a crisis line and mobile application for the public to combat the crisis in this state posed by substance abuse
- 4178. Permitting certain portions of certified nurse aide training to be provided through distance learning technologies
- 4179. Transferring milk rules and regulations from Department of Health and Human Resources to Department of Agriculture
- 4199. Permitting a nursing home to use trained individuals to administer medication
- 4215. Relating to the involuntary hospitalization of persons administered opioid antagonists
- 4223. Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language
- 4246. Requiring abortions to be performed by a licensed physician
- 4247. Relating to life-sustaining treatment policies of health care facilities; "Simon's Law"
- 4294. Creating a state-administered wholesale drug importation program

- 4306. Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health
- 4313. Deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers
- 4318. Life at Conception Act of 2018
- 4327. Prohibiting employers from requiring any employee to have or receive an influenza immunization
- 4345. Relating to limitations on permits for growers, processors and dispensaries of medical cannabis
- 4364. Relating to registration period for nurse aide registrants
- 4366. Relating to the approval of additional beds for intermediate care facilities
- 4395. Permitting certain felons to work in licensed behavioral health facilities
- 4435. Youth Mental Health Protection Act
- 4457. Relating to designation of hospitals for stroke treatment
- 4467. Nondiscrimination in Involuntary Denial of Treatment Act
- 4472. West Virginia Addictions Treatment and Recovery Fund
- 4491. Relating to legalizing cannabis production, sales and adult consumption
- 4519. Relating to supplemental Medicaid and Medicare reimbursements for ground emergency medical transportation services
- 4527. Requiring health care insurance policies to provide coverage for services performed by a pharmacist
- 4537. Increasing the tobacco products excise tax
- 4553. Requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors
- 4581. Requiring influenza immunizations for health care workers
- 4583. Relating generally to the disclosure of certain confidential information
- 4603. Providing immunity from civil liability to facilities and employees providing crisis stabilization

#### **HEALTH (AND RELATED SUBHEADINGS)**

- 2665. Requiring a person restraining a mentally ill or mentally challenged person in a "four point restraint" to administer sedation by injection at the time the patient is secured

#### **HEALTH—MENTAL**

- 2665. Requiring a person restraining a mentally ill or mentally challenged person in a "four point restraint" to administer sedation by injection at the time the patient is secured

**HOLIDAYS**

2014. Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent

**HUMAN RIGHTS**

2159. The Healthy and Safe Workplace Act  
2202. Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person  
2623. Prohibiting discrimination based upon age or sexual orientation  
3012. Family Protection Act  
4169. Requiring certain establishments and facilities to post human trafficking assistance notices  
4203. Campus Free Speech Act  
4318. Life at Conception Act of 2018  
4319. Adding “sexual orientation” and “gender identity” to the categories covered by the Human Rights Act  
4415. The Protect Our Right to Unite Act  
4440. Relating to the “Equal Pay Act of 2018”  
4456. Prohibiting confidential settlement terms of a contested case involving sexual harassment, sexual abuse, or sexual assault  
4505. Establishing a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States

**HUMAN SERVICES**

2132. Limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period  
2154. Relating to sanctions for recipients of benefits from the Temporary Assistance for Needy Families Program  
2396. Requiring the circuit court, when appointing counsel for alleged protected persons, to make appointments from a listing of all interested attorneys in the circuit  
2810. Creating a litigation practice license for social workers  
2847. Relating to the state’s Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver  
2885. Relating to designation of social workers in the Department of Health and Human Services  
2890. Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects  
2946. The West Virginia Refugee Absorptive Capacity Act  
3006. Exempting certain contracts between the Department of Health and Human Resources and West Virginia University, Marshall University or the School for Osteopathic Medicine from state purchasing requirements

- 4001. Relating to eligibility and fraud requirements for public assistance
- 4012. Amending the definition of medical services, so as to exclude abortion
- 4014. Relating to reorganization of the West Virginia Department of Health and Human Resources
- 4024. Relating generally to direct cremation or direct burial expenses for indigent persons
- 4046. Relating to drug screening of applicants for cash assistance
- 4234. Creating the “West Virginia Winner” program
- 4241. Transitioning foster children into managed care
- 4279. Relating to adult protective services system
- 4390. Relating to provisionally licensed social workers with the Department of Health and Human Resources
- 4391. Implementing work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP)
- 4392. Relating to Medicaid subrogation liens of the Department of Health and Human Resources
- 4395. Permitting certain felons to work in licensed behavioral health facilities
- 4417. Relating to investigations conducted by the Department of Health and Human Resources to prevent fraud and abuse
- 4453. Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review
- 4463. Adding applicants for child care and foster care to background checks under the West Virginia Clearance for Access: Registry and Employment Screening Act
- 4476. Permitting persons who voluntarily enroll in a drug rehabilitation program to be included in an existing pilot program
- 4509. Relating to the establishment of substance abuse treatment facilities
- 4519. Relating to supplemental Medicaid and Medicare reimbursements for ground emergency medical transportation services
- 4596. Relating to terminating parental rights if an infant has tested positive for a Schedule I drug
- 4611. The Ryan Brown Addiction Prevention and Recovery Fund Act

### **INFRASTRUCTURE**

- 2067. Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom

### **INSURANCE**

- 2361. Relating to the surcharge on fire and casualty insurance policies

- 2517. Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage
- 2863. Prohibiting use of a person's credit history in certain insurance transactions
- 2868. Relating generally to Uniform Unclaimed Property Act
- 2871. Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency
- 2942. Prohibiting insurers from cancelling or failing to renew insurance policies do to the mere filing of a claim that was later denied
- 2944. Requiring the Insurance Commissioner to regulate professional bondsmen
- 2957. Relating to labor; employer's bond for wages
- 3021. Relating to insurance coverage for breast cancer screening
- 4021. Creating "Right to Shop" a process which permits a person to search for highest value health care
- 4175. Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment
- 4186. Relating generally to guaranteed asset protection waivers
- 4222. Requiring the owners of motorboats to carry liability insurance, regardless of the horsepower or length of the motorboat
- 4230. Relating to credit for reinsurance
- 4239. Relating to regulating prior authorizations
- 4266. Eliminating taxation on annuity considerations collected and received by a life insurer
- 4287. Relating to pharmacy benefit managers
- 4328. Requiring health insurance providers to provide coverage for long-term antibiotic therapy for a patient with Lyme Disease
- 4342. Relating to commercial insurance rates
- 4346. Repealing the Public Employees Insurance Agency Finance Board
- 4365. Fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee
- 4400. Relating to the West Virginia Physicians Mutual Insurance Company
- 4454. Relating to the assignment of certain benefits in dental care insurance coverage
- 4468. Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015
- 4479. Relating to the West Virginia Life And Health Insurance Guaranty Association Act
- 4492. Relating to the renewal of automobile insurance policies
- 4499. Relating to rate filings for personal lines of insurance
- 4521. Mountain State Employee Compensation Realignment Act
- 4576. Relating to insurance unfair trade practices

**INSURANCE — HEALTH**

- 2016. Providing state health care services for all active and inactive duty military personnel
- 2020. Freezing PEIA employee premiums for three years
- 2051. Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act
- 2072. Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children’s Health Insurance Program
- 2176. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance
- 2192. Adding pharmacist and pharmacy to the definition of “health care provider” as used in the Medical Professional Liability Act

**INSURANCE — MOTOR VEHICLES**

- 2176. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance

**INSURANCE (AND RELATED SUBHEADINGS)**

- 2045. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers
- 2058. Prohibiting the use of a credit score in casualty insurance rate filings

**INVESTMENTS**

- 2385. Reallocating and dedicating up to \$30 million to the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin

**JUVENILES**

- 2101. Relating to the juvenile justice reform oversight committee
- 2352. Relating to the criminal offense of desecration of graves and vandalizing cemeteries
- 2593. Relating to the placement of juvenile status offenders
- 2632. Allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license
- 2655. Defining and establishing the crime of cyberbullying
- 2695. Creating a pilot program for expansion of school-based mental health and school-based diversion
- 2743. Requiring the release of an unemancipated minor’s medical records for drug testing
- 4435. Youth Mental Health Protection Act



- 4507. Relating to prostituting a child by a parent, guardian, custodian or other person in a position of trust
- 4569. Creating a statutory right to petition circuit and family courts for sibling visitation

**LABOR**

- 2045. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers
- 2145. Repealing provision prohibiting employers from discriminating for use of tobacco products
- 2171. Permitting contractors to perform work on a construction project without having a contractor's license under certain circumstances
- 2355. Repealing the West Virginia Workplace Freedom Act and restoring prior law
- 2372. Reestablishing prevailing wages for certain state government contracts
- 2435. Relating to the disqualification of an employee for unemployment benefits
- 2575. Relating to disqualification for unemployment benefits
- 2625. Returning Veterans and Displaced Miners Jobs Act
- 2659. Reestablishing prevailing wages for certain state government contracts
- 2666. Providing for security of private, employer-sponsored insurance and/or retirement plans
- 2698. Providing certain notice to civil service exempt employees dismissed from employment due to change in administration
- 2772. Requiring welders working in the State of West Virginia to meet certain certification requirements
- 2895. Restoring employees' rights associated with agreeing to be represented by a labor organization
- 3082. Establishing a different amount of annual leave for state employees
- 4165. Prohibiting employers from requiring microchips or electronic devices being implanted
- 4228. Requiring available materials, supplies, equipment and other items purchased by the state and its agencies to be made in the United States
- 4308. Removing the requirement for contractors to file payroll information on public improvement construction projects
- 4327. Prohibiting employers from requiring any employee to have or receive an influenza immunization
- 4350. Eliminating the regulation of upholstery
- 4368. Relating to voluntary assignments of wages by state employees who have been overpaid
- 4369. Making the Division of Corrections and the Division of Health subject to the Occupational Safety and Health Act

- 4401. Relating to the registration of business
- 4423. Local Government Labor and Consumer Marketing Regulatory Limitation Act
- 4428. Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification
- 4436. Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department
- 4562. Relating to the definition of an "employee" for purposes of payment of minimum wages, maximum hours, and overtime compensation
- 4567. Ban-the-Box Act
- 4586. Relating to verification of eligibility for employment
- 4594. Permitting public employees the right to collectively bargain

#### **LAW ENFORCEMENT**

- 2098. Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test
- 2128. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement
- 2129. Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs
- 2155. Relating to career progression of members of the State Police

#### **LAW ENFORCEMENT — STATE POLICE**

- 2149. Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service
- 2316. Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers
- 2407. Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers

#### **LAW ENFORCEMENT (AND RELATED SUBHEADINGS)**

- 2463. Forfeiture Reporting Act

#### **LEGAL GAMING**

- 2611. Allowing a person to be both a limited video lottery operator and retailer
- 2751. Legalizing sport pool betting
- 2872. Relating to changes in distribution of net terminal income, excess net terminal income and excess lottery fund
- 2927. Transferring certain revenues derived from racetrack video lottery and racetrack table games

- 2943. Authorizing the Lottery Commission to introduce games whose winning tickets are determined by the outcome of a licensed horse race
- 2955. Relating to advance deposit wagering
- 2982. Relating to allowing draw games winners to remain anonymous
- 3067. Legalizing interactive gaming
- 4292. Discontinuing the West Virginia Greyhound Breeding Development Fund
- 4293. Prohibiting the use of anabolic steroids and certain Class I drugs on racing dogs
- 4303. Relating generally to limited video lottery
- 4396. Permitting wagering on the results of certain professional or collegiate sports or athletic events
- 4408. Relating generally to limited video lottery
- 4409. Removing restrictions on where certain traditional lottery games may be played
- 4410. Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids
- 4412. Permitting wagering on the results of certain professional or collegiate sports or athletic events and other events
- 4421. Repealing the section of code relating to individual gaming restrictions
- 4484. Discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund
- 4552. Relating to the definition of a raffle
- 4601. Changing the licensing requirement for certain casino employees
- 4606. Relating to qualifications for a limited video lottery operator's license
- 4613. Providing funds from the State Excess Lottery Revenue Fund to the Ron Yost Personal Assistance Services Fund

## **LEGISLATURE**

- 2114. Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America
- 2156. Relating to certain members of the Legislature and certain service by members of the Legislature
- 2395. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2568. Making the Holy Bible the official state book of West Virginia
- 2981. Limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session
- 3051. Appropriation Supremacy Act of 2017

- 4002. Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020
- 4032. Withholding pay of a legislator who misses an entire floor session
- 4192. Prohibiting lobbying by certified candidates for a seat in the West Virginia Legislature
- 4397. Limiting pay of members of the Legislature when a budget bill has not been passed
- 4433. Declaring certain claims against an agency of the state to be moral obligations of the state

### **LIBRARIES**

- 2166. Requiring county boards of education to employ a certified library media specialist in each county school
- 2332. Requiring the Library Commission to survey the libraries of the state and develop a ten year plan for construction and maintenance of public libraries

### **LICENSES**

- 2066. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents

### **LOCAL AND SPECIAL LAWS**

- 4433. Declaring certain claims against an agency of the state to be moral obligations of the state
- 4610. Authorizing the city of White Sulphur Springs, Greenbrier County, West Virginia, to expend both principal and interest from a special interest-bearing fund

### **MAGISTRATES**

- 2916. Authorizing certain first responders to carry firearms
- 4198. Adding one to the number of magistrates serving Monongalia County

### **MILITARY AFFAIRS**

- 2016. Providing state health care services for all active and inactive duty military personnel
- 2063. Extending the expiration of driver's licenses for active military members' spouses
- 2100. Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation
- 2112. Exempting all monetary benefits derived from military retirement from personal income tax obligations
- 2173. Providing benefits for those who have served in the military service

- 2177. Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license
- 2189. Exempting disabled veterans from campground rental fees during certain times
- 2191. Relating to educational benefits for dependents of deceased or disabled veterans
- 2377. Requiring an official declaration of war or an action to call forth the West Virginia National Guard by the United States Congress

#### **MILITARY AND VETERANS**

- 2137. Making it a misdemeanor for a person to impersonate a veteran
- 2305. Relating to the issuance, expiration and renewal of driver's license
- 2441. Permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license
- 2531. Allowing military personnel and reservists the additional five-year period to enter upon or recover land already allowed to infants and the insane
- 2822. Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter
- 2889. Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer
- 3054. Relating to a five percent bid preference on certain state contracts for businesses owned fifty-one percent by honorably discharged resident veterans
- 4201. Permitting vehicles displaying disabled veterans special registration plates to park where persons with mobility impairments may park
- 4262. Exempting retirement income of members of certain uniformed services from state income tax
- 4361. Bestowing the West Augusta Award upon each West Virginian graduating from U. S. Military Academies with the highest grade point average
- 4497. Exempting spouses of active military personnel from fees associated with occupational or professional licensing
- 4566. Relating to property exempt from taxation for military and veterans who have been honorably discharged

#### **MINES AND MINERALS**

- 2076. Establishing the Legislative Oversight Commission on Energy Workers Safety
- 2339. Intrastate Coal and Use Act

**MISCELLANEOUS**

2321. Requiring private clubs to be closed from two o'clock a.m. to seven o'clock a.m. on weekdays

**MOTOR VEHICLES**

2008. Relating to the Dealer Recovery Program
2026. Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage
2043. Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle
2061. Relating to inspection of vehicles and providing that defects in windshields and windows that do not obscure vision are not unsafe conditions
2078. Making special registration plates for volunteer fire fighters
2098. Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test
2162. Exempting motor vehicles from personal property tax
2305. Relating to the issuance, expiration and renewal of driver's license
2328. Exempting Class X vehicles from the tax provisions of this section
2363. Requiring that a state employee with a commercial driver's license have a current medical evaluation certification
2386. Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee
2493. Granting a veteran with a hundred percent service-connected disability a \$10,000 exemption from the assessed value for one vehicle
2514. Creating a special motor vehicle collector license plate
2612. Repealing section relating to unattended motor vehicles and penalties
2626. Extending the expiration of driver's licenses for active military members' spouses
2802. Permitting inspectors working within the Division of Dealer Services of the Division of Motor Vehicles to carry a concealed weapon on duty
2831. Relating to the reconstitution of the Driver's Licensing Advisory Board
2836. Allowing the owner of an antique military vehicle to display alternate registration insignia
2867. Increasing penalties for failure to use due caution when approaching an emergency vehicle
3015. Requiring all commercial and professional drivers be fingerprinted and undergo a background check
3033. Relating to the procedures for driver's license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs

- 3081. Conducting a study to determine the amount of revenue to be derived from instituting tolls on I-70 and I-81
- 4031. Requiring the Division of Motor Vehicles to make available an electronic proof of motor vehicle registration
- 4184. Amending a current legislative rule relating to the road skills examination by removing the reference to parallel parking
- 4191. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 4201. Permitting vehicles displaying disabled veterans special registration plates to park where persons with mobility impairments may park
- 4240. Relating to expungement of the records associated with driving under the influence
- 4291. Exempting from certain contract and common carrier laws motor vehicles used exclusively in the transportation of railroad personnel
- 4323. Relating to non-renewal of any certificate, license, registration, to any person who is delinquent in the payment of state or local taxes
- 4405. Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park
- 4487. Providing a special license plate for pollinators
- 4494. Authorizing certain motor vehicle manufacturers to operate as new car dealers
- 4553. Requiring applicants for new and renewed drivers' licenses to be asked if they desire to be organ donors
- 4560. Including a line item on all personal income tax returns giving taxpayers the option to donate to veterans
- 4593. Establishing motor vehicle registration plates for official vehicles of emergency management agencies
- 4617. Clarifying where a charge of DUI may be brought against an individual

#### **MOTOR VEHICLES (AND RELATED SUBHEADINGS)**

- 2185. Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction

#### **MOTOR VEHICLES — LICENSES, REGISTRATION & INSPECTION**

- 2063. Extending the expiration of driver's licenses for active military members' spouses

#### **MUNICIPALITIES**

- 2048. Providing meetings and conference rights for members of municipal fire departments
- 2064. Defining the term minor boundary adjustment
- 2095. Relating to the rule-making authority of local boards of health

- 2168. Prohibiting counties and municipalities from adopting ordinances or regulations that base restrictions on the breed of a dog
- 2208. Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan
- 2209. Limiting the authority of municipalities to regulate the purchasing, possessing, transferring, owning, carrying, transporting, selling and storing of knives
- 2356. Relating to the approval of the Historic Landmarks Commission
- 2357. Relating to the power of local government authorities to regulate vehicular traffic within their borders
- 2537. Relating to disability pensions of municipal employees
- 2716. Imposing an indefinite moratorium on new business and occupancy or privilege taxes
- 2745. Adding the examination of Advanced Care Technician
- 2754. Relating to fire fees on nonresidents of a municipality
- 2843. Permitting Class III municipalities to be included in the West Virginia Tax Increment Act
- 2985. Relating to taxes on beer and nonintoxicating beer
- 3039. Allowing municipalities to cancel elections when only one person is running for each office
- 4158. Relating to municipal home rule
- 4289. Relating to disability pensions of municipal employees
- 4355. Relating generally to the jurisdiction of the Public Service Commission
- 4420. Terminating the Municipal Home Rule Pilot Program
- 4423. Local Government Labor and Consumer Marketing Regulatory Limitation Act
- 4495. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
- 4498. Relating to charges for municipal services
- 4508. Requiring contractors to provide for the safety of the public during construction projects
- 4526. Requiring any newly appointed chief executive of a municipal law-enforcement agency to be a certified law-enforcement officer
- 4529. Relating to oath by municipal official certifying list of delinquent business and occupation taxes
- 4554. Prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures
- 4595. Providing local government the authority to place video cameras at road intersections
- 4616. Requiring a majority of affected persons to a minor boundary adjustment annexation to approve of the annexation

#### **NATURAL RESOURCES**

- 2042. Relating to pension benefits exempt from state income taxation



- 2047. Increasing compensation for conservation officers
- 2066. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents
- 2128. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement
- 2131. Prohibiting the state from requiring persons with oil or gas rights connected to deep oil or gas wells to involuntarily integrate their interests
- 2158. Prohibiting drilling units from being established without consent of all owners
- 2362. Relating to the beginning and expiration of hunting and fishing licenses
- 2406. Providing an increase in compensation for natural resources police officers
- 2441. Permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license
- 2511. Establishing an industrial water extraction fee
- 2512. Streamlining the process of abandoned mineral interests
- 2632. Allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license
- 2661. Permitting recreational gold mining
- 2662. Prohibiting the waste of game animals, game birds or game fish
- 2693. Relating to state ownership of wildlife
- 2696. Relating to crossbow hunting
- 2697. Establishing regional recreation authorities and areas
- 2699. Making information about Division of Natural Resources licensees exempt from the provisions of the Freedom of Information Act
- 2708. Relating to a lawful method for a developmentally disabled person to purchase a base hunting license
- 2777. Requiring all unclaimed oil and gas royalties due a leaseholder of the mineral estate shall be transferred and paid to the legal surface owner
- 2909. Abolishing the office environmental advocate within the Department of Environmental Protection
- 4162. Granting authority to the State Conservation Committee to contract for flood response
- 4180. Relating to wildlife resources
- 4185. Awarding service weapons to special natural resources police officers upon retirement
- 4214. Increasing penalties for unlawfully possessing or digging ginseng
- 4235. Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses

- 4268. Co-tenancy Modernization and Majority Protection Act
- 4270. Providing for the timely payment of moneys owed from oil and natural gas production
- 4274. Relating to the operation of motorboats
- 4278. Exempting volunteer firefighters from fees for hunting, fishing and trapping licenses and permits
- 4286. Repealing a section of the code related to wind power projects
- 4312. Requiring purchasers of roundwood to collect and maintain certain information
- 4326. Exempting veterans from obtaining a certificate of training in handling a firearm
- 4337. Establishing the West Virginia Division of Natural Resources Police Officer Retirement System
- 4340. Relating to the powers and duties of the Office of Coalfield Community Development
- 4354. Reallocating and dedicating the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin
- 4356. Relating to an oil and gas royalty arms-length transaction
- 4394. Relating to forest fires
- 4404. Requiring that five percent of the permits to hunt elk be issued to West Virginia residents who are honorably discharged veterans
- 4431. Establishing the Mountaineer Trail Network Recreation Authority
- 4490. Relating to oil and gas permits not to be on flat well royalty leases
- 4530. West Virginia Natural Resources Permanent Fund
- 4556. Establishing the West Virginia Division of Natural Resources Police Officer Retirement System
- 4574. Relating to development of interests in natural gas and oil
- 4607. Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails

#### **OIL AND GAS**

- 2076. Establishing the Legislative Oversight Commission on Energy Workers Safety
- 2205. Exempting heating oil for residential use from the Motor Fuel Excise Tax
- 2385. Reallocating and dedicating up to \$30 million to the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin
- 2510. Permitting certain surface owners to purchase gas at market rates

#### **PARKS AND RECREATION**

- 2059. Providing a ten percent discount to residents at state parks and forests

- 2066. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents
- 2105. Establishing the state parks instant lottery scratch-off game

### **PROFESSIONS AND OCCUPATIONS**

- 2103. Making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing Act
- 2108. Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses
- 2111. Exempting certified professional estimator services from consumer sales and service tax
- 2192. Adding pharmacist and pharmacy to the definition of “health care provider” as used in the Medical Professional Liability Act
- 2302. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2418. Prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat
- 2423. Relating to the criminal offense of therapeutic deception
- 2772. Requiring welders working in the State of West Virginia to meet certain certification requirements
- 2892. Removing requirement that persons who pass the bar in West Virginia be members of the West Virginia State Bar in order to practice
- 2995. Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia
- 2999. Establishing a program for the licensing and regulation of outpatient substance abuse counseling programs
- 3075. Licensing the practice of athletic training
- 4317. West Virginia Contractor Licensing Act
- 4329. Requiring pawnbrokers to providing certain information to law-enforcement agencies
- 4373. Providing long-term care and substance abuse treatment
- 4413. Permitting a physician assistant to practice independent of a collaborating physician
- 4461. Limiting the use of records of criminal conviction to disqualify a person from receiving a license or other authorization to practice an occupation
- 4465. Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy
- 4483. Relating to generic drug products
- 4497. Exempting spouses of active military personnel from fees associated with occupational or professional licensing

- 4508. Requiring contractors to provide for the safety of the public during construction projects
- 4524. Establishing guidelines for the substitution of certain biological pharmaceuticals
- 4526. Requiring any newly appointed chief executive of a municipal law-enforcement agency to be a certified law-enforcement officer
- 4527. Requiring health care insurance policies to provide coverage for services performed by a pharmacist
- 4532. Relating to a prime contractor's responsibility for wages and benefits
- 4534. Relating to the executive secretary of the Health Professional Licensing Boards
- 4547. Recognition of Emergency Medical Services Personnel Licensure Interstate Compact
- 4550. Providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists
- 4609. Relating to advertising by physicians and podiatrists

#### **PUBLIC EMPLOYEES**

- 2015. Establishing seniority rights for public employees
- 2050. Allowing state employees to take paid leave to attend parent-teacher conference for their children
- 2051. Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act
- 2055. Including volunteer firefighters within the Public Employees Insurance Act
- 2074. Establishing seniority rights for public employees
- 2080. Increasing the amount of annual and incremental salary increases for eligible state employees
- 2110. Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System
- 2174. Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase
- 2181. Creating an additional magistrate court deputy clerk position for Marion County
- 2194. Reducing personnel employed by the West Virginia Department of Education
- 2462. Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind
- 2947. Relating to salary increase for Regional Jail Authority employees

**PUBLIC SAFETY**

- 2121. West Virginia Residential Furniture and Children's Products Flame Retardants Act
- 2135. Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet
- 2138. Right to keep and bear arms
- 2150. Relating to the hunting of coyotes
- 2599. Relating to safety of tow trucks, wreckers, and tilt-bed vehicles
- 2712. Permitting persons who have been issued state licenses to carry concealed deadly weapons to carry those weapons on the grounds of the State Capitol Complex
- 2713. Permitting the carrying of concealed weapons on the campus of a state institution of higher education
- 2714. Permitting a firearm or other deadly weapon on or in a private primary or secondary education building, structure or facility
- 2780. Clarifying existing language for those first responders who die as a direct result of their duties
- 2915. Relating to registration requirements of the sex offender registration act
- 2965. Relating to Capitol Complex security access
- 2992. Relating to civil asset forfeiture
- 4033. Authorizing the Division of Homeland Security and Emergency Management to contract with or employ individuals for emergency response
- 4136. Relating to the age requirements of persons for the position of deputy sheriff
- 4138. Requiring certain public or private schools and daycare centers to install carbon monoxide detectors
- 4187. Business Liability Protection Act
- 4194. Relating to custody and disposal of seized controlled substances and drugs
- 4253. Responders Protection Act
- 4275. Relating to the law-enforcement authority of the director and officers of the division of protective services
- 4299. Providing a \$2,000 salary increase to West Virginia State Troopers
- 4324. Relating to the employment of individuals by municipal paid fire departments under civil service
- 4338. Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety
- 4419. Relating to securing the borders against persons who may be in the country unlawfully
- 4462. Allowing off duty members and officers of the department of public safety to guard private property

- 4519. Relating to supplemental Medicaid and Medicare reimbursements for ground emergency medical transportation services
- 4528. Relating to transfers and enrollment policies for students in public schools
- 4555. Refugee Information Act
- 4572. Increasing frequency of the State Police updating the state sex offender registry
- 4593. Establishing motor vehicle registration plates for official vehicles of emergency management agencies
- 4594. Permitting public employees the right to collectively bargain
- 4603. Providing immunity from civil liability to facilities and employees providing crisis stabilization
- 4607. Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails

#### **PUBLIC SERVICE COMMISSION**

- 2141. Expanding the authority of motor carrier inspectors
- 2786. Authorizing the Public Service Commission to regulate the billing practices of utilities and other entities that utilize wired or wireless transmission
- 2975. Authorizing the change of charging 911 fees to land line telephone bills to being charged to electric bills
- 4150. Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient
- 4197. Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation
- 4355. Relating generally to the jurisdiction of the Public Service Commission
- 4427. Requiring federal fingerprint background checks for transportation network company drivers and taxi drivers
- 4482. Relating to net metering
- 4542. Allowing public service districts to accept payment by credit card
- 4612. Prohibiting public utilities from prohibiting customers from constructing, installing, or maintaining a connection or other infrastructure

#### **REAL AND PERSONAL PROPERTY**

- 2365. Relating to outdoor advertising regulated by the Commissioner of Highways
- 2371. Relating to consumer protection of new manufactured home warranties
- 2755. Requiring a seller of real property satisfy upon closing any unpaid charges owed
- 2932. Providing owner of conservation easement be given the right of first refusal

- 2992. Relating to civil asset forfeiture
- 3011. Changing the determination of just compensation to be paid to the landowner when eminent domain is used for a pipeline
- 4187. Business Liability Protection Act
- 4237. Uniform Partition of Heirs Property Act
- 4269. Uniform Partition of Heirs Property Act
- 4311. Making all work product by State Government to be in the public domain and not subject to copyright protection
- 4335. Requiring that lien releases filed with county clerk's office include the Deed of Trust Book and page numbers
- 4418. Relating to the Consumer Credit and Protection Act
- 4495. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
- 4551. Requiring the mineral estate of an unknown owner be sold to the legal surface owner at the fair market value of the mineral interest
- 4604. Providing that proceeds from certain oil and gas wells that are due to persons whose name or address are unknown be kept in a special fund

#### **REAL PROPERTY**

- 2162. Exempting motor vehicles from personal property tax
- 2414. Allowing quarterly payment of real and personal property taxes

#### **RECORDS AND PAPERS**

- 2146. Allowing a home improvement transaction to be performed under an oral contract
- 2215. Issuing identification documents to homeless individuals residing at homeless shelters
- 2982. Relating to allowing draw games winners to remain anonymous
- 3014. Prohibiting a person appointed agent under a power of attorney from exerting undue influence over the principal
- 4207. Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement
- 4221. Requiring the Tax Commissioner to maintain a centralized computerized information system
- 4305. Authorizing the West Virginia Ethics Commission to sanction persons who have violated the Freedom of Information Act

#### **RELIGIOUS ORGANIZATIONS**

- 2104. Requiring that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship

**RETIREMENT**

- 2012. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income
- 2110. Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System
- 2112. Exempting all monetary benefits derived from military retirement from personal income tax obligations
- 2174. Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase
- 2370. Restoring the ability of new hires to use accrued annual and sick leave for retirement service credit
- 2592. Annual retirement annuity adjustment West Virginia State Police Retirement System
- 2600. Relating to the Municipal Police and Fire Retirement System
- 2604. Relating to employee information reported to the Consolidated Public Retirement Board
- 2641. Relating to pension benefits exempt from state income taxation
- 2649. Adding violations of law upon which a public servant's retirement plan may be forfeited
- 2780. Clarifying existing language for those first responders who die as a direct result of their duties
- 2817. Providing for the reduction of the unfunded liability in the teachers retirement system over a 30 year period
- 2824. Exempting State Teachers Retirement System pension benefits from West Virginia personal income taxation
- 2887. Relating to retirement and separation incentives
- 3036. Allowing county boards of education to hire retired teachers
- 4152. Relating to the treatment of overtime hours under the Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System and the Emergency Medical Services Retirement System
- 4289. Relating to disability pensions of municipal employees
- 4290. Requiring certain funds of a policeman's or a firemen's pension and relief fund be invested with the West Virginia Investment Management Board
- 4325. Adding an annual annuity adjustment of one percent for eligible retirants or surviving spouses
- 4448. Permitting teachers to retire after 25 years of contributing service regardless of age
- 4464. Extending the time that teachers may pay into the State Teachers Retirement System
- 4516. Relating to the accrued benefit of retirees in the Deputy Sheriff Retirement System



- 4539. Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses
- 4570. Relating to a one percent supplement to retirement benefits for certain retirees and beneficiaries
- 4573. Adding violations of law upon which a public servant's retirement plan may be forfeited

**RETIREMENT — EDUCATION PERSONNEL**

- 2057. Increasing benefits of retired state personnel and retired teachers
- 2184. Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits

**RETIREMENT — PUBLIC EMPLOYEES**

- 2042. Relating to pension benefits exempt from state income taxation
- 2057. Increasing benefits of retired state personnel and retired teachers
- 2125. Reinstating service credit to certain members of the Public Employees Retirement System

**RETIREMENT (AND RELATED SUBHEADINGS)**

- 2042. Relating to pension benefits exempt from state income taxation
- 2156. Relating to certain members of the Legislature and certain service by members of the Legislature
- 2317. Establishing a retired teachers instant lottery scratch-off game

**ROADS AND HIGHWAYS**

- 2185. Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction

**ROADS AND TRANSPORTATION**

- 2027. Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways
- 2043. Placing penalty points on driver's licenses for using electronic communications devices while operating a motor vehicle
- 2161. Relating to purchasing requirements for the Division of Highways
- 2324. Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers
- 2340. Relating to performance metrics for the West Virginia Division of Highways
- 2353. Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts
- 2354. Requiring the Commissioner of Highways to develop a statewide communications plan known as the Comprehensive Public Involvement Plan

- 2365. Relating to outdoor advertising regulated by the Commissioner of Highways
- 2391. Establishing an arborists program for inmates
- 2567. Relating to failure to maintain state and public roads
- 2608. Requiring the Commissioner of Highways to contract with private providers or contractors for certain emergency maintenance operations
- 2694. Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas
- 2923. Requiring the Commissioner of Highways to verify legal employment status of contractors and vendor's employees for certain road and bridge contracts
- 2924. Relating to installation of conduit for fiber optic cable on state highway construction projects
- 2977. Pothole app and map
- 2983. Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress
- 2991. Requiring the Commissioner of Highways to develop a state hotline for travelers to identify road hazards
- 3007. Requiring paving contracts for state highways to have special requirements to prevent potholes
- 3081. Conducting a study to determine the amount of revenue to be derived from instituting tolls on I-70 and I-81
- 4030. Requiring recycling of metal if cost effective
- 4042. Redefining school zone to facilitate placement of school zone signs
- 4283. Relating to construction of a modern highway from eastern Kentucky to Beckley, West Virginia
- 4437. Relating to collecting rents and royalties from leases of public lands
- 4504. Prohibiting the awarding of public contracts to vendors and subcontractors indebted to the state or its political subdivisions
- 4512. Relating to the State Road Construction Account
- 4559. Modernizing rental car interactions

#### **RULE MAKING AUTHORITY**

- 4011. Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed

#### **RULES**

- 2011. Prohibiting state agencies and departments from acting outside their statutory scopes of authority
- 2778. Relating to licensure of behavioral health centers and behavioral health consumer rights
- 4047. Board of Examiners of Psychologists, rule relating to code of conduct

- 4048. Board of Examiners of Psychologists, rule relating to requirements for licensure as a psychologist and/or a school psychologist
- 4049. Board of Examiners of Psychologists, rule relating to fees
- 4050. Board of Optometry, rule relating to rules of the West Virginia Board of Optometry
- 4051. Board of Veterinary Medicine, rule relating to schedule of fees
- 4052. Board of Veterinary Medicine, rule relating to certified animal euthanasia technicians
- 4053. Board of Veterinary Medicine, rule relating to organization and operation and licensing of veterinarians
- 4054. Secretary of State, rule relating to vote by mail pilot project phase 2: voting by mail
- 4055. Secretary of State, rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots
- 4056. Secretary of State, rule relating to procedures for canvassing elections
- 4057. Real Estate Commission, rule relating to requirements for real estate courses, course providers and instructors
- 4058. Real Estate Commission, rule relating to schedule of fees
- 4059. Real Estate Commission, rule relating to licensing real estate brokers
- 4060. Real Estate Appraiser Licensing and Certification Board, rule relating to requirements for licensure and certification
- 4061. Board of Pharmacy, rule relating to controlled substances monitoring program
- 4062. Board of Pharmacy, rule relating to registration of pharmacy technicians
- 4063. Board of Pharmacy, rule relating to uniform controlled substances act
- 4064. Board of Pharmacy, rule relating to centralized prescription processing
- 4065. Board of Pharmacy, rule relating to immunizations administered by pharmacists and pharmacy interns
- 4066. Board of Pharmacy, rule relating to pharmacist recovery networks
- 4067. Board of Pharmacy, rule relating to licensure and practice of pharmacy
- 4068. Board of Osteopathic Medicine, rule relating to osteopathic physician assistants
- 4069. Board of Medicine, rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants
- 4070. Board of Medicine, rule relating to continuing education for physicians and podiatric physicians
- 4071. Board of Hearing Aid Dealers, rule relating to rules governing the West Virginia Board of Hearing Aid Dealers

- 4072. Board of Licensed Dietitians, rule relating to licensure and renewal requirements
- 4073. Board of Accountancy, rule relating to board rules and rules of professional conduct
- 4074. Department of Environmental Protection, rule relating to standards of performance for new stationary sources
- 4075. Athletic Commission, rule relating to regulation of mixed martial arts
- 4076. Athletic Commission, rule relating to administrative rules of the West Virginia State Athletic Commission
- 4077. Commissioner of Agriculture, rule relating to schedule of charges for inspection services: fruit
- 4078. Commissioner of Agriculture, rule relating to inspection of nontraditional, domesticated animals
- 4079. Promulgating administrative rules by various executive or administrative agencies of the state
- 4080. Commissioner of Agriculture, rule relating to inspection of meat and poultry
- 4081. Commissioner of Agriculture, rule relating to noxious weeds
- 4082. Commissioner of Agriculture, rule relating to auctioneers
- 4083. Commissioner of Agriculture, rule relating to animal disease control
- 4084. Department of Environmental Protection, rule relating to underground storage tanks
- 4085. Department of Environmental Protection, rule relating to West Virginia surface mining reclamation
- 4086. Department of Administration, rule relating to parking
- 4087. Department of Administration, rule relating to state owned vehicles
- 4088. Department of Environmental Protection, rule relating to control of air pollution from combustion of solid waste
- 4089. Department of Environmental Protection, rule relating to control of air pollution from municipal solid waste landfills
- 4090. Department of Environmental Protection, rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities
- 4091. Department of Environmental Protection, rule relating to emission standards for hazardous air pollutants
- 4092. Department of Environmental Protection, rule relating to ambient air quality standards
- 4093. Department of Environmental Protection, rule relating to hazardous waste management system
- 4094. Department of Environmental Protection, rule relating to voluntary remediation and redevelopment
- 4095. Governor's Committee on Crime, Delinquency and Correction, rule relating to protocol for law enforcement response to domestic violence

- 4096. Governor's Committee on Crime, Delinquency and Correction, rule relating to law-enforcement training and certification standards
- 4097. State Fire Commission, rule relating to hazardous substance emergency response training programs
- 4098. State Fire Commission, rule relating to electrician licensing
- 4099. Division of Highways, rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance
- 4100. Lottery Commission, rule relating to state lottery rules
- 4101. Racing Commission, rule relating to thoroughbred racing
- 4102. State Tax Department, rule relating to farm to food bank tax credit
- 4103. State Tax Department, rule relating to payment of taxes by electronic funds transfer
- 4104. Tax Department, rule relating to property transfer tax
- 4105. Tax Department, rule relating to municipal sales and service and use tax administration
- 4106. Office of Miners' Health Safety and Training, rule relating to operating diesel equipment in underground mines
- 4107. Division of Natural Resources, rule relating to hunting, fishing and other outfitters and guides
- 4108. Division of Natural Resources, rule relating to controlling the public land corporation's sale, lease, exchange or transfer of land or minerals
- 4109. Division of Natural Resources, rule relating to general hunting
- 4110. Division of Natural Resources, rule relating to special migratory game bird hunting
- 4111. Division of Natural Resources, rule relating to miscellaneous permits and licenses
- 4112. Division of Natural Resources, rule relating to wildlife disease management
- 4113. Division of Labor, rule relating to registration of weighing and measuring devices used by businesses in commercial transactions
- 4114. Division of Labor, rule relating to registration of service persons and service agencies
- 4115. Division of Labor, rule relating to employer wage bonds
- 4116. Division of Labor, rule relating to elevator safety act
- 4117. Division of Labor, rule relating to amusement rides and amusement attractions safety act
- 4118. Division of Labor, rule relating to bedding and upholstered furniture
- 4119. Division of Labor, rule relating to zipline and canopy tour responsibility act
- 4120. Department of Health and Human Resources, rule relating to informal and relative family child care home registration requirements

- 4121. Department of Health and Human Resources, rule relating to child placing agencies licensure
- 4122. Department of Health and Human Resources, rule relating to family child care home registration requirements
- 4123. Department of Health and Human Resources, rule relating to family child care facility licensing requirements
- 4124. Department of Health and Human Resources, rule relating to child care centers licensing
- 4125. Department of Health and Human Resources, rule relating to West Virginia clearance for access: registry and employment screening
- 4126. Department of Health and Human Resources, rule relating to emergency medical services
- 4127. Department of Health and Human Resources, rule relating to public water systems
- 4128. Department of Health and Human Resources, rule relating to food establishments
- 4129. Department of Health and Human Resources, rule relating to hospital licensure
- 4130. Health Care Authority, rule relating to financial disclosure
- 4131. Department of Health and Human Resources, rule relating to collection and exchange of data related to overdoses
- 4132. Department of Health and Human Resources, rule relating to development of methodologies to examine needs for substance use disorder treatment facilities
- 4133. Department of Health and Human Resources, rule relating to out-of-school-time child care center licensing requirements
- 4134. Department of Health and Human Resources, rule relating to pilot program for drug screening of applicants for cash assistance

**SAFETY**

- 2056. Providing for the use of neck braces by football players
- 2076. Establishing the Legislative Oversight Commission on Energy Workers Safety
- 2087. Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling
- 2108. Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses
- 2115. Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility
- 2316. Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers

**SALARIES**

- 2047. Increasing compensation for conservation officers

- 2049. Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors
- 2080. Increasing the amount of annual and incremental salary increases for eligible state employees
- 2149. Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service
- 2314. Removing the compensation caps entirely for secretary-clerks and case coordinators
- 2406. Providing an increase in compensation for natural resources police officers
- 2407. Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers
- 2969. Increasing the minimum wage based upon increases in the consumer price index
- 4029. Increasing pay for social workers
- 4036. Increasing the maximum salaries of family case coordinators and secretary-clerks
- 4299. Providing a \$2,000 salary increase to West Virginia State Troopers
- 4300. Increasing compensation for Parole Board members
- 4416. Increasing the amount of annual and incremental salary increases for eligible employees from \$60 to \$100
- 4521. Mountain State Employee Compensation Realignment Act
- 4531. Requiring that a deputy sheriff be paid a salary of not less than \$10.50 per hour

**SENIOR CITIZENS**

- 2025. Providing one-time supplements to all annuitants when they reach the age of seventy
- 2217. Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled

**STATE PERSONNEL**

- 2592. Annual retirement annuity adjustment West Virginia State Police Retirement System
- 2649. Adding violations of law upon which a public servant's retirement plan may be forfeited
- 2802. Permitting inspectors working within the Division of Dealer Services of the Division of Motor Vehicles to carry a concealed weapon on duty
- 2869. Providing for paid leave for certain state officers and employees during a declared state of emergency

- 2901. Giving all honorably discharged veterans ten extra points when successfully completing a civil service examination
- 3065. Adding the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory
- 3082. Establishing a different amount of annual leave for state employees
- 3083. Replacing annual and sick leave for state employees with personal leave
- 4185. Awarding service weapons to special natural resources police officers upon retirement
- 4189. Prohibiting certain persons from operating state-owned vehicles
- 4191. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 4272. Relating to the West Virginia Retirement Health Benefit Trust Fund
- 4284. Setting minimum periods in which a governing body must make available to the public and news media the agenda for its meetings
- 4346. Repealing the Public Employees Insurance Agency Finance Board
- 4365. Fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee
- 4399. Relating to net neutrality for state government
- 4411. Relating to the requirements of the Real Estate Division for members of the Board of Public Works
- 4439. Relating to standardization of service credit for hourly employees who become members of the Public Employees Retirement System
- 4449. Relating to failure of employers to make contributions on behalf of employees to a retirement plan
- 4468. Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015
- 4521. Mountain State Employee Compensation Realignment Act
- 4587. Freezing the contribution of public employees for their health insurance costs through the Public Employees Insurance Agency
- 4594. Permitting public employees the right to collectively bargain

## **TAXATION**

- 2012. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income
- 2039. Establishing a tax credit for new businesses that locate in the state
- 2084. Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket
- 2093. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax
- 2094. Home Instruction Tax Relief Act
- 2111. Exempting certified professional estimator services from consumer sales and service tax
- 2122. Providing a tax credit for first time home buyers



- 2127. Relating to personal income taxes
- 2148. Providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid
- 2163. Abolishing the Personal Income Tax
- 2178. Relating to quarterly payment of real and personal property taxes
- 2182. Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans
- 2201. Save the Hospitals Act
- 2217. Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled
- 2304. Relating to gasoline and fuel excise tax
- 2323. Exempting social security benefits from personal income tax
- 2326. West Virginia Earned Income Tax Credit
- 2358. Exempting a percentage of social security benefits from personal income tax
- 2375. Establishing a Small Business Empowerment and Economic Expansion Program providing tax relief to newly-established small businesses
- 2385. Reallocating and dedicating up to \$30 million to the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin
- 2399. Creating the West Virginia Earned Income Tax Credit
- 2416. Increasing the tax credits allowed for rehabilitation of certified historic structures
- 2417. Exempting from personal income tax the entirety of any income received under the federal Social Security system for certain persons
- 2429. Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school
- 2433. Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises
- 2434. Relating to reevaluation of land damaged as a result of natural disaster
- 2481. Creating tax credits for new and/or existing small businesses
- 2493. Granting a veteran with a hundred percent service-connected disability a \$10,000 exemption from the assessed value for one vehicle
- 2508. Creating tax credits for small businesses
- 2511. Establishing an industrial water extraction fee
- 2539. Permitting a housing authority to garnish delinquent rents and other amounts owed to the authority from the renter's income tax refund
- 2553. Relating to an exemption from the consumers sales and service tax and use tax for sales of services and tangible personal property related to the activities of raising and training livestock
- 2591. Small Business Tax Credit

- 2615. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2616. Decreasing the personal income tax rates for certain taxpayers and raising the personal income tax rates for certain other taxpayers
- 2641. Relating to pension benefits exempt from state income taxation
- 2716. Imposing an indefinite moratorium on new business and occupancy or privilege taxes
- 2821. West Virginia Farm-to-Food Bank Tax Credit
- 2837. Relating to the collection of municipal sales tax by vendors of goods and services
- 2842. Authorizing a temporary foreign brewers import license
- 2843. Permitting Class III municipalities to be included in the West Virginia Tax Increment Act
- 2848. Livable Home Tax Credit
- 2862. Establishing the “Stay in State” tax credit
- 2865. Relating to erroneous tax assessments and overpayments to the county
- 2874. Relating to the definition of Managed Timberland
- 2894. Relating to the collection of taxes on wine and intoxicating liquors
- 2929. Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees
- 2940. Creating a tax credit for improving facades in historic districts
- 2952. Relating to the right of municipalities and counties to buy real estate for delinquent taxes
- 2964. Budget Stabilization Act of 2017
- 2985. Relating to taxes on beer and nonintoxicating beer
- 2993. Budget and Spending Transparency Act
- 3027. Imposing a tax on cattle which is to be used to help fund the U. S. Department of Agriculture’s Wildlife Services Fund
- 3034. Exempting military retirement income from personal income tax after specified date
- 3045. Modifying the tax on soft drinks to only cover sugary drinks
- 3099. Providing counties the power to establish a county sales tax under certain circumstances
- 4017. Exempting percentages of social security benefits from personal income tax for certain taxpayers
- 4022. Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft
- 4039. Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired
- 4041. Taxation With Representation Act
- 4135. Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act

- 4146. Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
- 4153. Imposing a health care related provider tax on certain health care organizations
- 4157. Eliminating the refundable exemption for road construction contractors
- 4205. Entitling natural resource producers to the economic opportunity tax credit
- 4210. Creating tax credits for new and/or existing small businesses in this state
- 4213. Reducing the severance tax on coal to two percent
- 4221. Requiring the Tax Commissioner to maintain a centralized computerized information system
- 4244. Granting business tax credits to businesses that financially support students enrolled in the state's community and technical colleges
- 4245. Exempting wood furniture from state sales tax under certain conditions
- 4256. Allowing portions of otherwise exempt property that are being used for nonexempt purposes to be separately assessed and taxed
- 4257. Repealing article creating the Office of Business Registration and Creation of Centralized Records
- 4262. Exempting retirement income of members of certain uniformed services from state income tax
- 4265. Relating generally to employer withholding taxes
- 4315. Exempting certain law-enforcement officers from payment of income and personal property taxes
- 4316. Exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes
- 4322. Relating to workers' compensation insurance
- 4331. Providing that a living organ donor is exempt from all personal income tax in the taxable year in which the organ transplantation occurs
- 4341. Dedicating certain severance taxes to fund PEIA
- 4344. Relating to the tax on soft drinks
- 4363. Creating a tax credit for a manufacturer or power generating facility in West Virginia that purchases and uses coal, oil or gas
- 4438. Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties
- 4442. Relating to homestead exemption by a disabled veteran who has a 100 percent permanent and total service-connected disability
- 4450. Changing the persons responsible for the taxes on soft drinks and soft drink syrups
- 4452. Creating newly-established small business tax credits
- 4470. Exempting all-terrain vehicles and utility terrain vehicles used as farm equipment from the sales tax

- 4471. Establishing a one percent tax on food for five years
- 4474. Exempting all monetary benefits derived from retirement income from personal income tax obligations for individuals moving into the state
- 4475. Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants
- 4503. West Virginia New Markets Jobs Act
- 4517. Relating to assessment value of wind turbines
- 4522. Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor
- 4529. Relating to oath by municipal official certifying list of delinquent business and occupation taxes
- 4536. Exempting certain hygiene products from sales tax
- 4537. Increasing the tobacco products excise tax
- 4541. Reinstating the film tax credits
- 4543. Imposing a special excise tax on Schedule II controlled drugs
- 4563. Relating to the severance tax on oil and gas produced from low producing wells
- 4565. Exempting social security benefits from personal income tax
- 4566. Relating to property exempt from taxation for military and veterans who have been honorably discharged
- 4575. Providing an exemption from use tax for sales of tangible personal property, custom software, or services generated through affiliate marketing
- 4578. Permitting residential customers to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income
- 4585. Relating to the Farm-To-Food Bank Tax Credit
- 4605. Relating to the assessment of nonoccupied property owned by out-of-state individuals
- 4608. Creating a consumer's sales and service tax exemption for motion pictures

#### **TAXATION — PERSONAL & CORPORATE INCOME TAX**

- 2042. Relating to pension benefits exempt from state income taxation
- 2414. Allowing quarterly payment of real and personal property taxes

#### **TAXATION — PROPERTY**

- 2379. Providing a special method for valuation of certain wireless technology property for property taxes
- 2414. Allowing quarterly payment of real and personal property taxes

#### **TAXATION — ROADS & FUEL**

- 2205. Exempting heating oil for residential use from the Motor Fuel Excise Tax

**TECHNOLOGY**

2379. Providing a special method for valuation of certain wireless technology property for property taxes

**TOURISM**

2066. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents

**TRANSPORTATION**

2179. Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder

**UNEMPLOYMENT COMPENSATION**

2132. Limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period
3016. Relating to domestic violence victims' eligibility for unemployment compensation benefits

**UNIFORM LAWS**

4202. Model Veterans Treatment Court Act
4208. Uniform Real Property Electronic Recording Act
4209. Revised Uniform Fiduciary Access to Digital Assets Act
4233. Relating generally to fraudulent transfers
4446. Revised Uniform Athlete Agents Act
4489. Uniform Commercial Real Estate Receivership Act

**UTILITIES**

2410. Relating to public sewage services
4040. Excluding from sewage billing any amount that is the result of a water line break

**WORKERS COMPENSATION**

2498. Creating a rebuttable presumption that development of certain cancers by professional or volunteer firefighters arose out of the course of employment
3003. Allocating disability or death benefits resulting from an occupational pneumoconiosis claim among the claimant's employers on a proportional basis
4351. Classifying owner operators and independent contractors who contract with licensed and registered trucking companies as nonemployees
4429. Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder









**DISPOSITION OF BILLS ENACTED**

The first column gives the number of the bill and the second column gives the chapter assigned to it.

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Senate Bills = 1-3 Digits

<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>
97.....	336	129.....	4175	161.....	4529
98.....	339	130.....	4186	162.....	4627
99.....	350	131.....	4230	163.....	143
100.....	411	132.....	4400	164.....	346
101.....	415	133.....	506	165.....	347
102.....	479	134.....	2546	166.....	348
103.....	522	135.....	2799	167.....	438
104.....	2982	136.....	4368	168.....	451
105.....	4006	137.....	4401	169.....	498
106.....	4015	138.....	4436	170.....	2693
107.....	4236	139.....	4238	171.....	2696
108.....	4338	140.....	154	172.....	4180
109.....	4347	141.....	163	173.....	4394
110.....	4410	142.....	165	174.....	4488
111.....	4444	143.....	181	175.....	4607
112.....	4618	144.....	184	176.....	4320
113.....	319	145.....	230	177.....	456
114.....	4251	146.....	237	178.....	499
115.....	4622	147.....	4079	179.....	521
116.....	261	148.....	2890	180.....	2995
117.....	406	149.....	4268	181.....	4023
118.....	3104	150.....	4270	182.....	4025
119.....	4001	151.....	525	183.....	4027
120.....	4024	152.....	626	184.....	4156
121.....	4279	153.....	589	185.....	4285
122.....	4453	154.....	590	186.....	4332
123.....	46	155.....	2008	187.....	4486
124.....	242	156.....	2831	188.....	4524
125.....	299	157.....	425	189.....	267
126.....	401	158.....	612	190.....	464
127.....	493	159.....	4289	191.....	635
128.....	495	160.....	4324	192.....	4142

**DISPOSITION OF BILLS ENACTED**

The first column gives the chapter assigned and the second column gives the bill number.

**Regular Session, 2018****-Continued-**

House Bills = 4 Digits

Senate Bills = 1-3 Digits

<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>	<b>Chapter .....</b>	<b>Bill No.</b>
193.....	4145	212.....	2869	231.....	427
194.....	272	213.....	2889	232.....	441
195.....	359	214.....	2916	233.....	461
196.....	408	215.....	4138	234.....	2843
197.....	463	216.....	4169	235.....	4022
198.....	510	217.....	4275	236.....	4135
199.....	543	218.....	4462	237.....	4146
200.....	575	219.....	10	238.....	4157
201.....	603	220.....	4207	239.....	4522
202.....	4035	221.....	4350	240.....	4626
203.....	4178	222.....	307	241.....	73
204.....	4509	223.....	445	242.....	616
205.....	468	224.....	2694	243.....	4042
206.....	4016	225.....	2983	244.....	631
207.....	36	226.....	4447	245.....	4233
208.....	110	227.....	263	246.....	82
209.....	134	228.....	275	247.....	4628
210.....	404	229.....	298	248.....	585
211.....	625	230.....	338	249.....	500









**DISPOSITION OF BILLS ENACTED**

The first column gives the number of the bill and the second column gives the chapter assigned to it.

**First Extraordinary Session, 2018****HOUSE BILLS**

<b>Bill No.</b>	<b>Chapter</b>
101.....	3
102.....	6
103.....	4
108.....	1

**SENATE BILLS**

<b>Bill No.</b>	<b>Chapter</b>
1004.....	7
1005.....	5
1006.....	8
1007.....	2

**DISPOSITION OF BILLS ENACTED**

The first column gives the chapter assigned and the second column gives the bill number.

**First Extraordinary Session, 2018**

House Bills = 3 Digits

Senate Bills = 4 Digits

<b>Chapter</b>	<b>Bill No.</b>
1 .....	108
2 .....	1007
3 .....	101
4 .....	103
5 .....	1005
6 .....	102
7 .....	1004
8 .....	1006







## APPENDIX

### SUPREME COURT OF APPEALS

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REMARKS  
of  
**HON. MIKE PUSHKIN**  
*January 11, 2018*

DELEGATE PUSHKIN. Thank you, Mr. Speaker. We've all heard and seen the news stories about the extravagant, irresponsible spending that's been going on over on the third floor of the east wing in this building from the Supreme Court of Appeals. Thirty-five ... we've all heard about the \$35,000 couch, you know, the floor with the map of West Virginia with each county laid out tile by tile, of Tucker County in blue granite. We've heard about the Cass Gilbert desk that's made its way into the home office of the Chief Justice of the Supreme Court.

For a minute, I'd like you to juxtapose that against some of the cuts that have come under this Chief Justice. The vital functions of the court cuts to drug court that we know has not only saved lives and saved families all over West Virginia, but has also saved taxpayer dollars. Cuts to guardian ad litem programs to look out for children. Cuts to the sex offender monitoring program which has been moved over to probation offices that, from what I'm told, work from nine to five and I can tell you predators don't take nights and weekends off. Cuts to all these vital programs.

I can tell you, the biggest casualty in all of this is public trust and confidence in the Judiciary has eroded throughout this whole thing. And in op-eds and in-statements to the press, all we've gotten so far from the Chief Justice of the Supreme Court is a shift of the blame. He wants to blame it on the former administrator. He has taken no responsibility and no accountability for what has gone on under his watch and in his office and in his home while he's been Chief Justice of the Supreme Court.

So, I believe it's our Constitutional responsibility as an equal branch of government to be that check against the irresponsible activities gone on under this court. So, I have drafted and I'm going to introduce a resolution that would direct the House Judiciary Committee to inquire,

investigate and report back recommendations on whether or not the impeachment of Chief Justice of the Supreme Court, Allen Loughry, would be an appropriate course of action to take. That's our responsibility: to investigate, look into it and to report back whether or not we should move forward, whether or not we should move forward with an impeachment process.

I'll be here after floor session today, if anyone would care to sign on to this, be a co-sponsor of this resolution. I can tell you a couple of the rules that I believe might have been violated from the Code of Judicial Conduct. Rule 1.2 would just simply avoid impropriety and the appearance of impropriety. I think there is definitely an appearance of impropriety. Rule 3.1(E) which forbids making use of court premises, which includes staff ... which includes staff for duties outside of their scope, outside of the court. Like, for example, moving furniture.

And Rule 3.13, a judge shall not accept any gifts, loans, requests, benefits, or other things of value. You know, like a leather sofa that was in his office and is now ... was now in his home and now in a storage facility in Kanawha City. So, I'm asking for us ... that we consider doing our job as an equal branch of government and, being that, check against the Judicial Branch and hopefully restore the confidence and the trust in the Judiciary that is very necessary in our state and I think that we owe that to the taxpayers of West Virginia. I'll be here if anyone would like to sign on to that resolution. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
**MEMBERS**  
*January 12, 2018*

DELEGATE BUTLER. Thank you, Mr. Speaker. I didn't plan this. On the occasion of my wife coming in to sing, which she's done, I think, every year since I've been here, at least one time. I just want to share just a brief story. I know it's Friday and everyone wants to get out of here. But, I was raised in Southern Ohio. My grandparents lived in West Virginia on the farm

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where we live now, where we're raising our kids. So, we have Grandma and Grandpa's old home place.

I joined the Marine Corps after high school, went all over the world and lived in several places. I lived in Florida, been to Hawaii and stayed there for a little while. I lived in California. I lived in Tennessee. I met my wife in Southern California and when I met her there, she had been living in New York and she came to take care of her parents.

Her mom was basically dying of cancer. I don't know if my wife is still here. Anyway, her mom was in bad shape and her dad was in bad shape. My wife is a wonderful woman. We stayed there until her mom finally passed away and then we moved back here to West Virginia.

And I bring this up, just to say that I know we're all ... hear all the stories about how bad West Virginia is and how we have the most obese people and how it's not a good place to raise kids and how it's not good for this and not good for that and our economy is bad and all this stuff. I say bologna. That is a bunch of bologna.

Having lived in all those places, being in Southern California where my wife is from, it takes you ... if you want to go 30 miles down the road, you're going to sit in traffic for four or five hours. Where we lived in Los Angeles Valley, you go outside to run or something like that, you can hardly breathe for all the smog. The people there could care less about you. You run across the street, being from Southern Ohio or West Virginia, you meet people and you say hello and they just put their nose in the air and continue going. We chose to move back here to West Virginia and raise our kids and we did that because of all the places we've been, this is the best place.

So, I just think I need to say that because, as we're going into this legislative session, I think there's a ... I have a feeling of optimism. I think we're going to do great things this session and I think we're going to make our state better and again, I really do think this is the best state in the country and I'm proud to be here. Thank you.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I just sort of wanted to echo my colleague, Delegate Butler's comments. His wife's rendition of that song was probably the best rendition I've heard, probably better than Lee Greenwood and it means something very special to me. I don't listen to that song too much anymore but, I should. I love that song, but you know, that song was played at my dad's funeral. He passed away in the line of duty and you know, I hear it. I always think back towards him and all of our other service men and service women and I mean it with sincerity that your wife's rendition today was ... it was very special to me.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *January 15, 2018*

DELEGATE ESPINOSA. Thank you, Mr. Speaker. Last week many of us attended a special recognition of 68 West Virginia high schools that had achieved 90% or higher graduation rate. I certainly want to join my fellow members in applauding our principals, teachers, families and school districts for their efforts to help improve attendance. We know that when children attend school regularly, they have a much greater access to successful learning opportunities. I also want to commend the West Virginia Department of Education and schools for their progress in driving attendance, but at the same time, express my belief that we need to also drive competency.

What does a high school diploma really represent? In very simple terms, it should mean that the student has successfully mastered the high school curriculum and is ready for the next step in his or her life. It should mean that he or she has achieved the competencies to be college and career ready. As was noted in an article you'll find on your desk that appeared in yesterday's Gazette Mail, for about half of the 68 schools the State honored Friday, at least one-third of their college going students were not ready for college level math or english according to data from the Higher Education Policy Commission.



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For example, in Logan County, with a 2016 graduation rate of 91.6%, of the spring 2016 graduates who went on to one of West Virginia's colleges 61% needed remedial classes. At Man High School, where an impressive 95% of students graduated on time, 68% of students who went on to a public college in West Virginia needed remediation.

For this reason, I'm pleased to join my colleague from the 65<sup>th</sup> as a cosponsor of her legislation, H. B. 3061 which encourages mastery-based education. The purpose of this legislation is to encourage and support schools to move from the current time-based model towards a mastery-based model of education. This approach allows for a more personalized and differentiated student-centered learning environment. It creates a focus on clear, measurable, transferable learning targets. It empowers students to progress to higher levels as they demonstrate mastery and it provides additional support for those who have not yet demonstrated mastery.

I believe it's critical that we explore how we can support schools in the move away from the current time-based model and towards a mastery-based approach. We must move towards a system that ensures the high school diploma truly represents mastery for all students and equity for all. Then we can celebrate not just the achievement of that diploma, but the supporting evidence of the knowledge and skills that will ensure our students are ready for success in college, career and civic life. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. Mr. Speaker, I'd like to talk a little bit today about our national holiday, Martin Luther King Day and I would like to ask this body that we consider always having a ceremony to celebrate this national holiday. Now, I realize we do have a tradition at the Capitol where there is a walk from the Asbury Methodist Church and there is a bell ringing, however ... and I also realize that if I had been thinking about this earlier, I could have planned a ceremony myself where several of us could have gotten together, but we used to have, for many, many years, we had a traditional opening day and I'm sure the Speaker remembers. It was very moving and very important and I'd like to talk a little bit

about why this is personal to me and why I think it should be personal to all of us.

My mother went to college with Coretta Scott King and that was in Yellow Springs, Ohio and in that town, she couldn't sit in the theatre with the other students. It was separated. Blacks were ... even though that was in the North, blacks were separated and my mother, you know, had children and Coretta Scott King had children. They both had four children and they would correspond with each other and that stopped when there was the church bombing and those four little girls were blown up in a church. So, my mother lost contact with her and then, you know, if we move on in my law practice, the first job that I had as a lawyer was dealing with a backlog of Human Rights Commission cases and one of ... there were ... for ten years there really hadn't been anyone who had done these hearings and it was quite an education for me because I had to ... I didn't know how to get an extension, so I was doing these ... I was really, really learning how to litigate fast.

But, one of my cases was a case from Marion County and there was a municipality in Marion County that did not allow black children to use the municipal pool and I kept thinking about those little kids that lived across the street and could hear that splashing and the laughing and I just felt so bad about it. Actually, what my remedy was, I was thinking we should own ... have them own the pool, but the Mayor of Fairmont, Greg Hinton, who is an African American lawyer convinced me that that's not the best way to bring people together and we made a settlement and there was ... the pool was opened up to all little children.

I realize that I do not have dark pigment, so, ... but I know what a disadvantage that can be. I remember when Charlene Marshall was here and was in a car with several other people and they were pulled over for no reason other than driving while black and I also know that in a fancy department store in Morgantown she was followed by security, being suspected of shoplifting just because she was black and I think that it's important that we remember what a burden it is sometimes to overcome the way people have been raised to think that black people are somehow inferior. It's astonishing to me that just two years ago a sitting state senator and

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a room full of praying African Americans were assassinated by a white supremacist and I was so disheartened that our own president would refer to a whole continent, where people who were taken as slaves, using a vulgar term for a body part and excrement. I mean, I think that ... and and almost laughingly doing that.

So, those are some of the reasons, I think it's important that we remember this holiday but also, I just think that we should ... you know, Martin Luther King was a martyr for freedom. He was a martyr for voting rights. He was incredibly brave. He knew he was going to go to jail. He knew he was going to be beaten and he had a premonition that he might be assassinated and he was. Those are so important to the foundation of our country and they're especially important to the foundation of this state. This state was born out of the fight over slavery. We didn't have a lot of slavery in West Virginia and we separated for ... from Virginia, in part because the people in this state thought it was wrong to own human beings.

I think, you know, they chose Martin Luther King's birthday to celebrate what an incredible American hero he was and I would like to invite any of the rest of you to join with me next year, assuming I'm reelected, to plan for a ceremony that reflects the importance of being open to all races and to celebrate someone who was a true American hero. Thank you, Mr. Speaker.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I just wanted to announce that my little girl, Kennedy, this morning, is competing in a national gymnastics tournament and according to my mother, she is now in first place overall. She's got ... she's got one event to go. That's the floor and she's doing ... as a good Irish Catholic, she's doing the routine to some sort of Irish tune. I can't remember ... bagpipes. So, anyway she's pretty good on that. But, I just wanted to say a few things to echo the Gentlelady from Mon county.

I really enjoy and hold in esteem the document that Martin Luther King wrote called "The Letter from a Birmingham Jail" in which he quoted some of my favorite Catholic theologians: St. Augustine and Tom Aquinas. An unjust law is no law at all. I hold

Martin Luther King Jr. in the highest esteem as well and he was definitely a great intellectual. I think just going forward, I want to say a couple of things. You know, politics ... modern day politics really, I think has been overcome with this vile and vitriolic sort of atmosphere anymore, where one side accuses the other based in sort of emotionally charged attacks and vice versa and there's a lot of ad hominem fallacies going back and forth.

You know, not based in reason and sort of taking the worst of their opponent's arguments and exaggerating them and I think there's definitely some reasons for that. I think the growth of government has really politicized all the facets of our lives and led to that.

But I guess maybe, I just suggest to the body here going forward, we might be able to set an example for this session by sticking to the principle of charity and I'm not talking about charity in the traditional sense that we use in the English language. It's more of a philosophical principle of argumentation, where we give the benefit of the doubt to our opponents and take the best ... and gauge the best versions of their argument and if we can do that, I think we might be able to avoid some of the hostility and the vitriolic sort of environment that is sort of just overcome politics on a national level, for sure and through many different state legislatures across the country.

So, I'd just like to maybe suggest that going forward because, you know, we're going to be engaged in some significant policies here on the floor and hopefully, if we stick to that we can maintain a little bit of civility. Thank you very much.

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### PRIVATE PROPERTY

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REMARKS  
of  
HON. PAT MCGEEHAN  
*January 16, 2018*

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I just want to briefly talk about something that is near and dear to my heart and that's private property. We are going to have one or two bills dealing with certain

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interest groups that are pushing changes to private property laws coming up in this chamber and that's basically the way I've read it through several comments by different members of this house, through the press, and I know they got a little bit heated in this chamber a couple of years ago when the forced pooling bill was debated and failed. Rightfully so, thankfully. I just wanted to address a few comments on this. I know some people think some of these proposed pieces of legislation may be good for business. There's various versions of these changes to private property laws, changes to mineral rights laws, changes to real estate laws ... or if you consider mineral rights attached to real estate, I guess.

But, I think all of us should be very cautious and study these pieces of legislation when they hit their various committees, both in the House side and on the Senate side because, you know, private property is something that we shouldn't just take for granted or we shouldn't just sort of willy-nilly change the laws on here and there. I mean a drastic change to private property laws can't happen without serious consideration of the ramifications of such a change because private property is a man and a woman's natural right and this goes back over the last millennium of steadily developing private property as the foundation, one of the cornerstones of western civilization. So, I think that we really need to take into consideration the harm and the unintended consequences that could take place if some of these different versions were enacted.

Now, I know there are several different distinctions. There are several different versions. I know this co-tenancy sort of version, there's a distinction between that and forced pooling. Okay, this joint development version, I don't know enough about that but there's a distinction there as well. Lease integration and some of the public gets confused because you know, all of these different labels keep getting attached to these different laws that are changing private property, legal code here in West Virginia and we, I think, have a long-standing tradition of maintaining private property on a continued basis in code to ensure certainty for both real estate and mineral rights owners and surface owners.

So, I'm a little skeptical right now of some of these bills and I also don't like when certain interest groups are the main forces driving these pieces of legislation because we all heard, and I don't want to insult the Gentleman, but the pseudo economist, I don't really agree with him. What was his name? John Deskins that came in and asserted that, "Hey, we need savings rates to go up to increase capital investment," but at the same time he's asserting that, "We need to also use the government to suppress interest rates and keep them low." So, I don't know how that's reconciled.

But, anyway, he was talking about how natural gas production has increased in West Virginia and you know, we have this huge memorandum of understanding that the Secretary of Commerce and the Governor worked out with several Chinese firms on large Chinese investments and natural gas areas. That's all done knowing that we still have the current long-standing tradition and current code of private property laws in place currently with regards to mineral rights and surface rights.

So, I also have suspicion that ... you know, we hear a lot of arguments that for some of these laws that you know, say a thousand different people own one parcel of land, mineral rights, together. You know, well one guy that owns 1/1000 of that is holding back economic progress. Some of that's, I think, embellished. You know, I think a lot of that is embellished. I think, really if you look at some of the data, I think one underlying factor behind this is that energy prices right now, especially in the natural gas industry are relatively low, right? Because production has increased over the last couple of years and now there's an abundance of a supply of natural gas production, right? So, if one of these interest groups are pushing for these laws, I think there's also a reason for that because I think, if they can get some of these laws passed that change private property in their favor ... private property laws in their favor, then they can all of a sudden lock in and compel lease agreements from land and mineral rights owners, currently at low rates, sit on them, wait until energy prices come back up and then start producing and sort of ... that's sort of a redistribution via the government laws because previously, if you just had the free market view, we kept the current code

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protection private property and mineral owners as it is now, then the market will take care of that once energy prices go back up. It's more profitable to start drilling and guess what? The market will do a more equitable share of profit sharing from those high prices between land owners, mineral rights owners and the natural gas companies.

So, I want to make it clear that I'm not against drilling, you know. Drill, baby, drill. You know and I'd like to reduce their taxes and get the regulations out of the way, but I just want to stress that we should be cautious about some of these laws because I suspect there's a little bit of crony capitalism going on and so moving forward, I think we should be ... we should study this, we should definitely listen to the arguments carefully, be prudent about it when we debate it and if they do make it to the House floor I hope they all die. Sorry, Mr. Speaker, but we should have good thorough debate and weigh the merits on either side. So, I just wanted to make a few comments there. Thank you.

### PEIA BILL

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#### REMARKS

of  
**HON. MARTY GEARHEART**  
*January 17, 2018*

DELEGATE GEARHEART. Thank you, Mr. Speaker. Most of us in this chamber realize in today's world we get to see our picture on social media pretty frequently. Most of the time that I see mine, I'm posted next to two very, very good looking grandchildren and they make me look a lot better. However, as I made my way home last night, I noticed that my picture was being posted and I was honored again, because my picture was posted next to some of my esteemed colleagues; the Gentleman from the 36<sup>th</sup>, the Gentleman from the 64<sup>th</sup> and the Gentleman from the 63<sup>rd</sup>. I was very proud to have a picture next to those gentlemen.

However, when I read a little further down in the comments my pride went away just a tad because the comments were not near as flattering as the photograph and the comments had to do with PEIA and a bill that we had that came

to the House floor last year for consideration though we never got to vote. That bill came to me and frankly, what I assumed that the bill originally did was not what it accomplished and as it made progress through the House and down here to the floor, I put together an amendment that I think many of you all may remember that sort of turned that bill upside down and gave greater flexibility to public employees with regard to their choices and the ability to have a greater or lesser premium based upon what their needs might be.

That amendment was on the floor and I came in here every day for a few days ready to dig in and defend that amendment, because frankly, I had signed onto a bill that didn't do quite what I thought it was supposed to do. Unfortunately, or fortunately, whichever way you look at it, that bill moved its way on to the inactive calendar and that's where the session ended and it died a slow and painless death. However, the process of rolling bills over from one session to the next, one year to the next, I guess someone decided to look at it and assume that my name being on that bill meant that I was supportive of a concept, quite frankly, that may be the only time in eight years I've ever agreed with the lead for the education association and public comment has not been very positive.

So, I want to be certain that everyone in this chamber recognizes that I support greater flexibility within PEIA for our public employees to determine the coverages that they need and I don't necessarily ... I don't at all support the bill that was out there and, as of this morning ... matter of fact, I met one of the cosponsors, who I assume had an incorrect assumption this morning, the Gentleman from the 63<sup>rd</sup>, were there this morning to remove ourselves from sponsorship of that bill.

So, if anybody wants to know the status of the bill, the nice thing about having done something in this chamber is there's recorded history. The status of that bill dying on the inactive calendar is right here and a copy of the amendment that flipped that upside down, that allowed the State to pay 100% of the cost to PEIA as opposed

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to the 80/20 rule or down to between 60 and 80 and 20 and 40, that bill purported is also right here.

Having your picture on social media is great and having your picture on social media next to esteemed colleagues is also great. However, be careful of the comments that may attach themselves to it, Thank you, Mr. Speaker.

### CABELL COUNTY'S BIRTHDAY

#### REMARKS

of

**HON. ROBERT THOMPSON**

*January 18, 2018*

DELEGATE THOMPSON. Thank you, Mr. Speaker. Today is a special day for 40,000 people from Wayne County and myself. On January 18, 1842, the Virginia Legislature established a new county at the far western corner of the State. For 50 years the people who lived along the Big Sandy, Ohio, Tug and Twelve-Pole Valleys had resided in Cabell County and many of them were forced to travel many miles to the county seat. After a year-long fight, the residents of western Cabell County voted to form a new county to be named Wayne, after General Anthony Wayne. Through the next century, Wayne County suffered through the ravages of the Civil War, as half of our men fought for the North and half fought for the South. More than 100 did not return home and their families went hungry and their farms untilled. The end of the war saw boom in the timber industry and the coal industry, brought on by the construction of multiple railroads through the hills.

Through the first half of the 20<sup>th</sup> Century, new roads, telephone service and electricity brought the people of Wayne County into the modern age for the first time. Throughout that time, Wayne County offered up countless men and women to fight our enemies in the World Wars, Korea, Vietnam, the War on Terror and other conflicts. Again, many of them never saw home again. Since its creation, the people of Wayne County have fought hard to make their livings and in the process, make their communities better. I have no doubt that they will continue to do

so. On behalf of myself, Delegate Hicks, Delegate Lovejoy and Delegate Rohrbach, I would like to take this opportunity to wish Wayne County a happy 176<sup>th</sup> birthday.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

#### REMARKS

of

**MEMBERS**

*January 22, 2018*

DELEGATE MOYE. Thank you, Mr. Speaker. Thank you all for your attention today. For years our public employees: teachers, service personnel and public folks who work for DOH and DHHR, they work for low wages, typically low wages. That's not a secret to any of us, but they had decent benefits. That made it worthwhile to them. That gave them the incentive to stay in their jobs and work for lower wages in our state. They've had no pay increases for a long time and we have seen drastic reductions in the benefits that they receive.

A few years ago, there were changes made to the retirement system which was not in favor of the employees and now we see the erosion of PEIA. I don't know what you guys did this weekend, but I spent a lot of it on the phone talking to my constituents and answering emails, hundreds of emails. Most of these emails were personal in nature, they weren't form emails. Ninety-five to 98% of them were personal, telling me about how these changes are affecting them. These people are crying out for help. They're hurting. They're hurting. They need us to pay attention.

I'm going to tell you about just a few that I talked to personally and I won't take forever, today, to relate their complete story, but you'll get the message. I talked to a principal who has two daughters, both have childhood diabetes. The changes in PEIA have made it pretty much a nonfunctional insurance for him and his children. So, he signed up on CHIPS, which does help with that, but now, because of what's going on in the federal government, he's concerned. Will CHIP, be there for him? Now, this is a school principal that is having trouble making ends

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meet because of healthcare issues and the concerns that he has. He just wants to take care of his family. He just wants his daughters to have good care.

I talked to a teacher. She's a single mother. She also has a daughter that has childhood diabetes. She relayed to me pretty much the same story. She was pleading with me, "Ricky, I want to stay in this state. I want to live and work here, but you're making it unaffordable for me to be able to do that. My daughter needs healthcare. I can't afford it." ... and she's working another job too, trying to help support her family. PEIA is critical to them.

I talked to a retiree. He's been retired 20 years. Typically, the formula is that if you're on a fixed income, you lose 3% of your purchasing power each year. Now, this gentleman worked for the State, retired, has been retired 20 years. So, if that formula holds true and I don't see any reason why it wouldn't, he's lost 60% of his buying power. No one here is talking about COLAs or helping these folks out, but yet their benefits under PEIA are going up and up to the point that they can't even afford to live now.

Now let's go to a friend of mine, John. He called and talked to me. His wife works. His insurance premiums are going to go from around about one hundred and sixty some dollars a month to over five hundred dollars because his wife works. He is considering quitting work because it will be cheaper for them for him not to work. The lack of us fixing PEIA may have more than one unintended consequence and that being, it's easier for folks not to work because of the expense. I don't think anyone here wants that to happen. We want our people working. We don't want to incentivize them not working, but yet that's what these increases seem to do.

Now let's go to ... oh, I said that, Go365. Boy, have I ever had an earful over Go365 and how intrusive it is, the questions that are asked, the things that they're wanting to know and you've just got to wonder where that came from. You might see something like that in a three-ring circus. Go365, we're asking our folks to get on-line, play video games, go buy Fitbit, tell them how many miles you walk or how many steps you walk.

Well, how does that fare for the person that is really sick and can't even walk? Maybe the person that doesn't have Internet access. How's that going to help them out? They're just left out in the cold. They're going to end up paying the higher copays and higher deductibles.

Most of our folks work, that's what they want to do. That's what we want them to do. They don't have time to get on the computer and play goofy games. I'm just buffaloed by Go365, how invasive it is and how ridiculous the things we are asking for folks to be covered by PEIA. I'm going to give you just a little bit of history and I'll be short with it. About three years ago the Minority Party, the Democrats, we championed an effort to find a funding source dedicated to PEIA and fix PEIA going forward. We were unable to get a majority of this body to agree that that was a problem. I think that we were probably ahead of our time. We were looking at what Director Cheatham had told us to expect from PEIA, that these problems were coming and indeed they have and we were trying to find a resolution to them before our people started hurting. That didn't happen and here we are and guess what, folks? Next year there's going to be another \$50 million shift of benefits that will either be taken away from our people on PEIA, reduction in benefits or raises in what they have to pay, another \$50 million.

This year marks \$70 million shift, next year will be another \$50 million. So, with that said, I want you to know I am committed to looking at this issue and fixing it. We have to take it seriously. We don't want our teachers leaving. Read your emails, personal accounts of folks saying, "Listen, I can't do this anymore. We're not getting high pay." The 1% pay raise, by in large, you'll see that most of them aren't even interested in that. They want PEIA fixed. I'm committed to working with you to looking for solutions. PEIA needs a dedicated funding source so that we're not dealing with this every year. Thank you, ladies and gentlemen.

DELEGATE E. EVANS. Thank you, Mr. Speaker. Most of my comments, the Delegate from the 29<sup>th</sup> talked about. Primarily, I wanted to talk to you about Go365, what ... how intrusive it actually is. I have a dear friend in the hospital. He's a West Virginian but he's down in Pikeville, Kentucky. I tried

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to call the other night and I asked actually a couple things and one of the things that I asked was one of the questions that is asked of you on the Go365 and immediately I was told it was against the HIPPA laws. So, even though I had his pin and his permission to, you know, discuss his illness, the lady said I can't do that. So anyway ... but the Delegate from the 29<sup>th</sup>, I think did it most admirably.

Secondly, I'd like to, with a heavy heart announce the passing of a former Delegate from McDowell County. Delegate Emily Yeager lost her battle with her health Saturday night. I would ask that the body remember her with a moment of silence. Thank you, Mr. Speaker.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I just wanted to make a couple of brief comments about the bill that we discussed, H. B. 4002. Through those remarks I took notes on a lot of different things. I will tell you that I belong to a multi-member district and I will also tell you that every year I run, I've always increased my vote total and I've done quite well and if you haven't noticed I am dark skinned and I am the best looking Sean in this body. But to that point, I was back and forth on that, whether single member or whether multi-member and there's a ... I think there's valid arguments on each side but, I do not like the fact that on this bill, all of a sudden in this body I feel like we're worried about equal opportunity and diversity and making sure that we're erasing anything that has a hint of Jim Crow laws. I find that very intriguing but, I applaud that and if we're going to take that route on that bill, make sure we do it with everything else. Make sure when we have other legislation that's not legit, that we get it brought up.

Because I ... I really ... I was thinking, "We've got it. We've finally got it. We're talking about disparity and diversity and all those good things." So, if you're truly serious about those things, don't just do them when it's politically expedient. Please do not do that and if there's ever someone that is ... again, I have to brag on my district because we do really well down my way, but there's a block of people that are not voting for someone, or talking about gender, but color and those types of things. Somebody's not going to vote for me because of the way I look? We need to start reaching to their hearts and maybe get them to a church or something

because that's absolutely disgusting that we're even talking about ... to give somebody a chance because there'd be more people that look like them. No, we need to really make sure they really love the Lord like they say they do because if you're not going to vote for somebody for that reason, you can't get upstairs. You can't get there. So, I just want to remind you all, do not talk about those things to make your political marks. Do them out of sincerity and genuineness. Thank you.

### H. B. 4002

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#### REMARKS of MEMBERS

*January 22, 2018*

DELEGATE SHOTT. Thank you, Mr. Speaker. Currently West Virginia is one of only ten states to allow for multi-member legislative districts and only one of two states, the other being Vermont, to use them for both chambers. Moreover, only two states in the Union have house districts with more than three members, West Virginia and New Hampshire and by way of comparison, New Hampshire has 400 House members. This bill, H. B. 4002, would abolish the use of multi-member districts in West Virginia following the 2020 Census in the mandated redistricting of the House of Delegates. Only 100 single member districts could be used in the redistricting plan and that composition of the House would continue in each succeeding reapportionment and redistricting. Mr. Speaker, I urge passage.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I urge rejection of this bill for two main reasons. The first reason is that the bill does not follow specific mandatory requirements of the West Virginia Constitution. Of course we have to follow the federal Constitution first, but all of us swore an oath to uphold both of them, and the provisions that I'm talking about, if you want to look in your book, are in Article 6, which relates to the Legislature and Sections 6 ... I mean Article 30. Article 6 and Section 6 and 7 and those two provisions spell out how we're supposed to do redistricting or reapportionment. They ... what the 100 member, single member district doesn't do is it doesn't take into account and it does not

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even mention anywhere, counties. One of the things that, when our drafters did this, they set up a specific system, a method for doing apportionment that mentions and requires us to pay attention to counties. In fact, counties is used in the ... the word county or counties is used in these two sections six times, as is the word shall and usually and always shall means shall. That if it's spelled out a certain way you have to do it that way.

What the way is ... there are three things that you can do under our Constitution. One, after the Census, you divide the population by the number of delegates in our case, a hundred and that gives you the ratio of representation. Then these two sections say each county shall have one delegate district, which is the territory of that county and then, unless the population is 3/5 of the ratio, or the ideal, which is right now around 18,000. In that case you can attach that county, the lower population county to another county to form a delegate district. Now these terms are defined in our Constitution and I believe it makes sense regardless of whether New York has single member districts, we are not like New York.

People in West Virginia, when the Constitution was drafted, maybe uniquely identified with their county. They say they're from Lincoln County. We say we're from Boone County. We say we're from Marion. We don't mention the municipality or the unincorporated area or the town. We identify with our counties and that's what the framers put in the Constitution and I believe that saying we should use a different method than the one spelled out in our Constitution is a viol ... could violate our vote and I'm voting no for that reason. But there's another reason that I also think it is not a good idea to make this shift which a lot of people think is a very logical thing. You just divide it by a hundred and you do that. We have deviated from this rule and have had more, smaller districts within counties and we've just ignored county lines altogether.

But by going down to districts that are smaller in number, we have reduced the number of women in the Legislature. At one point in time a few redistricting decades ago, Kanawha County had ten women representing the county. Now there are only two and if you look at the total number, it has gone down. It's gone down. It's gone down

and I think the same would be true for African Americans. The reason why is people say and have said that they don't want a woman representing them or they don't want a black representing them. But they may feel that they could ... that a woman would be competent if she were part of a team of two or three or four and I think that's why people feel more comfortable voting for women, voting for minorities when there is a larger delegate district.

So, I think for the reasons I've stated, that we shouldn't vote no on this. I think that we should ... the real solution is to change our Constitution and have a system where we don't pick our voters, where the voters pick the representatives and that I think would be ... require some kind of objective, neutral group to either make the decision or make a recommendation to the Legislature. I think that's the way to go and until then, I don't think we should be switching the method by which we choose delegates to the Legislature.

DELEGATE OVERINGTON. Thank you, Mr. Speaker. Excuse me, I hope my voice holds up. Incidentally that has nothing to do with the fact that I had a disagreement with a closet door and the closet door won. First of all, the multi-member districts by being a lot larger means that it takes a lot more resources to run for a district that is larger. For example, in Monongalia County or in Harrison County you have districts that include 90,000 people roughly or 72,000 people. That means it takes a lot more resources to reach those people. It means that the wealthy candidates, with more resources have an advantage over those that have less resources.

I look at single delegate districts, and I represented one for 34 years, as your neighborhood district. If, in Berkeley County, for example, we had one five or six multi-member districts you'd probably have most of the people living in Martinsburg. I've represented the northern part of Berkeley County which is very different from the southern part of Berkeley County. So, that by having single delegate districts, you have a district, what I call your neighborhood districts. You can get to know the people a lot better. You're going to see them at the grocery store. You're going to see people that you know that will see their Delegate and get



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to know them whether it's a grocery store, whether it's your local Walmart, whether it's a restaurant.

So, I see this is a way to have neighborhood districts that are smaller in size, where the public can get to know and to see their local Delegate a lot more. Another reason is that in a multi-member district you're going to have ... well, look at it. If you're going to have five seats, that means in an election you have ten candidates running. Are you going to get to know how all ten of those feel on issues that are important to you? On say, second amendment issues or prolife/prochoice issues. It's going to be a lot harder to get to know all of your ... the positions you're concerned about when you have a multi-member district and a lot more people to have to identify and track down. I want to also mention that when I was first elected, Kanawha County was a 12-member district. It ... and think about the resources it would take. In the South, they were using multi-member districts to keep blacks out of office and let me explain how that would work. If you had a district, a black district that had 60% blacks in it, that making it 40% white. If you combine that with a district that had 80% white with another district that had 80% white and a third district that had 80% white, you would end up with a district that, instead of being 80%, 80%, 80% and 40% you'd have a district that was 70% white and that meant that in many cases you would just elect white candidates. That was a way to block blacks from participating and winning elections, making it harder for that to occur. Fortunately, the Supreme Court eliminated that and it ... no longer do you have multi-member districts in the South so that you give all races an equal chance.

When the Civil Rights Commission looked at West Virginia in, I think it was 1992, one of the things that they recognized that in West Virginia our black population is 4% and we did not have any totally black districts that would be black. But they recognized that you had minority influenced districts and as they looked across the State, they identified one district that was a minority influenced district. That was the 37<sup>th</sup> District in the Charleston area and what that ... the result of that was that we elected a black woman. She served as the Chairman of the Judiciary Committee, Carrie Webster. We elected after that, Meshea Poore, another

black woman. So, that would not have occurred if it was part of a multi-member district. So, I think that for that reason, that is another reason we need to look at single delegate districts.

I want to tell you a story. I remember years ago we had a Delegate that was representing a three-member district that included three counties in Southern West Virginia. This was an individual that was very conscientious. It meant that he had three sets of county commissions that he had to meet with and he wanted to keep in touch with the voters there. It meant that you had three sets of school boards that he had to meet with. It meant that you had a lot of different cities in the district and he ... as I said, he was a very conscientious Delegate, Mr. Speaker, and he wanted to do that. But he just didn't have the resources and the time to do it and he gave up and he stopped running. If he'd been in a single delegate district, I think he would have continued to serve the people in his area. The last point I want to make is that there is one advantage to multi-member districts and I want to make sure that I clarify that this does not apply to anybody here in the chamber.

But if you have a multi-member district and a Delegate that's not really paying attention, that's not returning phone calls, that's not involved, if you're in say, a four-member district, the Delegate is not attending meetings, not doing his job he's got three other people to cover for him in a four-member district. So that is an advantage I will admit. That you have other people that can cover for you if you don't want to do your job the way you're expected. So, Mr. Speaker, for these and other reasons I strongly support us having neighborhood districts with 100 single delegate districts across the State of West Virginia. Thank you.

DELEGATE MOORE. Thank you, Mr. Speaker. I'd just like to echo some of the comments of the Gentleman from the 67<sup>th</sup> district. One of the things I think we do need to bear in mind here is the 1962 case, Baker v. Carr, the one man, one vote which then engendered the change in the manner in which we hold districts here in the United States on the federal level, but certainly this has been challenged at one time or another, the one man, one vote here in West Virginia and we're not violating that.

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But I would challenge the idea that we're living up to the spirit of that constitutional principle of one man, one vote with multi-membered districts and I don't think that we are living up to the spirit of that and that constitutional principle currently. It's certainly arguable that single member districts being more equitable, more fair in terms of representation and also more fair to the constituents that are served by a single member as opposed to a multi-member district and I would also challenge the idea that multi-membered districts, engender greater diversity in terms of representation.

I would only by example look at the two, arguably, largest growing counties in the State of West Virginia, Jefferson County as opposed to Mon. County. Now in the multi-member district in Mon. County, you don't see any ethnic diversity in that district. It is ethnically homogeneous. Now, you look at my county, single member districts where we are. I am the only white member of the West Virginia State Legislature from Jefferson County and that's including the Senate. So, I think that the Gentleman's comments from the 67<sup>th</sup> certainly ring true if you look at the level of diversity that we have out in the Eastern Panhandle. Something that I'm very proud of and I know our members and our constituents are and I think the single member districts will bring greater equality and bring us greater representation and as the Gentleman from the 67<sup>th</sup> pointed out, also greater accountability and I'd urge the body to pass this because at the end of the day, greater accountability is the one check and one principle that we all need to adhere to here. So, thank you.

DELEGATE COWLES. Thank you very much, Mr. Speaker. Ladies and gentlemen, I would urge support for the bill in single member districts in West Virginia and I'll give you five quick reasons why. First, I'll agree the ... it upholds the principle of one man, one vote. But also, larger multi-member districts also disenfranchise voters. It disenfranchises women voters, men voters, minority voters, all voters. There's simply better responsiveness and ability for voters to hold their elected officials accountable in smaller, single member districts. Thirdly, this bill eliminates the remaining disappointing fossil from the Jim Crow era. Multimember districts were indeed used to dilute minority voters' influence all across the South. This

eliminates that and it moves towards good government with lower cost campaigns and more direct representation. And finally, the fifth reason is gone will be the large, unequal districts and they will be replaced with equal in size, single member districts. That is just good government and those are my five reasons, Mr. Speaker, why I support the bill and would urge my colleagues to do the same.

DELEGATE ROWE. Thank you, Mr. Speaker. I just would like to point out something that is not being discussed. It just feels good to say one man, one vote and single member districts are just fine and everything, but look what they produce. Single member districts entrench incumbency. You want to look at your 20 member ... 20 year members, they're in single member districts. In Kanawha County, to my knowledge, not one single person in a single member district has ever been defeated in an election, either in a primary or a general election. Now doing this without term limits makes no sense because the reality of single member districts and the entrenchment of incumbency is that no one has the ability to overcome the presumption that it's their seat and what you have is you don't have new candidates and new blood coming into those districts and that denies the new blood that we need in this House.

Now if an incumbent decides to run for Senate, then we've got an open district and then it's a free for all and we have lots of people come forward and that's the way it should work. But to think that you're establishing these districts where incumbency will be entrenched literally for their entire lives until they elect to leave, we're kidding ourselves if we think that we're improving the electoral process or improving the leadership that this body needs. Now there are good reasons to vote in favor of this bill and one is that we have proven Census after Census that we are incapable of fairly making districts that really represent areas.

We gerrymander it to death and you say, "Oh, oh! Only in multi-members districts." No, no, no. You know, if people think that they are going to get centered single member districts I think they need to look at it. Because in counties where these multi-member districts are, I think especially,

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you're going to see a lot of gerrymandering. And so, you know if we could be assured that we had a system that would create neighborhood ... I think that was one of the terms that one of the Gentlemen used ... neighborhood districts in other words, districts that make sense in terms of who they are and what communities they represent, this might be a good idea and it still may be a good idea.

That's what we have to weigh and I'm still trying to weigh as we stand here. But to think that what we're giving up with entrenched incumbency v. in multi-member districts, that's where the turnover is and that's where it has always been and they tend to be in more urban districts, not always but in more urban districts and it develops a leadership turnover that allows us to have some of the really solid new members that join this body. I think that should be part of the calculus and I think a part of it for the folks who vote yes on this bill needs to be a commitment that we're not going to gerrymander ourselves across rivers and across mountains and whatever it takes to make sure we get our numbers straight, then I think that this bill, you know, deserves some consideration.

There is the proposal and I would emphasize that this makes sense. There is a proposal to have a districting commission to figure out how these districts should be drawn. But if we draw these single member districts in the way that we've always drawn them in the past, they're going to look awful and they're going to be awful and people still won't know who their Delegate is. Now the Senate, I will point out that I heard the Chair of Judiciary, Senator Trump say that he liked an idea where they would reduce the number of Senators from 34 to 32 and that the Delegates would be apportioned inside senatorial districts. Now that at least would prevent some of the gerrymandering that I think is going to be a wild show in just two years, but I think that there are a number of possibilities that we can look at.

But what's important is I ask each member if you support this idea, to look very carefully at how incumbents get entrenched and never leave their seats until they decide to do it or die. Now that's the history of incumbency in single member districts and we're not here to protect Delegates and to create an entrenched incumbency. We're

here to be fair and to encourage new leadership to come in, take on someone who is in the body and defeat them on a fair and square basis. That's not what happens in single member districts. So, I would just encourage the members to accept the commitment that we're not going to gerrymander and that when we create these districts, they're going to be sensible as to the communities that the members would represent. Thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. Thank you, Mr. Speaker. Mr. Speaker, ladies and gentlemen, as you know I don't come down to speak on things unless I think they are truly important and many things we do here are important. I'm not saying that those are not, but I think this bill is something that has been discussed in the 20 years that I have been here and it really goes to the core of this process that each of us have had the honor to serve that and I think that's important for us to have the debate we're having today because I do think the points that have been brought up are things that have been discussed every time we get to the point of a redistricting process in our state after the Census.

I've had the pleasure and I say pleasure because it is a pleasure to be a part of it but it is one of the most ... somewhat uncomfortable processes we go through when we redistrict after each Census because we're basically ... all of us who have been here and gone through that know that something that ... you're kind of glad when it's done because you are uncomfortable about who are you going to run against? Are you going to end up running against someone that's your colleague? Or, you know, whatever might come up in those districts. You know, we end up having members wanting this precinct or not wanting that precinct. But let me say why I think this is an incredibly, incredibly important piece of legislation and I'm going to say this because I have had ... I've been one of the few members in this House who have run from both a small town member district and a single member district.

When I was first elected I was a part of the four member 32<sup>nd</sup> district. What did that district entail? It was Elkview, Clendenin, Sissonville, Cross Lanes, Nitro, St. Albans. Now that's a large area and I love

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representing that area and so there are, you know ... but that was ... it was an honor to represent each of those areas but when I tried to be at all the things that occurred in those areas, you know, to be able to be at as many functions as I could be and have as many opportunities as I could have to be available to my constituents to talk to me. As we know, so much of the input we get as Delegates, is not from a scheduled formal meeting. It's from running into people at the grocery store, in the neighborhood, at the ball game, whatever that might be. That's where I get most of the input I get. You know, certainly talking to people on the phone when they call. But I probably hear from as many people out just, "Hey! Glad I ran into you. I wanted to tell you, I don't like this bill you're working on." Or, "I like this!" Or, "I think you should do this." Or, "I need this ... I need some assistance in my area with a road." Or whatever that might be. So, I've had the pleasure of being a member of a multi-member district, later a three-member district in the 32<sup>nd</sup> and now as a single member district in the 40<sup>th</sup> district and I can tell you that I see tremendous advantages to having a single member district in terms of my relationship with my constituents.

Because I can go to so many more events, so many more things in that district. I can have so much more single, one-on-one contact with individuals in that district. I guarantee you I've had more of those discussions as a single member district representative, than I had because there was just such a large area to try to cover.

And let me also say, this and I realize that often I talk about this event from June of 2016 because it was the ... probably the single most significant event that's ever happened in the district I represent and that is the flood that devastated our communities. I'm glad we had a person that lived in those communities representing that area, and let me say this because I don't doubt that other members ... and I know other members of this House worked and helped and even rolled their sleeves up and came up and helped in those areas or in Lewisburg or in other areas that were affected.

But before I was elected to represent this area, it was 1978 when there was the last person that ever represented my area that lived in that area. Because when it was a

twelve-member district that was all of Kanawha County, most of the Delegates from that area were from Charleston and South Charleston, just because of the population. There was occasionally one that would be one that was from another area, but most of those Delegates were from those other areas. Now I'm not saying they didn't try very hard to represent that area, they did. But they never lived in that area. They never had those one-on-one relationships with the people that they had an opportunity to develop those relationships in their own neighborhood, in their own communities. So that's why, you know, it's incredibly important, I think, that we, as the House, that has seen as and is truly constitutionally the House closest to the people. We represent a smaller group of people, a smaller number of people so that we can be more attuned to what is going on with that smaller group of people than the Senate.

Why would we not want to make this House as accessible, as accountable as it can be? And, I truly believe that this is a bill that does just that and I strongly believe that and I've strongly believed that for 20 years and we tried and it was as a result of those efforts that I now have the honor of representing a single member district as others have. We have fortunately, grown in numbers of single member districts as we've gone through these redistricting processes. That's the right trend. There's a reason for that. Because I think people are recognizing how important it is to have that person that they know is their representative. Now that doesn't stop us from working together. I've heard the argument, "Well, if you have four or five ... three members, four members, five members, they'll work more and they'll have more collaboration." We still work together. I still talk to the people who represent adjacent areas and other areas. The Kanawha County delegation works together on things. We don't always agree on everything, but when it's something that's important to Kanawha County we work together as you do with your ... those in your county. So, I don't think that this is going to, in any way, harm the ability of us to do that.

Finally, let me just say this and I'm going to ... you know, my colleague from the 51<sup>st</sup> made a reference to our constitution and I would just read that the beginning of that section that my colleague represented says

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this, "After every Census the delegates shall be apportioned as follows: The ratio of representation of the House of Delegates shall be ascertained by dividing the whole population of the State by the number of which the House is to consist. ..." And then it goes on and talks about the number of different areas Taking the whole population of the State and dividing it by the number of people in this House. So that would be the population of this state divided by 100. That's the ideal population that people ... of people that we should represent and I know there are ... through federal laws of variance, we're never going to get that exact. We have to get within this variance. That's the general principle of our constitution, taking the population, dividing it by the number of people we have and giving them a representative and that's what federal law now requires. That is what we are required to do in this and we have complicated that beyond comprehension in my opinion by having single members, double mem ... two members, three members, five members.

How can we make it more complicated? How can we make it more confusing? How can we make it more, you know, inequitable in my opinion as to what each different areas have? We should do it the way that sentence says in my opinion, and that is 100 single member districts divided ... dividing the population after the 2020 Census. We will each come to this body, I will not but others will come to this body and represent roughly the same number of people in your communities, in your neighborhoods you'll talk with day in and day out. So, I think that is incredibly important that we do it that way. I think you say why do it now? A couple of reasons, one being ... we already in the ... this is a ten-year process. We will begin to get Census data soon even though the 2020 Census isn't done, there is projection data that's done.

There is a process that goes on. We will begin the steps that we will need to do to do a redistricting after the 2020 Census. Why would we not know how ... you know, know that we're going to follow a single member district concept now, when we do that? And the second is, each of you will make plans as you go forward. Is it not fair to you to know when I run if I do ... if someone wants to run after ... in 2022, they'll know they're running in a single member district and they know it

up front, now, and they can make plans between now and then and your districts can make plans for that. So, I think this is incredibly important that we do this. I think it's the fair thing to do.

My race as a single member district, my colleague from the 36<sup>th</sup> said it protects incumbency. I'm not sure it does. I think what it does is it makes us ... maybe the reason that incumbents get reelected is because they're more accountable to the people that they represent in a single member district and they have to be more accountable and that relationship builds to where those members have a district that's comfortable with them being their representative. Perhaps it's a ... you know the other way around that ... people get elected in those districts because they're more accountable to those districts and I think that's true.

My races, when I was running in a four-member and three-member district, it wasn't a one-on-one. I didn't have anywhere the type of debates and one-on-one, back and forth as I did after it became a single member district when those elections took place. So, for those reasons and all the other reasons that have been expressed here today, this is the right thing to do for West Virginia. It is the right thing to do for the people we represent. I truly believe it's what they want us to do from what I've heard and we should take this important step today. I would love to see, not only 100 single member districts but 100 votes for 100 single districts but it's probably not going to happen. But I think it's important that we do this today and I urge your support for it from the bottom of my heart. I think it's incredibly important. Thank you.

DELEGATE SUMMERS. Thank you, Mr. Speaker Pro Tempore. I would just like to state very briefly that the people of district 49 which I represent which is most of Taylor County, but one piece was pulled out to go somewhere else a portion of Marion County and a portion of Mon. County, disproved the fallacies that the Gentledady from the 51<sup>st</sup> and the Gentleman from the 36<sup>th</sup> put forward. They said that the single member district wouldn't elect a woman because she wasn't part of a team and they said that a single member district would not ... would keep an entrenched incumbent. My district has just proven both of those fallacies and I just

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wanted to make sure that you were aware of that.

DELEGATE CAPUTO. Thank you, Mr. Speaker. You're correct there's not going to be 100 votes for this bill and I'd like to explain why I'm going to be a no vote. I come from a multi-delegate district as you well know. I've survived two redistrictings that I've been a part of since I've been here. I've been reelected eleven times and we don't use a multi-delegate district to hide or protect incumbency. If you'll look at all the years that I've served in this House, I think I've only had two primaries that I wasn't opposed and every general I've faced stiff opposition, or we've faced stiff opposition in that district.

You know, I believe that we should come here and we should represent our districts and do what we think is best and what the people in our districts want us to do and I have to tell you, for the two decades that I've served Marion County, I have not had anybody complain to me about the multi-delegate district in Marion County. As a matter of fact, they compliment it because they see us working together as a team and working better for Marion County whether our delegation has Republicans in it as it does now or it was full of Democrats. We tried to move forward in one direction even though we disagreed on different issues, to move forward for the betterment of Marion County.

You know I think this is also very, very premature, Mr. Speaker. There's going to be a lot of us who's not even going to be here when this Census is complete and when we're redrawing those lines. So, we're going to make a decision today that is going to effect this body, whomever may be sitting in these seats three years from now and tie their hands, that they have to carve out single delegate districts for everyone in this state. Now look, I'll be the first to tell you. I don't understand Berkeley County and you may talk to your constituents and they may want a single delegate district and that's just fine, but for you to dabble and meddle into multi-delegate districts and tell a future Legislature that they can't do that even if it's for the best interest of their constituents, I think is absolutely wrong.

Now, I know this is part of the GOP principles in your platform and I get that and

I respect that. I have no problem with that, but are we really doing the right thing here? Now I want you to ask yourselves, particularly if you've been here for a while, how many people in your district ... and I want you to be honest with yourselves ... came to you and said, "We got to have single delegate districts in this state." Now you may have had some. I'm not going to deny that, but has it been a groundswell of people that came and that's been the top of their wish list or the top of their agenda? I think if you answer yourselves honestly, the answer to that is no and you know, just go back to what the Delegate from 36<sup>th</sup> said. I've had opposition in every race and I think if you look at single delegate districts as a whole, as their entirety, you're not going to see a lot of that. You're really not.

Let's just be brutally honest, but I think Marion County is okay with the multi-delegate district. I think we should leave that up to the folks in 2021 who may be here representing Marion or Harrison or Berkeley or whatever the case may be and let them get a feel for their constituents. Let them do what they think they're sent here to do rather than forcing a single delegate district on someone that maybe is working well. I just think you ought to leave that up to the representatives. It's a battle that's been around here a long time. I think it's a battle that we don't need to have, particularly three years before it's going to happen.

I'm going to ask the body to vote no because I respect you and your decision if you think your constituents want a single member district. I think you should do the same and respect those of us, whether we're Democrats or Republicans, that serve in a multi-delegate district and let us make that decision when the time comes. Thank you, Mr. Speaker.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I just wanted to tell you, you know, thank you and I'm relieved to hear you and other members who are speaking in support of this bill to talk about, you know, the reasons why being, you know, good government, accessibility ... about being more accessible to our constituents, about equal representation, about the principle of one person, one vote ... women also vote, one person, one vote.

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I think if that's truly what our intentions are; as good government, accessibility, practicality, then I think we're putting the cart before the horse on this. What's more important to me than how many districts we have is who's drawing the districts. Now, in practical matters, if we pass this law without the other bill that is in subcommittee about an independent redistricting commission, think about what's going to happen when we're completely redrawing the State.

We have 100 different Delegates going downstairs, nonstop, trying to figure out what their particular district is going to look like, who they might be running against in this room. It could very well be a mess. So, I'll just hope that everybody that votes in the affirmative also sincerely supports the bill that is currently in subcommittee. I hope we can get it out of that subcommittee and I hope when it gets to the floor, everybody, whether you vote for this or against this ... and I want to tell you, I'm leaning voting for this bill. So, I'm not speaking against this bill. I can see both points but I'm leaning towards voting in the affirmative.

But I will also ... what's more important to me is who's drawing the districts. So, I sincerely hope that we get that bill out of subcommittee and get that to the floor. That's going to be way more important than how many districts we have. If we truly care about good government, if we want to do this for practical measures, if we want to save ourselves a whole lot of heartburn in a couple of years, whoever happens to win this election cycle and is back here and for future legislators, we need to pass an independent redistricting commission. That's what's more important.

DELEGATE DEEM. Thank you, Mr. Speaker. I rise in support of this legislation and to refute what the Delegate from Kanawha County says as being in a single member district would guarantee a reelection. He forgot to mention what those Delegates in those single member districts, who they were and how good a job they did. That's why they were reelected. Not because they were a single member district and I'll say the same thing about Delegate Anderson. He's in a single member district now. You know why he gets elected? Because he teaches history at

Williamstown High School in his district and nobody ever will ever beat him because he's popular in that single member district and one other reason I think is important to add, single member district, Mr. Speaker, is that the money.

See, now I'm in the 10<sup>th</sup> District and there are three Delegates in our district and the other two do a great job. I really don't have to do anything. I can just take credits for what they do and the newspaper calls me and I quote them as doing a good job for me. So, I'd like to keep it that way but I also believe that I run in a single member district like my colleague here does really now in Wirt and part of Wood and he does a good job. But, I think I could win either way but I think it all depends on what you do when you're down here and how popular you are with your constituency. If you're doing a good job for them and stay in touch with them, you'll win. You know, whether you're in one or the other, but I think that, you know the emphasis really on the single member districts is that you are the one who represents your people, not four or three, but one individual. Thank you.

DELEGATE ROBINSON. We're speaking a lot about talking to our constituents and how they reach out to us, what they tell us at the grocery store and those kind of things. I'll tell you the number one thing that people complain to me, and some of you might hear it as well, is the priorities of this body. The priorities of this body were accused constantly. Well, the priority of this body is about our next reelection and for the second bill to be introduced in this body to be about our reelection ... the third or fourth or fifth bill to be passed by this body being our reelection. I think this body needs to readjust their priorities and not worry about the next reelection and maybe about jobs, economic growth and opioid crisis. Thank you.

DELEGATE SOBONYA. Thank you, Mr. Speaker. Ladies and gentlemen, this isn't about legislators. This is about the people of West Virginia and about their representation. It's not about us, it's about them. The Lady of the 51<sup>st</sup> stated that women, it's hard for them to get elected in a single member district, but I would think that would suggest that there's fifteen women in the House and the majority of the women elected in the House are from single member districts.

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When I first got elected in 2002 there were two, three member districts that represented Cabell County in the House of Delegates. There were two equal districts. The county was divided into half. It took up a portion of one county and the other district took up a portion of another. But half of the people of Cabell County were represented by three Delegates and the other half were elected by three Delegates. So, in that county there was a little bit more equal representation. In the last redistricting, my district, District 18 was created and it carved out a single member district, which I've never been told the reason for that when they left a two-member district in Cabell County and a three-member district in Cabell County.

So, how in the world can we, with a straight face say that people in Cabell County ... some people only deserve one voice at the Legislature. Some people deserve two voices at the Legislature and some people deserve three voices at the Legislature and if you're in a four-member district they deserve four voices at the Legislature. It's a disparity that the Legislature has created and I say that this bill, creating 100 single member districts removes that disparity and say that everyone represented in the State of West Virginia have a voice at the Legislature. Not one, two, three, maybe four or whatever we determine, but, you know, it's equal representation and I say if you support a system that is fair and equitable and you want to put the people first and give them their voice at the Legislature then I say vote for this bill. If you want to protect the status quo in the system, I think we are only one of two states to do it this way. We're an outlier. Why do we want to continue to be an outlier when it comes to representing the people of West Virginia? I say remove the disparity, quit putting politics first and let's pass this bill. Thank you, Mr. Speaker.

DELEGATE HOWELL. Thank you, Mr. Speaker. When I came into this body in the 80<sup>th</sup> Legislature, I served with 100 members. After three election cycles, there are only 26 that are still here. Of that, eleven are from multi-membered districts, fifteen are from single member districts. That tells me statistically there's no real difference between multi-member and single member when it comes to incumbency and if anything it may actually favor the multi-members. But

this bill was about fairness of the people that elect us.

If you have a problem with the Department of Highways, DHHR, need help and you live in the City of Keyser, you can call your Delegate which is me or you can call two state Senators. If you live in Morgantown and you have the same problem, you can call five Delegates and two senators. That's unfair representation of the people. That puts people in single membered districts at a disadvantage. Morgantown has five votes in this House. Keyser has one. Martinsburg has one. That is not fair to the people that live in single membered districts and the only way that we can fix that is to have 100 single membered districts to create fairness for the voters of this state. Thank you.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. First I want to respond to my colleague from the 49<sup>th</sup>. What I said was that I think single member districts make it harder for women to get elected and this was said to a woman ... I mean the idea that there are certain people who would not vote for a woman was said to ... several times to a woman who was running for the Senate last year and it's appalling to me that anyone would say that in this day and age. But I have to say that you probably know better than anyone else that women have to work harder for everything that we do and that it's an indication of you're a quality candidate that you won. I will concede that.

Secondly, just this whole idea of fairness I find really strange and we're talking a little bit about my district. My district includes many towns so it's not just the Towns of Morgantown that are being represented, but Star City, Blacksville, Westover. I think we have five or six and we have large unincorporated areas that are also being represented. But it's ... I also get a lot of calls from Preston County for people that are on the border and one of the problems that we have because we've gotten away from county borders is it's more confusing.

The process that's in our constitution of sticking with county borders is less confusing. People know the borders of county but there's all kinds of blending. It's partly because of the federal requirements



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and you know, you can say that ... I just totally disagree that we comply with one person, one vote. There's just no question that there's any issue that we don't do that or that having single member districts or multi-member districts is more fair or less fair. I think the most important thing is we all took an oath to uphold the state constitution and we can uphold the state constitution and the federal constitution but we can't do it if we only pick out one sentence that we're going to follow and that's about the ratio. There are other sentences that say we have to do it in a certain way and we can't pick and choose among those sentences if we're going to be consistent with our oath. So, I urge rejection of this. I think that we should have a redistricting commission that is neutral, that doesn't look at where people live and who might be positively or negatively affected and I think that you should vote no on this bill.

DELEGATE BOGGS. Thank you, Mr. Speaker. Well I'm going to be the first one I think, maybe not the first, but I'm going to be one of the first to invoke the often heard phrase at the Legislature, "I hadn't intended to speak today, but..." So, I truly hadn't intended to speak today, but I believe I'm probably the only person in this body that has chaired a redistricting committee and I want to tell you if you want to make everybody mad, that's the best way to do it. Trust me. It doesn't matter if they're a Democrat or Republican, Independent, it doesn't matter whatever, you're going to make somebody mad, whether they're in your party or not.

And, I stood where the Majority Leader is sitting now and put forth a plan and I endured the hate filled remarks and a lot of things privately that weren't here publicly, trying to do, truly what was the best job that we could do. You know these districts have to be plus or minus 5% in the House districts. I believe in the Senate it's 10%, plus or minus. So ... and I'm pulling this from memory ... I believe the districts at the time after the Census were 18,018, so you could deviate 5% plus or minus from that and in order to try to preserve municipalities, try to preserve county lines to the best possible, you try to use that 5%. And there was a lot of computer software and things that we had to rely upon that will be available the next time too.

But, I truly believe if you want this to be what we're all talking about, then you ... if you're going to enact this, you have to enact something that's going to take this body out of it and invoke a nonpartisan way to apportion these districts. Because I think to do otherwise, all you're doing is trading one situation for the other.

Now let me give you a little bit of background on the single versus multi-member district. During 2011, many of you came to me and to others that were on the redistricting committee indicated that you wanted a single member district. To the Lady from the 18<sup>th</sup>, I'm not sure if you came or not, but there was an indication that there seemed to be ... that that was someplace that was an interest in single member district. Also, Mr. Speaker, I believe you and I had a conversation about taking your previous three-member district and dividing it up into three single member districts, which we went over in the office over there and we sat down together and we worked it out and we accommodated it and we went from, I believe we had a net gain of about ... I'm doing this from memory, about eleven more single member districts than we had prior to the last redistricting.

But obviously anytime we change somebody's district, there's going to be anger. You know, "You took my neighborhood. You gave it to somebody else. My family lives there. No, I don't want this. You gave it to this person." You know, those are just some of the inevitable things that you have to deal with when you're looking at neighborhoods, boundaries and those type things that you're required to do. During the last redistricting we set up a communications, whether it was through ... we set up a special website, had a dedicated 800 number and I'm sure people got letters, calls, but we directed everybody to that website, to that phone number and despite a statewide pr campaign, we only had about 100 calls, emails and communications in to that website professing to want 100 single member districts and many of them were the same folks who called multiple times.

So, I represent a single member district. I have since I've been in this body, but it was mentioned earlier about not having to deal with as many boards of education and county commissioners. I represent Braxton and a

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portion of Gilmer. My friend from the 33<sup>rd</sup> represents three; a portion of Gilmer, all of Calhoun and most all of Clay. Even with a single member district, he's got three counties and county officials he has to deal with and I'm sure he does it and ... he does that. I do the same thing with two. So, I don't think a single member district is going to mean that you're going to necessarily have to deal with less boards of education, county officials, anything like that. Which I don't see as a burden.

I just think it's an opportunity to get more information, but one of the reasons that I heard most prominently the last time, for better or for worse and you can ... I guess you can use this information and make your case on both sides of this issue. We had a lot of mayors. We had a lot of county commission members. We had a lot of citizens that live in the large municipalities that didn't want to get split up. They wanted it, multi-member districts and even despite that, there were some changes made that still reduced the size of some of the districts but still kept intact some multi-member districts.

But I've got to tell you, one thing that I recall. When somebody comes to you and says, "I'm really happy in my single ... I'm really happy in my two-member district, but I just can't vote for it because I promised a group that I would vote for single member districts. But I don't want a single member district. Don't give me one. I want to stay in a two-member district because I'll lose if I'm put in a single member district. But I just want ... but I've got to vote for that. I want to tell you something. That is the height of hypocrisy and that's exactly why we need to make this nonpartisan, just like the Gentleman from Kanawha said.

It's difficult for me to vote against this bill because I do represent a single member district, but if we want to be pure in our motives, let's do it in a way that takes politics out of it, let the chips fall where they will and let's go from there. I ... at the end of the day I don't think it matters if you're in a single member district or a multi-member district. If you're doing your job, your constituents know it. They see it. They hear you. You hear from them. You go to them and they come to you. They're a resource and you're a resource to them.

But you know, I just feel like that to a certain degree I think this train has somewhat left the station. I think that this train has left the station way too early with all the other things that we have on our agenda that need to be taken care of. But I think that if we don't do this and we leave the politics in it, we're just asking for more of the same. I have to tell you, I used up every bit of my vacation that I had from my work. I went off and took days off without any pay whatsoever and I was here for weeks and weeks and weeks from early in the morning until late at night and it's a tough job and the other people that were on the committee that assisted on both sides of the aisle.

It's a very tough job and so I would just ask that if you vote for this, vote for the other legislation that's in the ... I believe it's in subcommittee right now. Vote for that, too, because one without the other, I think, is just trading one situation that everyone seems to complain about for others. But let's not get caught up in the fact that while this is an important issue, we've got vital ... vital issues that deal with lives, addictions, jobs, that we need to take care of first and foremost before we start worrying about political lines. Thank you, Mr. Speaker.

DELEGATE WILSON. It seems to me that it's very clear that if we are interested in the principles of fair, equitable, transparent, responsible government then we have to vote for this bill. We have to have fair, equitable, transparent and responsible representation of each citizen of this state and it's very clear to me that that's what we need to do. Thank you, sir.

DELEGATE ROWE. Thank you, Mr. Speaker. I've been trying to do a rough count by looking at the manual and it appears to me that the emperor may have no clothes. The single member districts, I counted 47. It's a rough count. Thirty-five are Republican and 12 are Democrat. Now, the difference there is, I'm not really good at math, certainly, but that's about ... what is it, 23 votes? That's more than the difference in the plurality in the House. I think without accepting responsibility, to limit incumbency ... Now I mean, when you've got over half of the members of your party who are going ... who are already in single member districts and

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imposing that throughout the State, without a commitment to term limits or to some non-gerrymandering judicial commission that can ... not judicial, I'm sorry ... legislative districting commission. You know, this is just pure politics and I think it's just amazing that there has been no contradiction, that in fact, generally, single member districts are not competitive in the political process. I cannot think of a single member in Kanawha County over the years of twenty some years where we've had single member districts and that's four. There's one in Charleston and then three in the northern part of the county that have ever been ... there has never been an incumbent defeated in a primary or general election. Now, you know, it was pointed out that these folks ... some of them do a really good job and that's absolutely true and that's fair to recognize as well. But across the State you'll see noncompetition in single member districts. So, whenever we look at the numbers, I think maybe we can understand that it's pure politics unless there is a commitment; number one, to limit terms, number two, to have a districting commission that can make sure that when we talk about how one man, one vote applies, how transparent this is, how fair and equitable and how people get one vote, one person, that in fact what we're going to produce is a better result and not just pure politics. Thank you, Mr. Speaker.

DELEGATE SHOTT. Thank you, Mr. Speaker. Most of the concerns about the bill, I think have been adequately addressed but as the person who's entrusted to chair the Judiciary Committee in this House, I'm always concerned when I hear challenges based on our state constitution to a piece of legislation. So, with all due respect to my colleague and friend from the 51<sup>st</sup>, I would suggest to you that if you read Articles 6 and 7 of the Constitution, you're going to find a lot of language in there that's actually obsolete. Our first redistricting is in there. There's a lot of information that's in there that if we were to literally apply every provision in that section, we would be back to where we were when this state was created. But more importantly I believe that Articles 6 and 7 of our Constitution were basically supplanted by the United States Supreme Court case of Reynolds v. Sims which has

been mentioned here earlier as first articulating from that court, the one person, one vote rule. If there's any suggestion at all that this bill instructs us to do something other than what the constitution requires, I would suggest that you just look at the last six words of the bill, itself. Which reads, ... "with apportionment to meet constitutional standards." So, in other words if we deviate from that in any way, from the constitutional standards expressed in Reynolds v. Sims or later cases, we will be challenged in court because we haven't complied with our own statute. Let me just return to the language of that decision of Reynolds v. Sims where the Court says, so that one person's voting power ought to be roughly equivalent to another person's within the State. And I would suggest to you, you could replace the term "voting power" with the word "influence." So, that one person's influence would be substantially equivalent to another person's influence within the State. Now the argument has been made that multi-member districts, when they operate efficiently and when they work together have substantially more influence than a single member district and I would suggest to you, if really we want to be pure in our motives ... if we want to be pure in our motives and follow the standards set by the Supreme Court we ought to vote for every person's influence in this body to have the same weight and, Mr. Speaker, I urge passage of the bill.

### DEATH OF POLICE CHIEF JOE CICCARELLI

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REMARKS  
of  
HON. CAROL MILLER  
*January 23, 2018*

DELEGATE MILLER. Thank you, Mr. Speaker. I'd like to request a moment of silence. First I'd like to ask to address ... permission to address the House. Thank you, they were just being loud and I got ahead of myself. Would you all please join me in a moment of silence? Yesterday our dear police chief, Joseph Ciccarelli lost a very courageous battle with cancer and he's now in heaven. Will you please join me?

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### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
MEMBERS  
*January 23, 2018*

DELEGATE GEARHEART. Thank you, Mr. Speaker. Mr. Speaker, it may not surprise you today that I rise in a state of confusion. It may not surprise the members here either. My confusion comes from attempting to make a logical progression from the State of the Union speech last year to the State of the Union speech this year. Last year the Governor came before this body and presented to us a budget that was short on income and long on spending and then he proposed an additional \$120 million worth of spending. He proposed a 2% pay raise for teachers and then on top of that, he proposed a \$450 million tax increase. We passed a budget that included none of that, none of that. This year the Governor come to this body and indicated that we have a better circumstance with regard to income as it relates to spending and he's happy about that all from a budget that he didn't sign. This year we have also new spending proposed. Almost \$50 million to commerce, \$14 million of that in an advertising fund in different forms of advertising and marketing and brand circumstance and \$35 million worth of that in a variety of items for the development department to make sites ready or make the State more attractive to business. We also have an additional \$7 million in new spending to a community college fund that would pay, I guess less dollars or tuition for students of community and technical colleges. Last year the Governor implored us to pass a 2% pay increase for teachers. Something that we absolutely had to do and frankly, there was no money to do it. It didn't happen. However, this year when he came to us with a pay increase for the teachers, that was cut in half to 1%. I can't quite follow the progression from one to the other. If we needed 2% last year and if it was really urgent last year, it seems like 1% is not quite what we ought to do, particularly when it appears ... there may be some arguments about that I guess, but it appears that there may be money available to accommodate what was really needed last year. It's very difficult to understand. On occasion, my

friend, colleague, the Finance Chair will moan the fact that I'm not always as quick to tell him what I intend to do as he might like. So, today he'll have that intention and all of you will know that. I find it necessary for us to fulfill our constitutional duty and keep good teachers in the classroom, to provide what we're required to do, to provide an education for students here in West Virginia, to find a way to get teacher pay increased some. Particularly now that we have money available to do that. In questioning the education folks, they indicate that it takes about \$12.7 million to bring on a 1% pay raise. We've got a 1% pay raise already imposed. I am going to suggest that out of the additional dollars and this would come from those three line items, the \$49 million in commerce and from the development line and the advertising line for tourism and this \$7 million from the community and technical colleges, that we find an additional \$20 million to commit to education in the form of a teacher pay raise, which would be an additional, about a percent and a half. I think that we can do that. I think the Governor was spot on last year when he said we need to do that. However, I also think that this body was extremely responsible in recognizing that last year's budget didn't allow it. I think this year's budget does allow it, coupled with the fact that they weren't able to get the raise last year and the enormous amount of aggravation that we are all hearing from public employees and teachers in particular with regard to their insurance program and PEIA and the Go365. I think that this is the minimal that we should do and I'll ask you all ... I have no idea how the budget's going to form up and that comes out of the Finance Committee and the Chairman will do that. But if we're not able to do this I certainly plan to offer it to this body for consideration and at that point in time I'm going to ask for your support. Thank you, Mr. Speaker.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. Mr. Speaker, this is indeed a different time for the State of West Virginia. I've been here for three years. I'm particularly happy to see young people in the gallery today because what I have to say definitely has as much to do with them as much as anybody in this chamber. It is certainly, this year, quite a bit more a place of optimism. This chamber is quite a bit more a place of optimism than it has in the past years and there is no doubt there are good

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reasons for that optimism. We are embarking on a journey that I have not seen, where we don't have a hole in the present budget so that we can budget next year without worrying to a great degree about this year, but there's more to it and it's really exciting to me. We are in the midst of what I can only term a perfect storm of opportunity and the proper people in the proper places and by that I mean this: We have world class economic people who understand the development of energy in our institutions; at WVU, we have them at Marshall and several other places in the State. They can help us formulate a strategy for using the resources that we have in this state.

In addition to that, there has been an influx and we're not certain how much of an influx of capital into the State, to deal with energy issues in the coming years and by that I mean simply this: The government has okayed an application for \$1.9 billion for an energy hub to hold liquids that are taken from the natural gas under our feet and to be made into products such as plastics and that type of thing. This is immense. This is a very big thing. It gets us a little bit more into comp ... we can directly compete with other states and other places in the world actually. As a matter of fact, the Department of Energy, Secretary Rick Perry of the federal government has posted two people to West Virginia to see that this storage hub gets its proper hearing and proper planning. In addition, of course, I think you've all heard that a memorandum of understanding has been signed with the government of China. I think this is largely due to the work that WVU did with the Chinese energy company. A company which has 300,000 employees. We were able to help them make that energy company go a lot better than what it was and act like a utility does in the world today. For that we have an \$83 billion memo of understanding, memorandum. I can't tell you what that does for us. There are things that we can do now because we have capital to invest, if we choose to take a path where we use our resources wisely. This investment is a two-edged sword. There are things that we have to do and challenges that remain so that we can make this come to fruition. It is critical that we do this and the Energy Committee is about to embark upon a series of bills that will help us do that.

My great concern ... and the reason I rise today is very simple and I hope you all take

this away from the chamber today: If we do not more efficiently remove resources, natural gas and natural gas liquids and compete with the States around us, I have a great, great fear and that fear is simple: A guaranteed supply is what people who do manufacturing and people who use the resources that we have under our feet, like to see before they bring billions of dollars to this state and use it to manufacture things. And the biggest fear of all: If we do not do these things and compete, well, guess where we'll be. We'll be back at square one where they take our energy and leave us nothing. Well, I'll be darned if I'm going to let that happen without some ... without weighing in on it, speaking to the best of my ability, because I have special interest groups to take care of here and who are those special interest groups? People who want jobs, people who want prosperity and last but certainly not least, people who, like me, absolutely refuse to utter the words "They take our energy and they leave us nothing." When these bills come up I would appreciate all your consideration and if you want to know the motive I've just outlined it to you. Thank you very much.

DELEGATE COWLES. Thank you very much, Mr. Speaker and ... Ladies and gentlemen, just a couple minutes of your time. I'd like to talk on Higher Education Day about the view from my area of the State, my district. You know, I wonder what it's about, the students from the eastern part of the State. There is a divide I guess, the Eastern Continental Divide but on the other side, my side, my district's side, the twenty-somethings are treated somewhat differently than the twenty-somethings on this side of the Eastern Continental Divide and I struggle to figure out why. Certainly there's nothing wrong or inferior about the twenty-something students on that side of the hill. But it's clear the Legislature treats the eastern twenty-somethings different. I just don't know why. It's not in PROMISE Scholarship. PROMISE Scholarship is applied evenly across the State with the same standards. It's not the Higher Education Grant. It's applied evenly across the State, same standards. It's not the HEAPS Grant, it's applied evenly. Rather, it's the continuing budget allocation that treats the eastern schools differently, the eastern students differently and what I would like to suggest is that if the reason is because it's

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always what we've done, we should try something different. There's \$10 million new dollars to go into higher education apparently in the proposal this year. If that's the case, I would suggest maybe we try to reset that allocation into a more fair standard, not create a new program, Mr. President, Governor Justice. Rather, reset the formula that we have today.

I've shared with you before the Blue Ridge issue where Blue Ridge Community and Technical College, the students, they go to Blue Ridge, get half, a fraction of the students and their sister institutions across the State. Is the twenty-something on our side of the hill worth a fraction of the twenty-something on this side? I don't think so. But I'd also like to share with you that it doesn't end there. West Virginia University has two arms: one arm is West Virginia Tech, WVU Tech in Beckley; the other arm is WVU Keyser, Potomac State in Keyser, West Virginia. Those schools are almost exactly the same size, yet the allocation in the budget for Tech is \$7.4 million. Over on the other side of the hill in Keyser, it's \$3.6. The eastern student gets \$3,100 less per year in-state budget allocation. At Tech it's about \$6,000 per student and at Potomac State it's about \$2,900. That's a whopping \$12,400 less in a four-year college degree for the student on that side of the hill, the twenty-something over there.

But Shepherd University is another great example. It is almost exactly the student, the same size as Fairmont State University. Yet Shepherd gets \$9.4 million in direct subsidy from the State budget, while Fairmont gets \$14.6 million. That means their students, or the students from my area, on our side of the hill get \$1,400 less per year in-state allocation and it's for those reasons that I think that we should consider the proposal for the funding model. Some funding model that resets that calculation and invests in the young people on that side of the hill the same as this side. What I've been reluctant to do and I've heard from you, that it's difficult to shift money from one institution to another. I can't cut West Virginia State and plug it in at Shepherd. I can't cut New River and move it over to eastern, but if there's new money to be added to higher education and you would like a return on your investment, I would suggest to you, my friends, to the Governor, to the

Senate President, that we look closely at a funding model and invest equally in the twenty-somethings on our side of the hill. They are certainly worthy of it. Thank you. Thank you, Mr. Speaker.

DELEGATE COOPER. Thank you, Mr. Speaker. I'm almost tempted to say I'm not going to say anything. Usually we stand up here and say I wasn't going to speak today, well, I've been planning to speak for the last 45 minutes and most of what I've ... was going to say has been said and very eloquently I might add, especially by the Gentleman to my immediate right, here. But, let me give you a quick history lesson. First of all, let me tell you about a movie and one of those movie lines in that movie. The movie was "*O Brother, Where Art Thou?*" and I liked it only because of the songs. I thought it was a terrible story and it ruined a classic. But, I still liked the movie, but one of the lines was: "We're in a tight spot." Folks, we're in a tight spot. We're in a tight spot on a lot of fronts, but one place we're in a tight spot is in the area of the way we treat our education community and I'm talking mostly about the public education, grades K-12. Although to agree with the Gentleman from Kanawha, would be appropriate at this time as well. We need to do something in the way of those scholarships, that's why I introduced a bill two years ago, to do that. But anyway, we're in a tight spot.

Now the history lesson, in 1986, I taught my first year. A brand new teacher, 39 years old, been in the Navy for 20 years and seen a couple of things and came home to teach elementary school. I got paid \$14,900 that year, I believe, somewhere in that neighborhood. For that \$14,900 I could have gone to the local Ford dealership and we actually had one at the time and bought a medium priced, medium sized car for half of that year's pay. It would have been a Ford Taurus or Sable or something like that, but that's about what they cost, \$7,500 new. Today a beginning teacher, starting out makes somewhere in the neighborhood of \$30,000 depending on the lack of, or the availability of a county levy and I don't think any of us have bought a medium sized car appropriately equipped for half of that for many years. Today, to buy that medium sized-priced car would cost that teacher the whole year's pay and maybe even more. I've spoken to one of the Delegates yesterday and

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I thought he was driving kind of a cheap car and he informed me he gave \$36,000 for it. Nice car. Then I priced a Ford pickup truck which used to be the cheapest of all things ... \$52,000. So, we're in a tight spot here. \$30,000 dollars a year sounds like big money until you start having to buy electric service and phone service and a car and insurance. So, there's a Senator, over at the far end of the hall out here, that said this 1% raise was a slap in the eye or a finger in the eye or something. If you all will recall, I said the very same thing four years ago sitting over there where ... next to where Delegate Wagner is, when I said we were spitting in the eye of the service workers and we were. We have let this occupation get so far behind that we can't afford to catch them up. Now, how do you tell them that? How do we tell them that? And now, we give them a little 1% raise and then raise their PEIA premiums to the point where that raise is gone. I'm on Social Security, as a lot of you in here are, so, I get a little raise on my Social Security this year and I lose it all right back to the Medicaid part B or whatever it is ... Medicare Part B, whatever it is. That's what we're doing to our teaching people and we're in a tight spot here because I think they've just about had enough. Now we can't afford ... we can't afford, with our budget and I know a little about numbers. We can't afford to double a starting teacher's pay or make it ... raise it 30%. We can't afford to do that. But I'll tell you what we can afford to do. We can afford to make sure that no teacher worries about losing a job, we can make sure that no teacher worries about their school budget being cut for one reason or another and we can make sure that that teacher's day at work is worry free when it comes to healthcare and affordability of that healthcare for her family because that brings me to another point. Most teachers in this state are not men. Men are the minority in education. The women who teach school in this state most often are the head of household and when they leave that school building, they go home, wash clothes and do all those things that mommies have to do in addition to being a teacher. We're in a tight spot. We are in a spot that we can't afford to get out of. So, I suggest above all else, we make sure the Governor is aware of his responsibility in this PEIA debacle, we make sure that the whole community is aware that we're working on it because there are forces going on around us, folks. That's going to make us look pretty

bad if we don't get something in here and get it there quick. When I learned to drive, my dad was trying to tell me how to use a clutch and I was sitting in the truck with the gas pedal wide open and not letting the clutch out and he said, "Son, let the clutch out. The fan won't pull it." Folks, we've got to let the clutch out on this PEIA problem because the fan is not going to pull this truck to the place that we need it to be pulled. Thank you, Mr. Speaker.

DELEGATE THOMPSON. Thank you, Mr. Speaker. I speak to this body today on behalf of a lot of frightened people. All across this state, school employees, both teachers and service personnel are weighing their love of their jobs against their fear that they are going to lose their benefits, effectively reducing their pay or even lose the little security they have in their jobs through seniority and other things, transfers and things like that. As a teacher, I can tell you from personal experience that we receive little praise on a regular basis. The best we can usually hope for is a message from a former student who, looking back appreciates the effort we put in or in special cases, made an impact on their lives. Today we've heard an outpouring of sympathy for public school employees, teachers in particular. I hope that concern is genuine and I have no reason to doubt that it is, but I also believe that the outrage scene across the State from school employees has a lot to do with it. So, please don't forget what was said here today by members of both parties and ... I planned to conclude this speech by saying, by asking this body to give teachers and service personnel a reason to stay in West Virginia. After I thought about it however, I realized that I already have a reason to stay. My students and my community are my reason to stay here in West Virginia. That's the reason I stay here and teach for lower pay, reduced benefits and less security and I know the other teachers of this state must feel the same way or they'd already be gone. So, given that I will not ask this body to give me a reason to stay here in West Virginia because I already have one, but I will ask you to make it worth my while. We're going to stay. We just want a little appreciation when we do. Thank you.

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### COM. SUB. FOR H. B. 2607

REMARKS  
of  
**HON. JOE CANESTRARO**  
*January 24, 2018*

DELEGATE CANESTRARO. Thank you, Mr. Speaker. I rise in support of this bill today. I'll give you a few reasons why. First of all, this will not cost our counties anything. These people are people already convicted of felony offenses who have been sentenced to the DOC but their sentence was suspended and they were placed on supervised probation for a period of time. So, if they are sentenced to any amount under this bill, up to the six months for first violation, it's not paid by the counties even if they are in the regional jail. It's paid by the State, so the cost to the counties on this is zero. The second reason I support this bill is that it gives flexibility and discretion back to our circuit court judges. If they feel on a first violation for somebody testing positive for heroin or opioids or marijuana, if they feel that they should be given another chance, they don't have to incarcerate the person for up to six months. This gives them flexibility to not incarcerate the person or maybe just put them in for 20 days, but allowing them the greater discretion to give six months allows them to put somebody that's truly addicted to opioids in incarceration to allow them to properly dry out, before we try different methods with them and rules of probation such as drug court, rehab or our day-report centers. So, that's the reasoning for extending the period of possible incarceration. Quite frankly, the way that the graduated sanctions are right now, it takes away that discretion from a circuit court judge. If all you can do is 60 days for a first violation, then you can't properly deal with addicts, number one. Then when they come back and violate a second time, if the violation is such that they're still down the same path, we can't incarcerate them for the full sentence. As it stands now all you can give them is up to four months for a second violation and these are convicted felons, ladies and gentlemen. These are not people that committed misdemeanors. These are convicted felons who were already given

the opportunity and given a chance of supervised probation. So, they were already given one break. Under the graduated sanctions, if this bill doesn't pass, they get three or four breaks before they actually get some time that they have to do. So, that's why I support this bill.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS  
of  
**MEMBERS**  
*January 24, 2018*

DELEGATE COOPER. Thank you, Mr. Speaker and I promise you no history lesson. I've started getting some emails and I'm sure you have, too, concerning cutting timber in the State parks and some folks out there think that we're going to clear cut every state park in the State and as I understand it we're going to do nothing of the sort. But maybe we should think about why we're going ... or even thinking about cutting timber in the first place. Most of the lodges built in West Virginia were built back in the late 60s, early 70s. I know the one in Summers County, Pipestem State Park was finished about 1968, had a design flaw in it. It seems that the structure was held up by huge metal beams and the ends of those beams have started to rot off and to replace them is actually more expensive than building it to start with. However, the State park system does not generate enough money to even pay for those repairs and still operate the State parks and so they've been in a quandary and they've tried to close some golf courses in my area, close this, close that. I think we all remember those issues. So, all of a sudden this idea to cut a little bit of timber comes up and we all go crazy. The truth of it is, this bill is not going to allow, as I understand it, this bill when we get it, will not allow clear cutting of anything. In fact, it's, I believe, limiting the ... the bill is going to limit it to four trees per acre. Now that means that every 208 by 208 section of land in that park will be ... four trees cut from it and they have to be something like 24 or 26 inches in girth, chest high on an ordinary sized man. I believe that's how it's going to be. So, we're not going to destroy these state parks but the proceeds from the sale of this timber is just like the proceeds when I sell timber off of my farm, I use it to build



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something to build something back or keep something running or whatever. That's where this money will be going. It will either be going to fund a bond proposal to put these state parks back into better operating conditions or directly to pay for these needed repairs. So, when we start getting all this publicity and all these emails telling us how dumb we are to think about cutting timber in the State parks, let's remember that at the turn of the century and I guess here's the history lesson, Mr. Speaker, we cut about everything there was to cut in West Virginia and all of a sudden we had brush and undergrowth everywhere and guess what flourished, wildlife. We had every kind of small game running around because they had cover all of a sudden. You see, when the forest gets so high, there is no cover underneath for small game. There's nothing there for them to eat. But when you cut a tree down, then to you ginseng hunters, when you go through an area where you've cut a couple of trees, I know you always look on the shady side of that downfall or that treetop. That's exactly what cutting a tree down does. It creates an ecosystem for some other little creature to start making a habitat in. So, we're not going to destroy this state. A Commissioner of Agriculture, I think, came out about 5:00 this morning I saw a thing on tv. He's against it and I don't understand why, but he's still against it. But, we've got to do something to make these state parks solvent and this is one way we can do it without taking it to the backs of the taxpayer. Thank you, Mr. Speaker.

DELEGATE SUMMERS. Thank you, Mr. Speaker. Today I'm standing up for our state employees and education personnel to give them a voice. We all understand that our economy is fragile and we must proceed cautiously in our budget process. In the past three years that I've had the pleasure to serve here, we could not afford to raise the pay of our employees without taking money from someone else through taxation. But this year might be different, revenue estimates are positive. The Governor's budget wants to increase funding for tourism, commerce and provide free tuition. Well, I think these ideas have merit. I do not want us to choose to fund these items instead of the people of our state. We do want to draw more people to West Virginia, to open businesses and travel here but we do not want to choose bringing more people to West Virginia over helping those

that already live here. Please stand with me and show your support that we must prioritize our employees in this year's budget process. Thank you.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. For the past three years we have sat down here and talked about the war on PEIA. Five years ago this was one of the best health coverage systems, certainly in the State of West Virginia. People lined up to try to get onto the system. Over the last three years we have failed to fund it, we have failed to fix it. Last year this body passed S. B. 221, threw two working members off the PEIA financial board, reorganized it. The people who were supposed to be on there were representatives for the teachers, representatives for public employees. You tossed them, reconfigured it, put bean counters on there so they could maximize the money for the State and cut services to the individuals in the State of West Virginia. This year, so what do we get? Go365, 365. We have tears, crocodile tears in here talking about, "Well, how could this be? How could this board be intrusive? How can we possibly go out there and see that they're taking your personal information and calculating it?" I am shocked that now by policy we are implementing preexisting conditions. We look at your blood scores. If you're an individual who's had cancer, is going through and they look back at your blood score, guess what! You get a \$500 deductible penalty. Your premiums go up \$25 a month. Go365! You got a Fitbit? You got to turn that information over to them. How about Nanny State 365? Everybody in here knows it. We give crocodile tears. Oh, we get these emails. I even got an email yesterday from PEIA giving us talking points on how to sell this piece of garbage to everybody in the State and you all were shocked, shocked that we got this bill. Well, maybe we're giving our public employees pay raises, 1% pay raise. Why don't we just give them a Christmas ham, send them on their way? I mean that's embarrassing. It's flat out embarrassing what's being presented in this state. We've got a bill that I have had worked up, it's the 2018 PEIA The Buck Stops Here Act. It abolishes the financial board which we attempted to do last year. By way of history, how PEIA used to be fixed, it came out by legislative rule, we would approve individual policies. We're accountable to our people. Now, if you all want to go back home and say, "Well, we

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can't do anything because of that financial board," that's what you're going to do. That's probably what you've already started telling people. We certainly can clean this up. We take the responsibility that we are elected here to do, to take care of people, the problems of 2018. We've spent the first quarter of this whole session worrying about the 2022 elections and we're not even concerned about the problems of 2018. So, I hope when this bill drops that we're going to have a vote to abolish the financial board because it's time that we stand up. The citizens of the State of West Virginia can see who's protecting the public employees and who's giving them the shaft and that's all they've had so far and we continue to turn a blind eye to it. The buck stops with this body. Thank you, Mr. Speaker.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I just want to reaffirm what the Gentlelady from the 49<sup>th</sup> stated. Sixty million new dollars going to the Department of Commerce. Sixty million roughly in new dollars under this budget proposed to go to the Department of Commerce. That's just utterly absurd. I mean that's just not a slight increase, that's an increase by a factor of five or six from last year's budget. Much of that new money is going to be dedicated to the Development Office, the office of development. The name itself sounds like it belongs in the third world and then some of that's going to tourism and I understand some members of this chamber have sort of a sympathetic ... sort of sympathetic tendencies towards the Division of Tourism. However, you know such an enormous increase to this department, it's just ... to me it doesn't make any sense because, what I want to get at here is ... and it's sort of a pet peeve of mine, is the Department of Commerce and the sub agencies under it like the Development Office are engaged in what I like to refer to as crony capitalism. They take tax dollars off of all our constituents and all they do really is subsidize connected businesses. They pass out possibly government-backed artificially low interest loans. They'll go out and spend tax dollars buying up prime pieces of real estate. They'll go out and do all sorts of other subsidy type practices for the connected established businesses usually, whether that's helping them prepare a site

expansion or whether that's helping them by passing out sort of bribes to get people to come in and where these central planners, these economic central planners and the Department of Commerce. Where does the Secretary of Commerce, the philosopher king bureaucrat, how does he get all this knowledge of who should operate and who shouldn't? Who should get subsidies and who shouldn't? Who should get these special awards and who shouldn't? The greatest thinkers of the 19<sup>th</sup> and 20<sup>th</sup> centuries in the fields of economics utterly demolish central economic planning. I mean all you got to do is read them. I'll pass out a reading list for anyone who's willing to take them up. Not only is it just completely inefficient and unproductive, but it's also counterproductive. It's counterproductive to economic progress. I mean when you have government agencies going up and buying up prime pieces of real estate around our state, what incentive do they really have to move that property? Now if a private entrepreneur buys it up, he's got a pretty good reason, a pretty good motive anyway to move it. Sell it to the highest bidder. He just wants to make a buck, whether that's a Subway restaurant, whether that's a fast food chain store, whether that's a shopping complex, that might not get glamour in the newspapers because a lot of times these central planners, they sit and paralyze this property because they can externalize all their costs on the taxpayers. But then they wait around until their favorite businesses or their favorite industries that they want to pass out more subsidies and incentives with our tax dollars to bribe them to come into this state or expand into these new locations they bought up. They want to wait around until somehow they can get those centrally planned, picked out industries because, you know, typically a shopping complex might not get very good headlines and that's what a lot of times these government central planners wait on. "I need to get something neat that'll get me a lot of press. Get me a lot of glamour." So they ... it's counterproductive and it also ... these practices, these central planning economic activities lead to very corrupt type behaviors because then favoritism starts coming into process. You know we have several cabinet level secretaries underneath the Governor's Office that

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own private firms on the side, private engineering firms, private contracting firms. You know power is very tempting. You know the famous English 19<sup>th</sup> century Catholic philosopher, Lord Acton, "Power tends to corrupt." "Hey listen I'll go ahead and get you this government-backed loan, but go ahead and hire my firm on the side and I'll do all the site preparation for you with my engineering work." Do you see how this works? It also is not just completely counterproductive and it's been debunked by any economist worth his salt over the last 150 years, but it also leads to extreme corrupt type behaviors. I mean, look! All we got to do, exhibit A, the Soviets. Okay, we all know what happened to Soviet style central planning. Now given the Soviets did it on a far greater magnitude, but the underlying philosophy is still the same. So, I'm reading reports that some members of House leadership and some members of Senate membership are all on board with this Governor's plan to increase the Department of Commerce's budget by a factor of six or seven. They're completely on board with it from what I'm told, from open source reporting in the news. So, if they'd like to stand up and debate me on the merits, I mean they might have to rely on some of the worst thinkers in political theory and economics such as Rousseau, Hobbes, Karl Marx. They can stand with those guys but I'll stand with the other guys. So if they want to debate me, let's do it. Let's do it on the merits. My proposal though is, since I'm pretty sure I can't get enough votes to give all that money back to the taxpayers where it was taken from, how about we go ahead and do something, at least a little bit productive with that money and redirect all of that money, that increase funding, \$59 million and some change, almost \$60 million, back towards to our public sector employees. Increase their wages, increase their salaries. All of us have teachers in our districts. All of us have Division of Highways workers. All of us have correctional officers, maybe not all of us, but you get the gist of what I'm saying. So, if we can't give it back to the taxpayers, at least we can stop this counterproductive massive economic planning proposal from going forward and at least get that money back in the form of higher salaries, higher wages for our public sector employees and

get it back to our own districts instead of just having it blown and wasted in this pithole of Charleston. So, with that, I'll end my comments. Thank you very much.

### DEATH OF NANCY TONKIN

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#### REMARKS

of

**HON. JILL UPSON**

*January 24, 2018*

DELEGATE UPSON. Thank you, Mr. Speaker. I have two acknowledgements that I would like to make. First of all, I would like to introduce the board members and the staff of the YWCA Charleston. Seated in the West Gallery with us are Clare Higgins, Deb Weinstein, Margaret Taylor, Jeri Matheny. Would they stand and would the House make them welcome?

I would also like to take a minute to honor the memory of Nancy Tonkin, a longtime member of the YWCA Board and Chair of the YWCA Public Policy Committee. Nancy was a special woman whose presence graced the halls of this Legislature for many years. Nancy passed away last November after a long, courageous battle against cancer. Nancy began her work at the Legislature as head page and continued her advocacy through the years as a lobbyist for a number of healthcare groups and organizations. In 2016, Nancy was influential in passing of West Virginia's oral anticancer-treatment access legislation which removed the barriers to life-saving treatment for cancer patients. Those who knew Nancy miss her greatly. Thank you, Mr. Speaker.

### COM. SUB. FOR H. B. 3004

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#### REMARKS

of

**HON. BARBARA FLEISCHAUER**

*January 25, 2018*

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I urge rejection of this bill. There are many of us that call this the Daniel Hall bill and that's because this codifies that at the last minute, when there's an opportunity before you, you can just switch your party, and in the case of the past history, he switched his party and the Senate changed

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hands. That is bad public policy. What that means is ... and you know we took three oaths; uphold the U. S. Constitution, uphold the West Virginia Constitution and not to take a bribe. This invites political corruption and opportunism. I urge a no vote.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *January 25, 2018*

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I distributed two pages on your desks today which are poll results from Park Research Associates and I think these are worth reading and I think you'll be surprised by the results of these very detailed questions. I was surprised. There were 600 voters who were polled, which is a very large sample and the sample leaned Republican by 12%. There are three main points in here and there are some weeds that we can go down into. But number one, West Virginia voters overwhelmingly support the State's Medicaid insurance program providing coverage for the full range of reproductive healthcare. That includes annual checkups, prenatal care, maternity care, birth control and abortion with just 27% who oppose it. At even higher rates, 69% of West Virginians agree with the view that regardless of how one feels about abortion, politicians should not be allowed to deny a woman healthcare coverage for abortion just because she's poor. Number two, by very significant margins, West Virginia voters oppose the State Legislature taking action to ban abortion coverage from Medicaid insurance by an 18%-point margin. Fifty-four to thirty-six, voters say they do not want the State to overturn the State Supreme Court's decision that protects Medicaid coverage abortion by banning it. That's the majority view among Democrats, 75%. Sixty-two percent of moderate Democrats and conser ... or of moderate and conservative Democrats as well as 55% ... or wait a second. Sixty-two percent of voters who say they are personally opposed to abortion. They do not think that the government should have a say in this private decision. That's pretty surprising. The last point, the proposed legislation by greater than two to one, voters say banning

Medicaid coverage abortion is the wrong issue for the West Virginia Legislature to be spending time and energy on right now, 64% of these voters and that is a very reliable sample, 600, say that debating and passing legislation to overturn this decision is the wrong issue for the Legislature to be working on. Voters want us to work on jobs, healthcare and educating our children for the jobs of the future and that is also by very wide margins and look at the chart on the back, on the third page. There is a 64% ... there's a 33% gap between voters that say this is the wrong issue to work on, as compared to what you want voters to ... or the Legislature to be working on. Only 33% of West Virginia voters in this poll said this is the right issue to work on and I think that these voters, if you look into these numbers and read the text a little more carefully, they also agree we should not be penalizing working, poor women and families who have Medicaid. Everybody in this room has a family member, a friend or a loved one who has had or is relying on Medicaid insurance and we should, especially in view of the opioid crisis, we should not be kicking these people when they are down. So, I hope you'll join me, look at these numbers a little bit more carefully and stand up for our voters. They don't want us to be spending hours and hours and days and days debating something that voters think should be a private decision. Thank you, Mr. Speaker.

DELEGATE E. EVANS. Thank you, Mr. Speaker. I wanted to talk a little bit about today, the situation that exists in our state hospitals, particularly Welch Community Hospital and all the State hospitals and that being the shortage of funds to properly pay our nursing staffs. You know we continue to hear about the various crisis and so forth that are existing in the State employees. But the teachers get most of the press, the corrections officers, but we're not hearing anything about our state hospitals. Now I recently spoke with an employee of Welch Community Hospital who's a CNA. I also spoke with a member of the staff that is in charge of admitting patients. Both families are families of four or more and they qualify for food stamps. Both are often required to work long hours beyond their regular shift because they have trouble hiring people because of the long wait lines, or the waiting times that are required and quite honestly the salary is just not there. The staff there also

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has PEIA, being a state employee and I think we all know what happens as ... what is happening with the cost of PEIA going up and up and up. So, again bringing home less than what they need to have as a living wage. Now to be honest with you we need Welch Community Hospital to operate at the highest level possible. You may not know that within the City of Welch there are two corrections facilities. One is a federal institution, the other is the Stevens Institution run by the county that houses 440 state employees, or prisoners. So, we need them to be ... having Welch Community Hospital function at the highest level. Now if you drive by Welch Community today you will see a sign that's ten feet long. A buddy of mine who is a football coach was joking. He'd like to have that to measure first downs on the football field. It's that long and they're advertising for RNs and LPNs and they, you know they do that very, very aggressively. The problem is our state hospitals simply are not paying enough to keep the people that we need to staff them. Now we lose nurses to Mercer County, to the hospitals up there. We lose them to Virginia, we lose them to Tazewell County. We lose them to Richlands and the biggest reason is because they can go to those hospitals, they can put their name on a contract and receive a signing bonus that could be as high as one fourth of the salary they would make as a regular employee, or a nurse at Welch Community Hospital. Another issue that has risen is morale amongst the nurses. Now the State uses what are termed as travel nurses and we can bring these travel nurses in at, honestly almost three times the rate of pay of what a regular staff nurse makes plus their housing plus their transportation. Now you imagine, in your own line of work, whatever it is you may do and you're doing the same job as the person next to you but he gets three times the rate, or she gets three times the rate. So, the morale obviously is detrimental to the care that may be getting in the ... that the patients may be getting at the hospital. Now we need to fix some problems here. We need to fix the salary they're paid so that we can keep our state nurses. We need to fix PEIA. That immediately would increase their take-home. I was talking, I think it was Thursday of last week, with another employee who works in the kitchen area and he was telling me that he left a job out of necessity to come and take care of an elderly parent from another hospital and he immediately took a pay cut of

like half of what he was making in the profit hospital. We have to feed the patients. So we need to be looking at everybody. I would call upon the Health Committee and my good friend from the 27<sup>th</sup>. He and I have talked about this. I would also call upon the Finance Committee to find the money that we need. If we have a surplus as we're hearing of, what was it, \$1 - \$60 million, something like that, from the DHH ... or Medicare, maybe we could be putting some of that money into financing the ... offsetting these costs that we need to finance nursing salaries and bring them to an equitable amount so that we don't continue to have our state hospitals suffer staffing. I believe it is incumbent upon us to treat these people fairly. So, again I would call on both of those committees to see what we can do. If there's money out there we need to be paying our nurses and all staffs, not just the nurses, all of them at a fair and equitable rate. Mr. Speaker, I thank you for the time.

DELEGATE MOYE. Thank you, Mr. Speaker. Thank you ladies and gentlemen. My colleague from McDowell sent the stage for me to tell you ... deliver a message to you that I told my constituent that I would do two nights ago. It was about 10:30. This lady called me and she was nearly in tears and she asked me to let you know what her plight was and I agreed to do that. I was going to do it another time but the stage has been set to do it now. She works at a state hospital and the PEIA changes have pretty much been the straw that breaks the camel's back. She has worked at a state hospital for 15 years and she now makes \$9.63 an hour. Fifteen years, \$9.63 and she took a night shift job because she got a pay bump because of night shift or she wouldn't even be making \$9.63. She tells me that she just prays that she will be able to get 60 hours a week so that she can pay her bills. Now she had the discussions with me about the Go365, which I've mentioned to you before and she said that, "I don't have time to do that." She's working 60 hours a week to pay her bills, been working at a state hospital 15 years and is making \$9.63 and only because she switched to night shift to get the pay bump. I told her I would deliver that message to you so that you would know the plight of the people serving folks in our state hospitals, places that most don't want to visit and she works

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there, caring for these people. Thank you, ladies and gentlemen.

### S. B. 263

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REMARKS  
of  
**HON. DIANA GRAVES**  
*January 25, 2018*

DELEGATE GRAVES. This is enormously difficult for me to speak on behalf of something that Chairman Nelson would like not to continue to exist so, I hope you appreciate that. I feel very passionately about this. I don't speak often. I was a film producer before I became an accountant and before I joined the House. I was actually the West Virginia accountant who worked with Steven Spielberg's production, "Super 8," which partly was filmed in West Virginia and which Paramount Pictures told me they chose to film it in West Virginia because of the film tax credit. I handwrote every check for that production, over \$3 million that they spent here in this state and I worked for a film production company, the largest at that time in this state as a film producer. I had a stable of West Virginia-based crew that I routinely called upon. It was a sizable film crew. The only time I would go out-of-state is if the production was so large that my West Virginia crew, they were either working on other jobs or ... you know, I hired them all and I needed a few more people. In one particular instance I can remember, there was a makeup artist out of Pittsburgh that I would occasionally call upon and I required that she register her sole proprietorship here in this state with the Secretary of State's office before I would hire her to work on a West Virginia project, which means she filed a West Virginia income tax form with this state and we also happened to have tax reciprocity agreements with our neighboring states who I would sometimes use their film crew for. So, I'm not certain this was as good as our Legislative Auditor is and he's a very good auditor. I'm not certain that that was taken into consideration and I would also like to remind you all, we talk about industry diversification within this state. We are just starting to have a decent film crew industry in this state. I know a lot of them personally. I've had, I can't tell you how many phone calls and emails where these people are going to have to move across ... most of them are

planning on going to Kentucky if we discontinue this film tax credit. Also I know of four businesses ... this is just me, one person, who are planning on relocating across the border if we get rid of this film tax credit because they are in the film industry. I mean I think that the fact that this was ... I think it was \$800,000 net positive revenue that we ... if I remember that right from the Auditor's report. I don't know about you, but I could do a lot with \$800,000 as a starting point. I can think of a number of ways to spend that to benefit this state. In addition, I worked with Chelsea Ruby fairly extensively before I understood that this bill was coming from the Governor, on ways we could tighten up our film tax credit. There are some loopholes. I mean our Legislative Auditor pointed out several of them and how about instead of eliminating the film tax credit completely, even though it's producing revenue for us and we're starting to have an industry in this state that can do something, how about instead of eliminating it, we tighten up the loopholes and we make the film tax credit better? Chelsea spent a week in Georgia talking to their film tax crew, to the people who run their department, about how we can model our film tax credit on the as admitted, very successful Georgia credit. She has a list of things that we can improve about our film tax credit that would fix this problem. So, you know I understand that and guess now is recommending that we get rid of this and Chairman Nelson, who's a very smart man, also thinks we should get rid of it. But I would just like you to consider, we have a way to fix it. It's generating revenue for this state and the talk about the 31% that we're giving out. You realize they have to spend 100% in this state in order for us to give back 31. I'd rather have 69% spent in this state. So, please consider these when you vote on this bill and thank you.

### S. B. 263

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DEBATE  
of  
**MEMBERS**  
*January 26, 2018*

DELEGATE COWLES. Thank you very much, Mr. Speaker. Thank you. Ladies and gentlemen, as we proceed the further consideration of Senate Bill 263, you'll find on your desk a little white paper that I've

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passed out to try to answer some of the confusions and questions from yesterday. What the white paper is, it is a list compiled by the Legislative Auditor and it comes directly from the audit earlier this month where the Legislative Auditor recommended the elimination of the program and just to briefly go down the four or five points: first, the Legislative Auditor says the \$5 million that we spend on the film tax credit does not generate \$5 million in taxes. It generates, or they calculate that it generates \$867,000 in economic activity. However, the next note says those ... any revenues generated for the State's tax collection would be taxes on that \$867,000. For example, if that \$867,000 was all applied to the State sales tax at 6%, the State would get \$52,000 in revenue from the \$5 million film tax credit. That would be our state tax return on investment, \$5 million for \$52,000. The fourth point is the annual loss to the government of that \$5 million is almost \$5 million. The \$5 million project that costs West Virginia \$5 million is what that is. And finally the legislative office. ... and finally the Legislative Auditor's fifth note, he notes the opportunity costs that are lost by spending that \$5 million on this as opposed to something else we could apply that money to. You know, community college. Apply that money to corrections workers. Whatever we would do to put that money into our economy we would probably get a return if we used it for that instead of this which would return such a small amount. So, the time-out yesterday was to provide good information to you so you could make your decision and that's what's on your desk. Thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. Are there further members desiring to speak to the passage of the bill? Gentleman from the 50<sup>th</sup>, Delegate Caputo.

DELEGATE CAPUTO. Will the Majority Leader yield, please?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE CAPUTO. Thank you. This document that you went over, you said that came from the Legislative Auditor's office? I mean this just looks like a Word document to me. It doesn't look super official, here. You know?

DELEGATE COWLES. No, what it is ... it's pulled directly out of the audit itself. The audit was a 45-page document, I believe. But, yeah, these are just some of the items pulled right out of there, compiled by the Legislative Auditor's office.

DELEGATE CAPUTO. But you said the Legislative Auditor compiled this document or ... who prepared this document?

DELEGATE COWLES. That's right. Yeah, I believe that was compiled by the Legislative Auditor's office. I'm not sure who put it together, but it was really quickly just the highlights from the audit, directly from the audit.

DELEGATE CAPUTO. I mean, I'm not questioning your integrity by any means. You signed this, but usually when we get something that's calculated by the Auditor's office it has a signature on it. It's on an official letterhead. This is just a Word document and then in paragraph two, it says "we calculate" and I'm just wondering who "we" is because this document doesn't tell me anything.

DELEGATE COWLES. Right, and I can certainly provide you with the official audit that came out in January of this year that has all that information and I believe that's the language, verbatim, pulled right out of that audit, the official audit, stamped and sealed by the Auditor's office.

DELEGATE CAPUTO. Did you pull the language out?

DELEGATE COWLES. No, I believe it was compiled by someone in the Legislative Auditor's office.

DELEGATE CAPUTO. You believe it was compiled? You believe this was compiled by someone in the Auditor's office? But it wasn't on their letterhead, it just appeared.

DELEGATE COWLES. That's right.

DELEGATE CAPUTO. Okay, thanks.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 48<sup>th</sup>, Delegate Miley.

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DELEGATE MILEY. Thank you, Mr. Speaker. Just so I'm ... I'm sorry. Will you continue to yield? I apologize.

MR. SPEAKER, MR. ARMSTEAD. Will the Gentleman yield? The Gentleman yields.

DELEGATE MILEY. I'm trying ... I'm reading the notes that were just referred to that were passed out and I'm reading the Auditor's report, or the audit I should say. Nowhere do I see where the State loses money. Is that correct? Because surely if the State lost money that would be bullet point number one.

DELEGATE COWLES. Yeah, it's bullet point number four, I believe, and you're right that it doesn't lose any money. It just brings in a very small amount of tax revenue, whatever the tax rates that we could apply to the \$867,000 worth of economic activity. For example, if it were all the 6% sales tax, I don't think it is, but if it were, it would be \$52,000 that we got back.

DELEGATE MILEY. Okay, but my question was pretty simple and I think you confirmed it. Nowhere does it say we have lost money with this program.

DELEGATE COWLES. Well, I think ... that's the thing ...

DELEGATE MILEY. Yes, or no?

DELEGATE COWLES. It does and where it does, I think is in the fifth point, the Legislative Auditor's point is if you applied that \$5 million in some other realm of State Government, if we applied it to PEIA, applied it to another program, that would return probably more in economic benefit to the State as opposed to this. So, when you calculate the opportunity costs, I think the Legislative Auditor identifies that overall we've lost money.

DELEGATE MILEY. Okay. Just to be clear we haven't lost money yet. We may not make as much money if we reinvested the money ... or redirected it somewhere else?

DELEGATE COWLES. I think that's fair. That's probably a better way to say it.

DELEGATE MILEY. Okay, to me that's a big difference. I'm reading from the Auditor's report, "The economic impact of the film tax credit program has been approximately \$6 million over its ten-year existence or less than \$1 million annually. ... The Legislative Auditor finds the economic benefit of the program of this State to be minimal." My point is, it's not a loss like we want to portray, it's just not as big of an impact as we'd hoped it would be, correct? Is that fair?

DELEGATE COWLES. Or it could be if we applied that \$5 million in some other way, that's right.

DELEGATE MILEY. Well, but there is ... I mean even if it's minimal there's still some positive impact. My point is, do you believe that if we reconsidered the program, made some changes to it, focused on where we may be able to make some money and not compete with the big fishes, but maybe some smaller projects, we might be able to make it more successful?

DELEGATE COWLES. I don't think so. What I got from the ... from Chelsea Ruby and her testimony upstairs and in my discussions with her yesterday, is that we've been passed by by some other states that do this program much bigger and much better than we're able to. So, I don't know if we would ... I think initially when this program started it was twice this amount of money and not as many others were doing it and I think this program saw some fairly good results early. I think time has just passed us by and it's not working for us right now.

DELEGATE MILEY. Well, that may be the case, but thank you. I appreciate it.

DELEGATE COWLES. You're welcome.

DELEGATE COWLES. Thank you ladies and gentlemen. My position from yesterday doesn't change. It's not bringing in the profit that we had hoped, but I don't know that it's not bringing in anything. We know that it is despite the representations over the last 24 hours. I guess to reecho some of the comments made yesterday, we have a chance to move forward and continue moving forward with the program as long as we continue to measure the return on investment



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carefully and perhaps tweak it and narrow it and modify it to help those projects that may not be going after the big Hollywood productions because we don't have the infrastructure. There's no debate about that, but I don't understand why we wouldn't want to continue to attract people into our state if we're still getting a positive return on our investment. So for that reason, I urge rejection of the bill.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 17<sup>th</sup>, Delegate Rohrbach.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. Would the Majority Leader yield for a question and if he thinks he needs the help from the Finance Chair, this is certainly fine?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE ROHRBACH. I'd like to get clear exactly how these credits are awarded and I guess what I'm going to drive at here, is this a credit against taxes owed or is this a transferable credit that could be sold to someone else for a slight discount and they can use it against taxes they owe?

DELEGATE COWLES. It's my understanding that it's both. It's a tax credit and ... but it is also transferable.

DELEGATE ROHRBACH. So, an out-of-state company could come here and conceivably get a credit for a larger amount than the tax they would owe and then they could turn around and sell that credit to someone or some entity in the State that would owe state taxes at, say 85 cents on the dollar and the State would lose that 15 cents that would otherwise be owed by the in-state person or corporation.

DELEGATE COWLES. That's right, it's just against in-state taxes they owe. It may be an out-of-state company, but it's only against in-state taxes.

DELEGATE ROHRBACH. Correct. So, it is conceivable that the out-of-state company could get a credit that they could sell to an in-state company and the State would lose money both directions on it.

DELEGATE COWLES. I think that's what's ... part of what's been going on.

DELEGATE ROHRBACH. Okay, thank you and thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 27<sup>th</sup>, Delegate Shott.

DELEGATE SHOTT. Thank you, Mr. Speaker. Would the Majority Leader continue to yield, please?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE SHOTT. I want to try to clear up what we mean by the word "loss." As I understand and please correct me if I'm wrong, as I understand tax credits, if there were no tax credits, money would come in from taxes owed, correct?

DELEGATE COWLES. That's right.

DELEGATE SHOTT. So, in other words, if we allow someone or a group of people to take \$5 million worth of credits against their tax, they would be paying us \$5 million. Us being general revenues, that we're not otherwise receiving because we've allowed them to take a credit, correct.

DELEGATE COWLES. That's right.

DELEGATE SHOTT. So, in this case, if we eliminated this credit, then, presumably next year, or whenever this is effective, we will receive \$5 million in taxes that would otherwise ... we wouldn't receive if the credit were available and fully utilized.

DELEGATE COWLES. We could certainly do that.

DELEGATE SHOTT. Well, isn't that likely? If we assume it would be fully utilized, the full \$5 million next year, but we eliminate it, we'll have \$5 million more to apply to other programs, whether it be teacher raises or anything we might choose to do if we don't have this credit in place.

DELEGATE COWLES. Sure, sure.

DELEGATE SHOTT. Thank you.

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MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 50<sup>th</sup>, Delegate Ward.

DELEGATE WARD. Thank you, Mr. Speaker. As the Gentledady from the 50<sup>th</sup> mentioned yesterday, there's a film being produced right now, as we sit here, in Marion County, which is my district. Out of that production, 30 of the 47 employees are employed in West Virginia. The production company is out of Morgantown, West Virginia. They had two choices that they could make the film. One was in Pennsylvania; one was here in West Virginia where the story actually takes place. If was not for the film credits, they would be making this film in Pennsylvania.

Also, because there's 17 members of the production crew that are from out-of-state and are working here, there's been over \$40,000 spent so far in hotels in Marion County. They spent tens of thousands of dollars at the eateries and the local filling stations and many other places around the community. This does more than just ... yeah, we're worried about our coffers here in Charleston. We need to worry about our communities, too, because this helps our communities. This is where the economic development really happens. I also want to point out \$5 million is only for low-production movies and we've got one film called "Heroine." It was filmed in Huntington: It was up for a nomination for an Oscar. It was a low- production film and let me tell you something else too, because we don't put enough money into this. The movie "We Are Marshall," only five days were filmed here in West Virginia, just for background. The rest was filmed in Georgia, where they could get the credits. Also, "Rocket Boys," none of it was filmed here in West Virginia. So, I urge rejection of this bill, thank you.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 32<sup>nd</sup>, Delegate Love.

DELEGATE LOVE. Mr. Speaker, I urge rejection of the bill. A few years ago, up in Fayette County, there was a film company, I think they were called Red Dog Productions, at least that's what was on their check they passed out daily to the part-time people that they hired to use in the background. But that

particular film called "Matewan", it brought economic value to Oak Hill.

I remember some of the restaurant owners talking. They said, "Man, we haven't had business like this since the war." They were elated to get ... to serve the food that they did and make the money, but also, that company bought all of their local paraphernalia from the local stores. In other words, they took Thurmond, West Virginia and revamped it and made it look like Matewan, West Virginia and they bought all of the local building materials and paints from the local merchants like Fayco Lumber in Oak Hill and not only that but the film itself depicted the life of a miner in the teens, where they lived, the coal camp houses, the company stores. How they had to use scrip to buy their food. How the company ... I think, whatever his name was, "Sixteen tons and what do you get? Another day older and deeper in debt."

They depicted how the coal miners suffered, how they had to work to be recognized and gain a union and how their families suffered. How they worked in coal two-foot, three-foot high with three, four, five, six inches of water, on their knees, every day. It did something for West Virginia, I think. It let the United States know that West Virginia existed and their economy was coal. It fueled two world wars that lit up the Eastern United States, had it not been for coal. I don't know how much the State of West Virginia gained from that, but I do know how much West Virginia, or Fayette County in West Virginia, gained from that and probably Raleigh County gained even more. They had more restaurants, a little better restaurants than Oak Hill has.

So, not only did Raleigh County or Fayette County gain, but Raleigh County gained as well and there'll be more "Matewans". There will be a lot of "Matewans" in the future that can depict West Virginia and West Virginia, it's a paradise for a film company. We have everything they could possibly want for ... to film. Like the Gentleman said, "Marshall" went to Georgia to film part of that film. West Virginia has everything that a film company could want and I think we would be making a mistake to pass this particular bill. Thank you, Mr. Speaker.

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MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 3<sup>rd</sup>, Delegate Fluharty.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. Will the Gentleman continue to yield?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE FLUHARTY. I'm trying to figure out some of this fuzzy math over here. Now, of the ten years that we've had this film tax credit ... I mean, our understanding that it's costs us \$5 million per year for this?

DELEGATE COWLES. No, I think it was the last couple of years, maybe, or the last years that it was maxed out at the \$5 million if I remember right. But, it's probably in that audit. I think they did a thorough analysis of the ten-year record in that prepared audit by the Legislative Auditor.

DELEGATE FLUHARTY. I believe by the document you provided, only one year of the ten actually cost us \$5 million.

DELEGATE COWLES. That could be. That's ... it was something like that. I can't remember off the top of my head.

DELEGATE FLUHARTY. Okay, so it's not accurate that it cost us \$5 million per year because if nobody applies for the credit, it costs the State zero, correct?

DELEGATE COWLES. Yeah, that's right. I don't know what happened or ... it was \$10 million when it was initially started. So I don't know when the transition from ten to five happened.

DELEGATE FLUHARTY. So what we're using here is this calculation that, over the course of the lifetime of the credit, which has been roughly ten years, we have on average \$800,000-plus comes back into the economy in West Virginia, on average.

DELEGATE COWLES. There's an analysis in the report.

DELEGATE FLUHARTY. Sure. I have both and I have your document and my point is, we're picking and choosing numbers here.

DELEGATE COWLES. I think that was a ... the \$800,000, if I remember right, was a calculation based on an impact analysis by WVU that came up with that \$867,000, but ... and so, that's some sort of analysis in calculation that they came up with. I don't know if that's a historic record of what happened in the Tax Department over the last ten years or not.

DELEGATE FLUHARTY. So, you'd agree with me, though, that in some years we may have less than \$800,000. In other years we have more than \$800,000 economic revenue. Just like in some years we have nine out of ten of them, we have less than \$5 million being used for the tax credit.

DELEGATE COWLES. Yeah, I think they determined the average was the \$867,000.

DELEGATE FLUHARTY. And that's over a ten-year span?

DELEGATE COWLES. Yes, I believe so.

DELEGATE FLUHARTY. So to reach that average, in all likelihood we had some years that were above \$867,000.

DELEGATE COWLES. You know, I think it's a calculation that they based on a multiplier that they put in there that ... because they're calculating, not what came to the State government. They're trying to calculate the economic impact. So, we didn't get the \$867,000 back. I want to be clear of that. We might have gotten the sales tax from that \$867,000 back, not the \$867,000.

DELEGATE FLUHARTY. We derived a net gain of, on average \$867,000.

DELEGATE COWLES. The State budget? Is that what you're asking?

DELEGATE FLUHARTY. The State in general. On economic activity based upon these numbers.

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DELEGATE COWLES. Economic activity, not in tax revenue for the State of West Virginia, just to be clear.

DELEGATE FLUHARTY. Again, picking and choosing. Okay, thank you. Speak to the bill, Mr. Speaker?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman may proceed.

DELEGATE FLUHARTY. You know, we struggle attracting people to our state. We talk about it all the time. We struggle with money. We talk about it all the time. It was just recently we were looking in between the cushions of a \$32,000 couch to try to find some more money. It was recently we were saying we need to get rid of the Women's Commission because it costs us a whopping \$100,000 a year. So we have situational principles when it comes to this body and it's really just irritating.

We have an instance where we know people are coming into the State. We know that we are seeing an economic gain. Now we can pluck numbers. We can go through the averages, but we know that we're getting a net gain with this film credit. Did anybody ask the Northern Panhandle or the Eastern Panhandle how well it did for them? Did anybody ask the City of Weirton, West Virginia in Hancock County how they felt when "Super 8" was filmed in their community? When people came into the community and for one of the few times in recent memory people could talk about the pride of their community when people come in.

We like when people come into West Virginia. We like to talk about our pride and our past. Unfortunately, because the work we do here, people have to talk about the past because we don't make their future seem so bright. They don't want to talk about the future. They have to double down on the past. We're losing out on an opportunity to instill pride in our communities, to bring people in, to get a net gain it blows my mind that we're getting rid of something that we know derives a net gain in a state that has a financial crisis and people leaving by the droves. I just don't understand the philosophy.

Part of this, when I was doing my research on what the film tax credit does, in order to even get the tax credit, there's this little caveat involved and I thought, "Man, that's what West Virginia is like." In order to get the tax credit, the end of the movie, when the credits are rolling ... this is pretty cool. In order to qualify it must say in nice bold letters, "Filmed in West Virginia." It must say that for it to even qualify for the tax credit. So, we've done our homework enough that if you're going to apply for that tax credit in West Virginia, not only do you have to come here, meet the parameters, film in West Virginia, do those things, which is welcoming, but at the end of the day when you actually produce the film, when millions and millions of people get to see it, it has to read "Filmed in West Virginia" at the end of it.

That's a great thing. That instills pride. When you watch a movie like "Super 8" and you see the credits roll and you say, "Yea, that's great! Filmed in West Virginia," it gives you that pride again and we're just saying, "No thanks." So, I just don't know where we're coming from with this, Mr. Speaker. I don't understand the philosophy behind it. We're playing with fuzzy math on something we know derives in net gain. But I do know that if we were to be nominated for an Oscar here, it would definitely be for best comedic performance. Thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 17<sup>th</sup>, Delegate Lovejoy.

DELEGATE LOVEJOY. Thank you, Mr. Speaker. I just briefly wanted to follow up on the remarks from my good friend from the 50<sup>th</sup>, who mentioned the movie "Heroine" and, in full disclosure, that was not a film that was on this program. It is up for best Oscar and I'll say that it shows the better angels of our state, the community with those three, I'll call them heroes, those ladies. But what's interesting is yesterday at about 2:15, I got a call from ... on my phone from Elaine McMillion Sheldon, who is the director of "Heroin(e)" that's up for the best Oscar and you know, she was aware of this bill and she was asking about the program and one of the kind of questions was I wondered why not ... why weren't you in this program? And they didn't understand, frankly. There were some

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questions about, can you go back and get ... can you apply?

There's another film that she's directed that was shot here in West Virginia that'll be coming out on Netflix. and it kind of reminded me that, you know, films are all about plot and characters and scenery and we sure have a lot of all three here in West Virginia and I think that's what this program does, is it allows us to highlight that. Sometimes we're not the best at tooting our own horn and this film industry gives us a way to do that in a way that I think's important. You know, when we all ran, we ... at least for me and I think most folks here, we talked about economic diversity, that moving forward, we've got to have some other industries.

It's not going to be one thing that saves the ship, but maybe it's 20 small things that add up and becoming a real film place that has films for best Oscar that has some of these characters. It might be a small piece of the puzzle and for me, looking at the numbers and seeing that folks are using it and that people, Oscar-nominated directors are calling and asking about it, you know, for me, I just ... I can't justify closing the door on this opportunity and I'm willing to keep giving it a shot. So I'm going to be voting in opposition to this bill.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 24<sup>th</sup>, Delegate Phillips.

DELEGATE PHILLIPS. Thank you, Mr. Speaker. Will the Finance Chairman yield to a question?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE PHILLIPS. Well, first of all, I'm going to promise I'm not going to throw this at you, okay? But a simple question, if a certain group, let's just say the Sierra Club, came in and wanted to do a documentary in West Virginia and it was basically on this industry, could they apply to that tax credit?

DELEGATE NELSON Yes.

DELEGATE PHILLIPS. And basically tearing our coal industry down with fake news and having a big impact on our

economy over fake news is that something to think about?

DELEGATE NELSON. Yes.

DELEGATE PHILLIPS. So we could lose production of our money maker in this state over fake news.

DELEGATE NELSON. They would be eligible for the tax credit.

DELEGATE PHILLIPS. Alright, thank you. That answers my question.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 42<sup>nd</sup>, Delegate Campbell.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I appreciate the debate that's going on in here today and yesterday over this piece of legislation. Five million dollars is a lot of money. I understand that, but also look at it as a good investment in our state. There have been other investments in our state in the last year here in this building, like \$32,000 couches, \$860,000 restroom renovations. "Barnwood Builders" out of Greenbrier County and other productions that portray our state in a positive light are good for our state. We have a chance to help portray the image of West Virginia as something good. This is a good investment. Now that's the bottom line, okay? I am a no vote on this and I urge you to do the same. Thank you.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 50<sup>th</sup>, Delegate Caputo.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I also rise in opposition of this bill and I want to join with my colleague across the aisle and he talked about the film that's being produced in Marion County as we speak. I have a little closer connection to that. That's being filmed in my hometown and, you know, I live in an old coal camp that doesn't have a whole lot of life left in it and there's not much business left there. But the last few weekends I went home to something I never imagined that I could ever see. Box trucks full of equipment, lights set up on the main street of the town that I grew up in that I still live in, actors running around and people with the sense of pride in their

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community again coming out, watching all this happen.

You know, we've only got a couple of businesses left in that town and it's nice to see these folks lined up to go have lunch there, to buy some groceries there, and you know we lost our high school in 1985, so there hasn't been a whole lot to brag about in Rivesville, West Virginia, for a long time. But to see this movie being produced in that little community of about 500 people is just phenomenal. It is just phenomenal and the young men who are heading this production up, grew up in that hometown. So, they didn't forget where they came from and it's a film about how they were raised in an Italian family and how they felt that sense of pride in their community and these tax credits also helped bring them back to West Virginia.

You know it's going to be a proud moment for me when I see "Made in West Virginia" at the bottom of that film and I hope it brings a sense of pride back to the community, but I think it's also tourism at its finest. I bet you a lot of people never heard of Matewan until that film was produced, but I bet you a lot of people went to Matewan after that film was produced and I bet you not a whole lot of people outside of West Virginia knew about the tragedy at Marshall until that film was produced. But I bet you, Delegate, a lot of people when they're in that general vicinity, touring across the country, that film attracted them to Huntington, West Virginia.

So, there's really no way in my opinion to put a price tag on such ... what I believe to be economic value for a small town such as Rivesville, West Virginia. I mean, the hotels are full, the restaurants are full. People are going out in the evening and enjoying the nightlife and it's really good for my county, but it's really, really good for that old coal camp that I still live in, because, like I say, we haven't had a whole lot to talk about for the last 20 years.

So, if this film tax credit helped attract them to West Virginia, I think it's money well spent. I think that we should vote against this bill and continue to promote our state in a very positive manner. I think it's a good thing. I think it's a good thing for West Virginia. I think it's a good sell for West Virginia and I just ... I would just hope that

we in the House have good sense and we vote no on this piece of legislation. Thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 63<sup>rd</sup>, Delegate Folk.

DELEGATE FOLK. Thank you, Mr. Speaker. Would the Gentleman from the 58<sup>th</sup> yield?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE FOLK. To follow up on some questioning, on some questioning from the Gentleman from the 27<sup>th</sup> and the Gentleman from the 50<sup>th</sup>, you mentioned to the Gentleman from the 27<sup>th</sup> that basically we're going to have \$5 million more revenue because what a tax economic activity that we're currently not taxing. Is that a fair statement?

DELEGATE COWLES. Yes.

DELEGATE FOLK. Okay. In 2016, how much was the tax credit worth to the State of West Virginia?

DELEGATE COWLES. I don't know. I'd have to look in the audit report. I think the audit report has all that information broken down and did a pretty good analysis over the last ten years but I don't have that in front of me. There was testimony in committee about it.

DELEGATE FOLK. Would you agree that it's \$3,325,000 in '10? So, that's from page 18. Does that sound fair?

DELEGATE COWLES. I don't know what it is, but I'll take your word for it if you have the audit right there in front of you.

DELEGATE FOLK. And from '15 it was just a little over \$1.6 million. Does that sound right?

DELEGATE COWLES. That sounds about right, but I don't know from memory.

DELEGATE FOLK. And for 2014, it was 2.2. Would you agree that, in fact, if you look at all the years that this tax credit's been

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available, only one time did it exceed \$5 million?

DELEGATE COWLES. That could be. I don't ... I just don't have the audit in front of me or the analysis of the ...

DELEGATE FOLK. Alright and continuing on with that assumption and now going on to what the Gentleman from the 50<sup>th</sup> said. Your comment that we would gain \$5 million would assume that not one production would go out-of-state as a result of the loss of this tax credit. Would you agree with that statement, because that's what you just said?

DELEGATE COWLES. I'm not following you.

DELEGATE FOLK. You're not following me?

DELEGATE COWLES. No, I don't understand your question.

DELEGATE FOLK. Well, your answer to his question about gaining \$5 million in tax credit makes the assumption that not one production leaves the State of West Virginia because of the loss of the tax credit.

DELEGATE COWLES. No, I think the idea was, if you eliminated it all together and didn't extend that money via tax credit, if we kept that money, we'd have \$5 million. If we kept the \$5 million or whatever it was year by year ...

DELEGATE FOLK. So, you're assuming not one bid, based on your answer to the Gentleman from the 27<sup>th</sup>, if the full tax credit was used and I just showed where not one year was it ... one year since it existed did it exceed or meet the \$5 million threshold. You're saying we're going to gain \$5 million every year, but your very answer to him is incorrect because not one year, only one year did it meet or exceed \$5 million.

DELEGATE COWLES. Well if we didn't have the program at all, we wouldn't extend any of that money via this tax credit out there. Whatever it was year by year, up to whatever the program cap is. If you don't have that program, you keep the money and you also add the opportunity to redeploy that money

to some other program if there's a higher and better economic benefit from it.

DELEGATE FOLK. But would you agree that your answer to the Gentleman from the 27<sup>th</sup> assumes that not one production leaves the State because of the loss of the tax credit?

DELEGATE COWLES. No, I don't ... my answer to the Gentleman from the 27<sup>th</sup> was ...

DELEGATE FOLK. Thank you for your answer.

DELEGATE COWLES. Oh, I'm going to ... I have the floor and I'm going to finish answering. What my answer to the Gentleman was, was that if you don't have the credit, if it's a \$5 million credit and you don't extend it, that money stays in-state government which is thereby a \$5 million increase to us.

DELEGATE FOLK. Okay, you agree that it would be a \$5 million ... you're saying it would be a \$5 million increase to the government's budget if we eliminate the tax credit, that's what you ... you're standing by that answer?

DELEGATE COWLES. No, my ... let me, I'll do the answering.

DELEGATE FOLK. Well, you just said it. I'm just asking.

DELEGATE COWLES. It's up to \$5 million... if we don't spend \$5 million, we retain \$5 million. The cap is the \$5 million for the program. There will be a variance year by year as to how much you go, but it's capped out at \$5 million. But if we don't spend the money then we keep the money. That's the point.

DELEGATE FOLK. Thank you. I'd like to speak to the bill, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman may proceed.

DELEGATE FOLK. I despise economic ignorance, number one. I despise intellectual dishonesty. In 2008, there was zero tax credit in the State of West Virginia. In 2009 there

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was \$46,192. So, in 2009, \$5 million wouldn't be put back in our budget. The Gentleman from the 58<sup>th</sup> said that \$5 million because of the elimination of the tax credit will be put back in our budget. In 2010, \$912,025; 2011, \$284,933; 2012, the one year we exceeded that was back when the cap was \$10 million, was \$5,747,973; in 2013, \$893,945; in 2014, \$2,283,827; in 2015, \$1,612,656. In 2016, the most recent year we have numbers for was \$3,325,010. You just heard the Gentleman from the 58<sup>th</sup> say that we put \$5 million back in our budget because of this. The history and the very numbers contradict that. If you average it out over the time frame, it's less than \$2 million a year and that's largely skewed because of the \$5.7 million in one year. I mean in the last five years there's only been one year that exceeded \$3 million but more importantly, what he said was that he's based his answer to the Gentleman from the 27<sup>th</sup> on the assumption that not one production in this state leaves the State. I had no intentions of getting ... but I cannot stand ... it's one of the things I cannot stand the most in the ... is economic and intellectual dishonesty and I don't care which party it comes from. In my county, Berkeley County and in Jefferson County, the neighboring county, every summer there are multiple productions that are done in those ... in the Town of Shepherdstown and in the Town of Martinsburg and I asked for the economic methodology yesterday and I asked for it and I never received it from the Gentleman from WVU. I don't think they want to give it to me because I think what you're going to find when you start researching it, is the numbers included in that methodology do not include things like hotel occupancy taxes. It does not include the 1% sales tax that people pay in the City of Martinsburg because they're in home rule. This bill was defeated when it was attached to a beer tax increase last year. The funding is no longer there in the general revenue budget for the office. This is not one piece of direct subsidy to these industries. They have to spend money in this state to get the economic ... the tax credit.

Now, I do have a problem with the transferability of the tax credit. I don't think it should be transferred but that could have been taken up as a separate issue. It wasn't. But you can look on both sides of this building and find bills put in there for tax credits for other industries. I'll bet you some

of them will run on one of these chambers this year but for some reason we created a tax credit eight years ago for an industry that set up offices, actually there was one in Shepherdstown and they're very ... offices that companies set up around this state and to pull the rug out from them is wrong. I can't support this and I only hope ... I ask one thing, consistency. You vote against removing it last year, vote against removing it this year.

MR. SPEAKER, MR. ARMSTEAD. The Lady from the 49<sup>th</sup>, Delegate Summers.

DELEGATE SUMMERS. Thank you, Mr. Speaker. Would the Gentleman from the 17<sup>th</sup> yield for a question?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE SUMMERS. I just needed a point of clarification because I don't know if I heard you right. Did you say the movie "Heroin(e)" did or did not use the tax credits?

DELEGATE LOVEJOY. It did not use the tax credits and when I kind of inquired, the director was not aware of the program, but certainly would intend to consider using the program, if it still exists in the future.

DELEGATE SUMMERS. So, we have had a successful movie in West Virginia without government assistance?

DELEGATE LOVEJOY. I think we probably have had several, but I think we're on the verge of maybe a whole lot more.

DELEGATE SUMMERS. Okay, thank you.

DELEGATE LOVEJOY. Thank you.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 26<sup>th</sup>, Delegate Evans.

DELEGATE E. EVANS. Thank you, Mr. Speaker. First of all, I'd like to thank the Delegates that mentioned the small towns. It's very important that we understand the needs. You're probably aware of a book that was written a few years ago. It was a memoir by a young lady by the name of Jeanette



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Walls. It became required reading in just about every college in West Virginia and numerous high schools. It was entitled "The Glass Castle." The book would go on to become a movie. It premiered August 11<sup>th</sup> of the previous year, 2017. That movie set McDowell County and Welch on fire. It was amazing. To have Academy Award winners like Brie Larson, Naomi Watts, Woody Harrelson to come and walk the streets of Welch, West Virginia and visit with the people there. It filled the bed and breakfasts. It filled the restaurants. It filled the streets again. Gosh, it was cool to see that. I get a phone call from the producer, Daniel Cretton, himself asking me to stage a football game, a Welch High School football game. A team that had not existed in 37 years. I went to Concord College and borrowed some maroon and white stuff and put on a football game but the coolest part of that was they asked me to fill the bleachers with McDowell County residents. You cannot believe the pride. I had phone calls from as far away as Florida and the State of Maine from people who used to live in McDowell County wanting to come home to West Virginia, sit in the bleachers for a few minutes and be a part of something that some of them grew up with. They were classmates of Jeanette. People coming home to West Virginia for that. Let's not throw this away. Let's make it happen. I'd also point you toward a little movie called "Z for Zachariah." It was filmed in West Virginia. It was filmed in Welch, West Virginia. It became ... again, two major motion pictures, major. "Made in West Virginia" means something. It means pride, seeing that in the credits. Before the movie aired ... was allowed to screen in Welch and anywhere else, there was two screenings nationally and that evening I didn't even know it was taking place, but my phone rang off the hook and my Facebook page lit up and they said, "Ed, your name is in the credits." Pretty cool to have your name in the credits of a movie that's going to be shown worldwide and will be around forever. "Made in West Virginia" means something. Let's keep the credit. Let's keep bringing these movie stars, these producers, you know these award-winning actors and actresses so that our people can experience that too. I support keeping the credit, keeping the credit. Thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 56<sup>th</sup>, Delegate Howell.

DELEGATE HOWELL. Thank you, Mr. Speaker. Will the distinguished Finance Chair yield? My question is this. These tax credits are transferable. Is that like similar to what cap and trade tax credits were, but transfer from company to company and sell them? Is that correct?

DELEGATE NELSON. That's correct.

DELEGATE HOWELL. Now according to what we've read from the PERD report, 90% of these tax credits go to out-of-state corporations. Is that correct?

DELEGATE NELSON. I don't know about that particular fact but I think what it said was that the credits that were sold were generally sold at 85 cents on the dollar.

DELEGATE HOWELL. And I was going to get to that point but I'm pretty sure that it said 90% went to out-of-state entities that had no tax liability within a state. Now, if they are sold, obviously they're going to have to be sold to someone who has West Virginia tax liability or they'd be useless. So if corporation X buys \$4.5 million if we maxed out or they buy \$90,000 or ... I mean \$90,000 if we only did \$100,000, that tax liability ... or they use those credits to pay that tax liability they owe the State. That's correct?

DELEGATE NELSON. Yes.

DELEGATE HOWELL. So, if those credits didn't exist, that 4.5 or \$90,000 would go into the State coffers to be used for roads, schools, whatever. Correct?

DELEGATE NELSON. Yes.

DELEGATE HOWELL. Now, when they purchase those tax credits, that \$4.5 million or \$90,000 that would have gone into the State coffers, instead goes to an out-of-state corporation, where they pay taxes and can be used on the roads in whatever state they live in. Would be that be safe to assume?

DELEGATE NELSON. Yes.

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DELEGATE HOWELL. So, essentially this program, because of the large out-of-state corporations, we're just sending West Virginia tax dollars to some other state for them to use. Would that be correct?

DELEGATE NELSON. One could assume.

DELEGATE HOWELL. Thank you.

MR. SPEAKER, MR. ARMSTEAD. The Lady from the 18<sup>th</sup>, Delegate Sobonya.

DELEGATE SOBONYA. Thank you, Mr. Speaker, ladies and gentlemen. I did a quick Google search of some of the movies. I just typed in movies filmed in West Virginia and this may not be 100% correct because I think some of these movies were about West Virginia, but I did say, you know, what movies were filmed in West Virginia and some of these came up. "We Are Marshall" was filmed in 2006 and that was before the tax credit was created. "October Sky" was filmed in 1999 and that was before the tax credit was created. I believe "Wrong Turn," "Matewan" ... "Matewan" was 1987, before the tax credit was created. But I want to point out very briefly, if you go to [coalwoodwestvirginia.com](http://coalwoodwestvirginia.com), it's a West Virginia-based website and here's what it says about the filming of "October Sky." It says the Universal Pictures film "October Sky" was filmed primarily in East Tennessee around Knoxville, Oak Ridge, Oliver Springs, Petros and Wartburg. The filming took place in 1998. It said it was simply too difficult and remote to get the trucks and equipment into the real Coalwood, lack of airport, rental cars, hotels, restaurants, etc. The producers chose east Tennessee for several reasons. One, because of the easy access to interstate highways. Two, there are locations that closely resemble Southern West Virginia. Three, there are lots of hotels and restaurants nearby to accommodate the cast and crew and it says that they had traced down several locations that were used for filming and whatnot. But this is a West Virginia-based website, [coalwoodwestvirginia.com](http://coalwoodwestvirginia.com), giving the explanation of why that film was filmed in Tennessee and not in West Virginia. Here in the Legislature, we charge the Legislative Auditor to be ... look for ways that we can be good stewards of taxpayer dollars and the Legislative Auditor does PERD reports, the

performance evaluations on all kinds of different programs and to see if the taxpayers are getting the bang for their buck. Taxpayers expect to have outcome-based results for the taxpayer dollars being expended and I think that that's what we are considering here today. So, I just wanted to point that out, Mr. Speaker, and I guess vote how you want to vote. Thank you.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 36<sup>th</sup>, Delegate Rowe.

DELEGATE ROWE. Thank you, Mr. Speaker. I was just looking at the sheet that was handed out to us and I'm very impressed with the information from Marion County about all the folks that were using the restaurants and hotels. The second item there is 'less wages paid to out-of-state residents, \$21 million. Now, you might say those are out-of-state folks. Right, but they have to pay West Virginia income tax on that money but just think about \$21 million in wages. How many hotel rooms and meals \$21 million worth of wages produced and you say, "Well, wait a minute. Where on this sheet do we see the hotel rooms and the meals and the rentals and whatever the local economy gets by having just one movie?" It's not there. Again, here we are at the State looking at a tax credit and thinking that the tax credit somehow is taking money away from us. To be a tax credit, it has to produce economic activity sufficient for that 5% to be applied to. Now what's interesting is that we know that we've had activity in film-making under the credit that hasn't used it up. When we were in Finance, the tourism spokesman said that, really the credit is probably much, much too low in order to compete with places like Georgia and Tennessee. They have high tax credits and so I would just point out that it really is interesting that we look only at a credit of 5% when you've got to have 100% to apply that to, of economic activity and there's been argument that, "Look, this credit would allow us to do a different credit."

What different credit? Don't you get a sense that if this was a business tax credit, a credit for wind power or for energy or natural gas, that we wouldn't be taking it out of our code, we'd be talking about the economic impact even though it's not great. It has an important impact locally. It means West Virginia jobs, it means filling up hotel rooms and restaurants. Wouldn't we be looking at

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it? And you have to step back and look at this Legislature's legacy. You know we struggled last year and would not pass an adequate historic preservation tax. We did it in special session. We're going to have another bill to eliminate the art secretary soon, but it's like this kind of economic activity just doesn't stand equal to the economic activity of industry and manufacturing. Well, let me tell you, West Virginia ought to be on the stage of producing films, of having its arts displayed throughout the nation. That's very important. It's as important as other economic activity and why we would throw this away and say to any ... the argument for the inventory tax is that ... look, sure we could do it a different way. We could give credits and do different things, but when people look at us on paper and they say, "Where are we going to put a factory?" If we don't have that inventory tax credit, they just take us off the list. Do think we're going to be on anybody's list if we get rid of this credit, even as small as it is? Does it evident some hostility to the arts and to filming generally? Now those are arguments about major movies and we've talked about that. Please, what's important is what we heard from the Delegate from Cabell talking to somebody who didn't even know, who's just a local film-maker, who's on their way to a great career, who gets an Oscar nomination and didn't realize that she might have gotten some upfront money to produce her film. She's ready for the next one and the question is going to be will she do her work in West Virginia or will she just move on to Hollywood? Well, I think this tax credit means a lot more than 5%, more than \$800,000 a year, however you want to juggle it around. I think it's a statement that we have a commitment to the arts in West Virginia. We have a commitment to movie making. We have a commitment to the brand new entrepreneurs who are willing to begin their careers in this state. That's what this credit represents. It's much, much more than state money and how much we get on a tax credit or how many hotel rooms or restaurants we fill. It's a clear indicator to these kinds of great artistic entrepreneurs that this is the place you should operate. This is the place where you should make your movies. This is the place for you. Mr. Speaker, I urge the members to reject the bill.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 60<sup>th</sup>, Delegate Wilson.

DELEGATE WILSON. Thank you, Mr. Speaker. Would the Chairman of Finance please yield?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE NELSON. I was hoping to close.

DELEGATE WILSON. Bear with me, sir. This is a complex issue and I am not an accountant so I want to make sure I understand what we're talking about here, if you don't mind. The testimony we received from Mrs. Ruby, yesterday, if I understood it correctly, she said that these credits are not effective or at least as effective as we would hope for them to be, in actually building this business. Is that correct?

DELEGATE NELSON. That is correct.

DELEGATE WILSON. Thank you, sir. Also, I understood that she said that what's actually holding this up is the infrastructure and that seems to, in my mind, agree with what the Lady from the 18<sup>th</sup> said a few minutes ago.

DELEGATE NELSON. That is correct.

DELEGATE WILSON. Okay and not only the infrastructure of the State, as the Lady from the 18<sup>th</sup> referred to, but the infrastructure of the business, itself. Is that correct?

DELEGATE NELSON. I believe that's correct.

DELEGATE WILSON. Thank you, sir, and part of what I understood from that ... I'm sorry. Part of what I understood from that was that we had actually missed the opportunity, while other states had gained momentum in this particular area and so their credits were actually effective and ours were not effective because we had actually missed that window of opportunity and the businesses had made their investments in other states and built their structure in other states. Is that correct?

DELEGATE NELSON. That's a perfect example of why Georgia is thriving right now.

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DELEGATE WILSON. Thank you, sir. I really appreciate your time. Sir, I request permission to speak to the bill.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman may proceed.

DELEGATE WILSON. The fact that they're selling the tax credits is a clear indicator that they're not coming here for the tax credits. Why do these companies come here? Well these companies come here for the same reason that I did. I moved here from Iraq, by the way. Actually, I moved here from Louisiana by way of Iraq. My wife was here working in West Virginia while I was in Iraq and she told me she wanted to live in West Virginia and I said, "Well, I will miss you," and she said, "You have no idea how beautiful this place is." Now I want you to understand, my wife and I have traveled the world. We've been all over Europe. We've been all over South America. We know beauty when we see it and when she showed me Back Creek Valley, when she showed me Harpers Ferry, I decided I had to live here and so we made a few sacrifices and we moved to West Virginia and we love it here. That is why these companies come here, for our beautiful scenery, for our good people, for our great hospitality. They don't come for the tax credit. What keeps them away? Is it the absence of a tax credit? Well no, obviously companies have come and not used our tax credit and made some great films. So what keeps them away? It's the infrastructure according to the reports that we received. If we really want to build this industry, and frankly I'm convinced that living here in one of the most beautiful places on the planet, we desperately need to allow other people the opportunity to see what we've got here, that what we need to do is work on our infrastructure, not offering a pittance to companies to come here and then they sell that pittance to someone else. If we insist on subsidizing businesses and I realize this isn't a direct subsidy, it's a tax credit, I understand that. But it is, ultimately a subsidy. If we insist on subsidizing businesses, could we please subsidize small businesses in West Virginia that are founded and built by mountaineers. I wholeheartedly support this measure and I hope that you will, too. Thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 3<sup>rd</sup>, Delegate Fluharty.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I just wanted to make something clear real quick. There's been statements made that because the documentary "Heroin(e)" did not use the tax credits, therefore we should just do away with it because it was successful. You need to understand what the tax credit is for. First off "Heroin(e)" is a 45-minute documentary where there's no real production cost spent in the State. In order to qualify for the tax credit, you have to have a percentage of direct production expenditures made in West Virginia and post production expenditures made in West Virginia that are directly attributable to the production of a commercial film or audio-visual product. Guess what, guys, there's not a whole lot of expense in a documentary. The sad part is, is that it was very successful because of what's going on on the streets of our state, that's the real issue. But to use that as an example on this tax credit only tells me that maybe people don't understand how the tax credit works. A documentary, which doesn't require high production cost, doesn't bring in a lot of people, is not going to qualify for a tax credit under the guidelines that are presented with the stipulations of the tax credit. So, let's just keep it honest in here, alright? Thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 20<sup>th</sup>, Delegate Marcum.

DELEGATE MARCUM. Thank you, Mr. Speaker. Ladies and gentlemen, I was torn on what to do with this. Yesterday, I even gave a speech why we need to vote against this bill but after some research and discussion, I'm going to have to vote for this bill. I just want to reference the recent "Hatfields" and "McCoys" show that was on the History Channel. Most people don't know that show was not done in Mingo County. It was not done in Southern West Virginia. It was filmed in Romania, Romania. I mean they don't even come to West Virginia to film a show that's tied to West Virginia. The History Channel knew about the tax credit and sadly they decided to take the show to Romania. Looking through some research on this, even Kevin Costner, one of the lead actors in the show was highly upset that the History Channel took this show to Romania. I'm going to read from this, "To his credit, Costner was clearly not happy about taking such a unique American story to Romania

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when we're all fighting for American jobs." So, Mr. Speaker, yesterday, from the numbers I saw, I was a red vote. But after the research I've done and to see that they just basically slapped Southern West Virginia in the face with the "Hatfields" & "McCoys" show that was on the History Channel, they're not using this credit. Now, I'm going to vote with the majority. I'm an agreeing vote on this. Thank you.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 61<sup>st</sup>, Delegate Barrett.

DELEGATE BARRETT. Thank you, Mr. Speaker. Will the Majority Leader yield?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE BARRETT. Thank you, Mr. Leader. You mentioned that the Legislative Auditor made a recommendation to eliminate the film tax credit. Is that right?

DELEGATE COWLES. That's right.

DELEGATE BARRETT. Were there other recommendations?

DELEGATE COWLES. I'm sure there were but as I said before I don't have the audit in front of me. It was a 45-page document I can get to you.

DELEGATE BARRETT. Sure. No, I already have it.

DELEGATE COWLES. Okay, good.

DELEGATE BARRETT. Were there eleven other ... would you agree that there could have been eleven other recommendations in that report?

DELEGATE COWLES. I think it's standard for the Legislative Auditor to make a series of recommendations.

DELEGATE BARRETT. Would it surprise you that those other recommendations were how to fix the problems that have been addressed here if the tax credit stayed in place?

DELEGATE COWLES. Yes, that doesn't surprise me either. That if you can't do this recommendation, that maybe you can mitigate it in some way because I think it was his analysis that it's just not working out well at all. What we have is not working.

DELEGATE BARRETT. Was there any consideration given to those other suggestions?

DELEGATE COWLES. Yes. It was a report to the Government Organization Committee. I'm sure they took it and I did not attend their meeting where it was presented early in January, but I think this bill is what's generated out of that audit.

DELEGATE BARRETT. Well, you and I both serve on Finance together and this bill came through that committee as well. Were those recommendations given consideration there?

DELEGATE COWLES. In the context of this bill?

DELEGATE BARRETT. Yes.

DELEGATE COWLES. Not that I can remember.

DELEGATE BARRETT. I don't recall that either. Would you agree that not taking these recommendations into consideration makes it appear that we're turning our back on a new industry coming to West Virginia?

DELEGATE COWLES. I mean, you certainly could offer the amendments up in Finance if you thought there were some way to mitigate it, or save it, or you know. Those options are still available. What I would suggest is that we take this money and redeploy it to a higher and better use for the people of West Virginia. That's what I think the best choice is.

DELEGATE BARRETT. Are those options still available if we vote this bill down? Can we still offer another piece of legislation given the time we have left in this legislative session to address the concerns and the recommendations of the Auditor?

DELEGATE COWLES. What do you mean, to introduce a bill? You're certainly allowed

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to introduce any bill you like, but to save this and rework it instead? Is that your question?

DELEGATE BARRETT. So, my question is if we vote this bill down today, can we not pass legislation that addresses the concerns of many of this body?

DELEGATE COWLES. Anything's possible but what I would suggest is that we pass this bill, the revenue for this is already in the budget, the recapturing of this revenue. So it would cause some other complications rather than just not doing this one and doing something else. This was the recommendation of the Auditor. This is the bill that's before you and it's frankly the best option of all of them.

DELEGATE BARRETT. Well, that's clearly a matter of opinion. We've talked about or heard a lot about the tax ... the amount of money that the State would receive in tax collection if we didn't have this credit. Are you aware that companies that film in the Eastern Panhandle have said that they will not come back if this credit is eliminated?

DELEGATE COWLES. I haven't talked to anybody from ... that's filming in the Eastern Panhandle.

DELEGATE BARRETT. Have you had conversations with the Martinsburg CVB about this issue?

DELEGATE COWLES. I have not.

DELEGATE BARRETT. Okay, if those companies do leave West Virginia and they go film in Hagerstown, Maryland or Winchester, Virginia or any of our border states and they film there, how much tax credit ... how much in taxes do they pay to the State of West Virginia?

DELEGATE COWLES. How much in taxes?

DELEGATE BARRETT. Yep.

DELEGATE COWLES. Only what they come over and buy, I guess. Or if they hire some of our folks that go down there and work.

DELEGATE BARRETT. Okay, Thank you, Mr. Leader. Thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. The Lady from the 51<sup>st</sup>, Delegate Frich.

DELEGATE FRICH. Thank you, Mr. Speaker. Would the Majority Leader please yield for a question?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE FRICH. Thank you. You serve on Finance, I don't ...

DELEGATE COWLES. I do. I know you do. I know my friend from Martinsburg does, my friend from Berkeley does not, the 63<sup>rd</sup> ...

DELEGATE FRICH. Was there ... do you recall the testimony to our Finance Committee that agencies such as the Lottery Commission were using this tax credit?

DELEGATE COWLES. Yes, I do. I'm not sure if it was the Lottery Commission but there were some state agency that was ... folks they employ had gotten the credit or something.

DELEGATE FRICH. Okay, thank you.

DELEGATE COWLES. You bet.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 48<sup>th</sup>, Delegate Hamrick.

DELEGATE HAMRICK. Thank you, Mr. Speaker and I don't mean to drag this out any longer than it has to be. I just wanted to address some of the concerns of the Gentleman from the 61<sup>st</sup>. There were, just to attest as a Gov. Org. member, there were multiple meetings between the Chairman and multiple members of the Government Organization Committee over interims in the Governor's Office with Commissioner Ruby and other members of the Governor's staff and we did actually look at those recommendations first, very thoroughly, on how we could try to keep the credit and fix the credit. But, after a lot of work and a lot of thought, Commissioner Ruby and our staff came to the con ... and members of the committee came to the conclusion that this tax credit program just wasn't viable for West Virginia anymore. And just to speak a little bit to the bill, no ... really nobody, I think nobody probably wanted to try to make

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this work more than I did. I've ... in the last year I've been an extra in a couple of shows that have been filmed in West Virginia and I really did enjoy that. I really do enjoy that industry, but I think this does, just like the Gentleman ... the other Gentleman from the Eastern Panhandle said over here, it does come down to infrastructure and we simply don't have the infrastructure. Therefore, the expenses go to out-of-state companies and out-of-state employees for the wages. So, therefore I do urge adoption of this bill and I hope everybody can join me in that.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 30<sup>th</sup>, Delegate Bates.

DELEGATE BATES. Thank you, Mr. Speaker. Would the Majority Leader yield?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE BATES. Sorry, I just wanted to follow up on a comment that you made to the Gentleman from Berkeley about this money being already captured in the budget. I don't recall that discussion of that when we were up in Finance. Could you direct me to where I would find a line item that shows that revenue or expense related to the budget for this?

DELEGATE COWLES. Well, I believe it's a building block for the revenue. I don't know that you ... the budget is the appropriations bill. It's the expenditures. So somewhere in the Governor's calculations as part of the building blocks for the amount of revenue he's allotted for, for what he's going to spend, he's accounted for the recapturing of this money into the building block revenue for the revenue projections. So, it won't show up in the Budget Bill.

DELEGATE BATES. Okay. So, it's not technically in the budget itself. It's built into the revenue projections that the Governor is using to create a budget.

DELEGATE COWLES. That's right and if you were to defeat this bill and save this tax credit, you got to find \$5 million in that budget where you're going to cut.

DELEGATE BATES. So, this is a \$5 million line item in the Governor's ... sorry, it's a \$5

million amount that's included in the Governor's revenue projections? Is that what you're telling me?

DELEGATE COWLES. Yes. The revenue, he's ... it's my understanding it's 4.7, four plus something but he's counted that as a revenue building block and thereby spent that money in the budget.

DELEGATE BATES. I have many questions about some of the revenue estimates that we're looking at. So, now I have an additional one. So, just to clarify, in the revenue estimates that we're using to ... the Governor's using and has provided this Legislature for the budget, there's an amount of \$4.7 million that is included in that in his forward moving revenue estimates?

DELEGATE COWLES. That's my understanding, don't hold me to the 4.7. I think it's some number relative to this that ... yeah, he's redeploying for a higher and better use in the budget.

DELEGATE BATES. Thank you. I just ... if the Finance Chair could just yield for ... just to confirm my understanding is correct, so I can go back to the Governor's Office and then try to pin that number down a little more.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman yield? The Gentleman yields.

DELEGATE BATES. I think you heard the discussion. Is that correct? Is that your understanding, that this ...?

DELEGATE NELSON. As far as the direct line item, there's not a direct line item that shows \$5 million for tax credits but within the budget it is set aside for up to \$5 million according to code.

DELEGATE BATES. Okay, alright. Thank you, thank you. Thank you, Mr. Speaker.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 66<sup>th</sup>, Delegate Espinosa.

DELEGATE ESPINOSA. Thank you, Mr. Speaker. I do rise in support of this legislation but I'll be very frank. I do so very reluctantly. Like a number of my colleagues in this chamber, I've had the opportunity to see some of these

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productions up close. Had an opportunity to visit the set of the History of NASCAR production that was filmed over in the Eastern Panhandle. I thoroughly enjoyed it. They couldn't have been more polite and just wanting to show us their craft and I thoroughly enjoyed it. So, my heart says ... I mean that's something that I really want to continue to support and like my colleague from the 48<sup>th</sup>. You know, it's something that very much, I don't think there's a person in this chamber that doesn't want to see that type of activity here. But, that's not the question that we have before us. I'd submit that the question we have before us, is the mechanism that's in place, this tax credit, is it having the impact that we want to see in our heart? And, unfortunately when we look at the PERD audit and I do think the PERD audit, I think they went into this very thoroughly, I think the results are pretty compelling despite what we want to believe in our heart and hope to have happen in our heart. This credit isn't making it happen. So I submit that, you know, supporting the arts and supporting the film industry and choosing to eliminate a tax credit that clearly is having negligible impact on the industry that we want to attract. I don't think those two things are mutually exclusive. So, again while I very much support these type of productions I can't continue to support using these dollars when they could be used in a host of other manners in our budget for a higher benefit. I just can't support continuing to invest money in a project that, no matter how much we want it to work, simply is not having the impact we want. So for that reason, Mr. Speaker, I intend to support this legislation and I urge my colleagues to do the same.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 15<sup>th</sup>, Delegate Foster.

DELEGATE FOSTER. Thank you, Mr. Speaker. What I wanted to offer up to the body today, and the Gentleman from the 63<sup>rd</sup> may have made a valid point on the fact that this is an average over so many years, it may not be \$5 million every year. So, being a numbers guy, I based my numbers based off this. What you have here today is two options. We have one that being a return on investment of negative 97.4% and if you want to understand what that is, you're getting an economic impact of \$867,766. Which would, in a 6% sales tax,

if ... and that's if all of it was taxable. Of course, food's not taxable and professional services, but there's a negative 97.4% return on investment. That means you are giving \$2 million on average over the years and getting back \$52,000 and that is option number one, pressing the red button and voting no on this. Option number two is, as also mentioned, that there may be some industry that does not invest because they're not getting this tax credit. Well the very maximum amount that that could be to the State is \$52,000 because the maximum tax that we can receive from what was generated by this \$5 million. So, the reverse being true, the green button, would be a return on investment of 3,800%. So, you could either push the red button, which is a return on investment of -97.4% or the green button which means a return on investment of, if you do the inverse, is 3,800%. So, obviously, just ... it seems simple to me, that I'm going to be voting green on this bill.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 48<sup>th</sup>, Delegate Queen.

DELEGATE QUEEN. Thank you, Mr. Speaker. I was doing my due diligence and I just ... I'd like to ask for a Rule 49. I just found out that I do get paid by Curtis Fleming in "Fly Rod Chronicles" and I hopefully will be paid in the future.

MR. SPEAKER, MR. ARMSTEAD. To the Gentleman, so you are currently affected, maybe currently affected by this?

DELEGATE QUEEN. I am not currently under contract with them right now.

MR. SPEAKER, MR. ARMSTEAD. To the extent that you would have any affect it would be prospective in nature and it may or may not occur, but if it were to occur, my understanding is that there are excessive to five entities that may be effected by this that would place you in a class, therefore the Gentleman would be directed to vote.

DELEGATE QUEEN. Thanks.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman from the 35<sup>th</sup>, Delegate Nelson to close debate.



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DELEGATE NELSON. Thank you, Mr. Speaker. Well, this is our first fiscally impacted bill to the budget and if we go at this pace for every single one, we will be here until July 1<sup>st</sup>. So, anyway, first and foremost, this is ... was recommended by the Governor and we have a Governor that's promoting our state in many ways. We have a Governor that gave us a budget that increased tourism by \$14 million, a budget that could have 35 ... or he's proposed \$35 million additional in economic development but had zero for the film credit. So, I think that alone should tell you as far as what the priority is. Without a doubt, all the good comments ... we have a vibrant economy here, a vibrant industry. We have a beautiful state, wonderful people. Films have been made for years and they'll continue to be made. We've got to ask about the priority. We have our Tourism Director who is in charge of this that basically says ... doesn't say we don't need to focus on this industry, but as it's been mentioned, we do not have the infrastructure to compete. It would take multiple, tens of millions of dollars to get in that market. Again, I ask about priorities. And lastly we have Legislative Auditor that has noted various discrepancies with spends and whatnot. I also handed out a paper that's right out of the PERD report and everybody has that on their desk. I'm just going to hit on a couple of things. So total direct in production expenditures since 2007, when this credit was first initiated, totaled \$49 million, total. Right below that, the biggest line item, out-of-state wages, \$21 million. Guess what? There was a \$1.3 million line item in there for a producer from California, which resulted in a \$300,000 West Virginia credit. I want to go down to the bottom and direct economic impact, according to PERD and WVU Business Bureau, was just over \$6 million and they put an economic multiplier to it and I'll leave this to the economists, but it was a multiplier of 1.4 times and so what that says is that that's a multiple of the economic dollar of what people spend in hotels, motels and restaurants. So, you add all that up. The total economic impact over the ten years and we've all heard these numbers and I'll round it up to \$9 million. But guess what? We spent \$15 million of taxpayers' money for that. That's simple math, negative \$6 million. So, what this comes down to, two components. It's a return on our state dollars and I'm here to tell you we have better places to put dollars than for this particular credit. We don't need

to be in the business of putting a dollar out and getting seventy some cents back on that dollar. We aren't elected to do that. And lastly, it's all about priority. Any expenditure that we do here as a body, we've got to prioritize it. We've heard about the nurse need down south. We've heard about our teachers and the pay raise. Let me put those two up versus the tax credit. Mr. Speaker, I urge passage of the bill.

### H. B. 4169

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#### REMARKS of HON. JASON BARRETT *January 26, 2018*

DELEGATE BARRETT. Thank you, Mr. Speaker and first I'd like to say thank you to the Judiciary Chairman as well as the committee for their work on this bill, making this a priority and for the work on the committee substitute. The other day, I ... well, let me say this. I serve on Shenandoah Women's Center Board of Directors and I have for the past ten years. So, I called our director the other day when this bill started to move to give her the good news and I quickly got a reality check. Earlier that day she had been in one of the schools in the Eastern Panhandle where she was meeting with a 13-year-old girl who was being trafficked by her parents. So, this is a very real problem, not only in the country and in the world, but here in West Virginia. I think it's an issue that we don't think about a lot, that we don't think kind of goes on in West Virginia. But it is a very real problem and speaking with the director the other day, she told me last year, in 2017, that they had provided service ... The Shenandoah Women's Center, just specifically in the three counties in the Eastern Panhandle, had provided service to 75 victims of human trafficking. The chairman very correctly outlined the purpose of this bill and what it does is to put a poster in certain businesses throughout West Virginia and currently we receive a lot of calls at the Women's Center from women that have been trafficked in other states and they're getting trafficked through West Virginia down the I-81 corridor. A lot of times, they're in motels and that they have gotten this number in Pennsylvania or some other state with these posters and they put it on their person, they come up with creative

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ways to write this down and you know, a lot of us think that, you know, it can't be that difficult to escape someone. Why don't you just call 911? But, really I think we have to understand the amount of abuse, both mentally and emotionally, that these victims suffer and for them to make this step, it takes a lot of time and a lot of courage and I think it's important that we recognize that. A lot of times, you know, specifically in domestic violence situations, it takes seven times for a victim to leave their house or leave their situation before they permanently stay away, and human trafficking, because a lot of times this is dealt with very young women that it takes even longer. So, for them to have that courage, it really says a lot and we have to ... When they do reach out, we have to make sure they reach out to the right people and calling this hotline ensures that they do that. So again, I urge passage of the bill and my appreciation to the Chairman and the committee for their work. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
MEMBERS  
*January 26, 2018*

DELEGATE PUSHKIN. Thank you, Mr. Speaker. It was brought to my attention earlier, that earlier in the day in House Finance Committee, the Secretary of Arts and Education, who also happens to have been the First Lady of this state, who also happens to be the wife of our current Senior Senator from West Virginia, was treated rather rudely, berated a little bit and interrogated for nearly an hour. Now, conversely last week, when we had the Chief Justice of the Supreme Court sworn in, let's just say the only thing softer than the questions that were asked is possibly the \$32,000 couch in the Chief Justice's office. So, why would we treat Gail Manchin rudely and then handle the Chief Justice with kid gloves? Because to my knowledge the Secretary of Arts and Education hasn't removed any items from this building, didn't take any antique desks home, hasn't spent the taxpayers' money on lavish spending's for her own office. So, why would she be

treated differently and I would just say that a good rule of thumb would be, for anybody ... for anybody that is testifying, sworn in in front of one of our committees, that we treat them with civility and respect no matter what party they're in or who they're married to. Thank you, Mr. Speaker.

DELEGATE HORNBuckle. Thank you, Mr. Speaker. On the way home yesterday, traveling towards Huntington, I had a blowout and I was ... it could have been a dangerous situation and I had to get over to the side of the road and today I just wanted to express my gratitude, thanks and appreciation to Ray of our State Courtesy Patrol who was there, probably within 90 seconds after he spotted me on the side of the road. So, I simply wanted to say thanks to Ray and the Courtesy Patrol. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
HON. MIKE CAPUTO  
*January 29, 2018*

DELEGATE CAPUTO. My hat's off to the kids from Bluefield. They did a wonderful job, but we did a wonderful job too and I'm proud of those folks. We hadn't been there at the big dance for a long time. But, I appreciate you reminding me of that, Delegate. I'd forgotten about that until you brought it to my attention again today. Thank you.

### HIGH POWER BILLS

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REMARKS  
of  
HON. JEFF ELDRIDGE  
*January 29, 2018*

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I got to read a few emails this past weekend and I got a lot of phone calls about our power bills. These people are really hurting out there. They're sending me messages that their power bills are 600, 700, 800 dollars a month when they're only

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getting \$700 a month to live on. They said, "You've got to be able to do something at the Capitol about this," and I said, "Well, the PSC is kind of in control of this. I really can't do anything." I said, "However, you send messages to me and I will get up on the floor and raise a little Cain about it." Now, whether these meters are being read or whether these meters are being driven by and assessed that way, I'm not sure. But, I do know a lot of people are hurting out there right now on their power bill and it's just ... we have two more months of probably good cold weather. So please, put in your prayers these elderly people that's got large power bills, that they survive this winter. Thank you, Mr. Speaker.

### H. B. 4010

#### REMARKS

of

#### MEMBERS

*January 30, 2018*

DELEGATE FAST. Thank you, Mr. Speaker. You know, the last time I checked, the First Amendment is supposed to apply even to for-profit businesses and individuals. We've heard a lot about the First Amendment. We've heard a lot about Article III of the West Virginia Constitution. Maybe there's not a case on record yet here in the State of West Virginia, but ask the cake baker. Ask the photographer who refuses to perform part of a wedding function based upon sincerely held religious beliefs. Right now there's a case pending in the United States Supreme Court on that very issue. Pastors are simply individuals and they are also individuals who, most likely, are a part of a religious organization or a religious sect. The First Amendment is supposed to apply to them as well, just like the cake baker or just like the photographer or just like a for profit business or a for profit business owner. And I will tell you that pastors in this state and any other state are one law suit away from facing liability on this issue. That is why we need a preemptive strike to pass this law. It makes sense. As the Chairman stated, it does provide clarity. It provides pristine clarity and that's why we need this law. Ladies and gentlemen, I would urge passage.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I'm also voting no, but I would like to add another reason. We talk a lot about the

First Amendment and the First Amendment is very short. But the ... Section 15 of Article III of our West Virginia Constitution is very long. It says, "Religious freedom guaranteed." That's the title and I'm going to read it for you since a lot of people think there's some doubt or some murkiness. I think and as some of you may know, I was Chair of Constitutional Revision for 18 years and my husband teaches the First Amendment. I think the law is crystal clear. The State, the federal government are not allowed to interfere in religious institution when it comes to marriage and here is the way our constitution says, backwards and forwards, that this is already covered. "No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burdened, in his body or goods, or otherwise suffer, on account of his religious opinions or beliefs," ... So, I would think that means you shouldn't be sued because of your religious belief. ... "but all men shall be free to profess and by argument, to maintain their opinions in matters of religion; and the same shall, in nowise, affect, diminish or enlarge their civil capacities; and the Legislature shall not prescribe any religious test whatsoever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this state, to levy on themselves, or others, any tax for the erection or the repair of any house for public worship, or for the support of any church or ministry, but it shall be left free for every person to select his religious instructor, and to make for his support, such private contracts as he shall please."

So, I think it is very clear there has never been a case in the State of West Virginia, which is why there is no case law, that we are protected by both our state and our federal constitution. I don't think this is a good use of our time. I think we are pandering to groups who do not ... some of whom do not believe in equal marriage, which is the law of the land and for that reason I am voting no.

DELEGATE PUSHKIN. Thank you. Thanks, Mr. Speaker. All I can gather from this is that it's a ... we're clarifying the First Amendment that has worked very well for, you know, since we've had the Bill of Rights, in protecting religious

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freedom in this country. There's no case law on this matter because nobody has ever been sued or no religious organization has ever been sued for not performing a wedding ceremony. If someone went to an attorney and said, "They're refusing to marry me because of ..." whatever reason. If it was a religious reason, that attorney would say, "You have no suit because of the free exercise clause that works perfectly well in the First Amendment." So, we're reaffirming the First Amendment to protect certain constituents from a perceived or a potential problem. We're reaffirming the First Amendment. I just want to get this straight. We're reaffirming the First Amendment to protect ourselves from a potential problem. Well, while we're at it, why don't we just reaffirm the Third Amendment to protect from the potential problem of having to quarter British troops. It makes about as much sense. If we're going to start reaffirming amendments that we already have that work perfectly well, it makes just about as much sense as to reaffirm the Third Amendment too. Now, I mean I know I've been told by advocacy groups on both sides that, "Don't worry. You know, this bill does nothing. It doesn't really change anything," and I think that's quite true. The law is the same before you pass this bill and after you pass this bill. The bill really does nothing and I just want to add it does nothing to create jobs in West Virginia. It does nothing to fix or fully fund PEIA and take care of our state employees and public retirees. It does nothing to do that. It does nothing to increase workforce participation. It does nothing to address the drug epidemic in this state that's ravaging a generation of West Virginians and it does nothing to slow the mass exodus of young people out of our state and one might say that it might do something to speed up the mass exodus of young people out of the State. Because, quite frankly, when we're up here debating bills that don't do anything, I think it makes us look bad and honestly, I think the reason why we're doing it ... I would have to guess that there's certain members who feel this need to ...

MR. SPEAKER, MR. ARMSTEAD. The Gentleman may state his point.

DELEGATE ZATEZALO. We need to stick to the purpose of the bill, if you would, please.

MR. SPEAKER, MR. ARMSTEAD. To the Gentleman, I do believe his point is well taken in that. You know, you're certainly free to debate the merits of the bill, but to ... would ask that you not speculate on people's motives as to why they would support or oppose the bill.

DELEGATE PUSHKIN. Thank you. I believe the Gentleman stated we need to stick to the purpose of the bill and I believe that the purpose of this bill is because some people perceive the need to pander to what they perceive as an intolerant element in their own base and I like to give West Virginians a little more credit than that. I think we need to go out and talk to the people we represent. I don't think that they really feel the need to that. Nobody came to me with this problem. No pastor, priest or rabbi, any member of a religious organization has ever come to me with this problem because the problem doesn't exist. So, I'd like to give West Virginians a little bit more credit than this, and personally, to me, what we're doing today is participating in what I would call taxpayer funded election activity and I'm choosing not to participate and I'm going to vote no. Thank you. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
MEMBERS  
*January 30, 2018*

DELEGATE DEEM. Thank you, Mr. Speaker. I'm sure you all read in the papers this morning where *The Charleston Gazette* is in bankruptcy. Well, Mr. Speaker, that's bittersweet to me. It's bitter because a liberal gazette was always ... if I wanted to read and to see where I stand in this world, I would read *The Gazette* and then I would go the other way and, Mr. Speaker, I've had an opportunity to talk to *The Gazette*, Chilton and I told her to her face one time, "Every day you get up and you read how bad the Legislature is," and I said, "How can we feel good about ourselves when every day we read in the paper how bad we are?" and Arch Moore calls it the ... sick mail, the morning sick call and so, *The Gazette* always endorses

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the liberal candidates, which is out of tune with this Legislature and so, I don't agree with ... I disagree with them. But, let me end on a good note. I think *The Gazette*, news wise, is the best paper next to my *Parkersburg News*, in this state. So, I ... that's the sweet side of it. Now, as I read it, the people who have made the high bid on *The Gazette* are the Ogden chain which is part of the *Parkersburg News*, Martinsburg, Elkins papers and I guarantee you Delegates from ... in Wheeling, Delegates in this body will find a lot more policy news on the Legislature than they have in the past. So I'm, like I said, bittersweet about them going bankrupt, but I won't be sorry to read their liberal views in the paper any longer. Thank you.

DELEGATE MAYNARD. Thank you, Mr. Speaker. Ladies and gentlemen, I got a phone call last night from a teacher and, you know, we had a long conversation about what is coinciding with PEIA and what and how we can fix it. Well, when they come to me and talk to me and my political party gets brought up, and everybody in this chamber knows that I'm very bipartisan, how I do my business for my district. I represent my people 100% and nobody else. It's my people, not organizations, not parties, not anything like that. But what we have to do is we have to tell these people the truth. We cannot lie to them anymore and by lying to them ... the number one thing with the healthcare cost in this ... in America and our state has been brought to us, not by what this chamber has done, but what the federal government has done and I think we need to point that out to people. You know, with Affordable Healthcare Act, existing people that had this healthcare ... had healthcare. What happened? It went up. It went up extremely and I know the Gentleman from the 22<sup>nd</sup> that I serve with, we have tried to find ways to make bills to help fund this, to help get this done. But I think that we need to tell the whole story and like the Gentleman across the aisle here, the buck stops here. I can agree with that, but I also think that we, like I said, tell these teachers the truth and quit lying to them. Thank you.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. There was some truth to that from my esteemed colleague from the

22<sup>nd</sup>, with the Affordable Care Act, but you also know, speaking from an advisor's standpoint with money, that on the new tax reform bill, when you take out the mandate, that increased the premiums as well if we're going to be fair and tell the truth. Also to fix PEIA, you have to either dedicate a revenue stream into it or create one because, long before Affordable Care Act or anything like that, healthcare is a continuous rise in our society. So to offset, again, you have to have appropriated dollars to that and that is the truth. Thank you.

DELEGATE NELSON. Thank you, Mr. Speaker and we've all received numerous emails and responded to those. I'm no different than anybody else and we're listening and we hear this loud and clear. I want to assure the body and the public that's listening or looking on, that we have this front and center, day in and day out and that's part of our budget process with these agencies. Our big bill, it is the Budget Bill and we'll have this in the budget. We're looking at all options, we've talked with the Governor, the Senate. We heard a lot of screams about the Go365. Well, look what happened last night. The Governor took action on that. So, this can be done and worked as we move through our days here at this body, okay. That's just one example and there's probably ... there will be more to come. So, PEIA, we spend \$700 million on our insurance, \$700 million, 36,000 state employees, almost a quarter of a million bodies are covered by PEIA. So, what are our challenges? You know, the Gentleman from Kanawha mentioned our 80/20. That was put in place in the early 2000s, so that any dollar that we put in, it requires a match by the employee. I'm still wondering what fully funded means when that's stated. We're looking at all options. We're faced with rising healthcare costs across the board, whether it's the public or private sectors. We're all faced with that and then when it comes to our teacher pay raises or things like that, let's not forget that we have an unfunded retirement liability that we have been putting over \$300 million into a year and we've gone, thanks to the good efforts of the body some 15-20 years ago, we've gone from an unfunded retirement liability of 9% or in the single digits, up to almost 70% and if

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that commitment had not been made years ago, just think of extra dollars that would be there for potential pay raise and we are going to look at this pay raise. We owe that to our employees, but we owe it as we look at the whole budget in the priority of what our spends are. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *January 31, 2018*

DELEGATE HAMRICK. Thank you, Mr. Speaker. Last night there was an important meeting of our educators and public employees back home in Harrison County and I wasn't able to attend this meeting because I was attending committee meetings and working on important legislation here at the Capitol until about 8 p.m. So, I do want to apologize to those constituents. I wasn't able to make that meeting but I would like to take just a short moment to address our valued state employees back home in Harrison County and Taylor County and our state employees across the State of West Virginia. First I want to tell you that your voices are being heard loud and clear, and contrary to some of the over-the-top political rhetoric that you're hearing, this is not a partisan issue. I promise to you that myself and my Republican colleagues are just as focused on this issue as anyone else in this body. I even understand that it may have been suggested to teachers and our other public employees that it is in their best interest to strike as soon as possible and this suggestion may have actually come from a member of this Legislature. So, to me this may be one of the most irresponsible politically motivated comments that I've ever heard. A strike can be a very strong method of getting your voices heard, but in this situation, we already hear you. You're already at the top of our list. So just, in this situation, I would urge caution in making any rash decisions and I just urge you to continue to stay strong and we stand with you.

DELEGATE KESSINGER. Thank you, Mr. Speaker. I just want to take a few minutes today to address the body about something that's kind of been weighing on my heart

recently. For the last two years I've had the opportunity to serve on the Committee on Prevention and Treatment of Substance Abuse and it's been a committee that I'm very proud to serve on but probably one of the hardest and most difficult committees because while we've passed a lot of substantial legislation that I'm proud of, we're constantly inundated with horrible statistics about the shape of our state and the problems that the people in this state are going through. We hear about the hundreds of people every year that die of a drug overdose. We hear that one in twenty West Virginia babies are born addicted to drugs and when we hear those statistics, it's easy just to write them off as just numbers, but those are individual lives that we're talking about, individual people with value that we should truly and genuinely care about and make it a priority to fix. Serving on that committee, we've really looked at every option and every opportunity and we still have a long way to go on how we can fix this problem and I've come to the conclusion that this isn't a problem that we and government can solely fix. This is a problem that is based on the lack of hope of people in our communities and the people in our state and hope is not something that we can prescribe. Hope is something that people can receive through the love that we share because oftentimes, and I'm guilty of this, we look at people who are struggling with addiction as if they're the enemy, as if they're people who don't have value and we want to write them off and put them in prison and just ignore the underlying problem and we have to stop doing that. We have to recognize these people as individuals who have value and who we love and who we care for because if we don't, then we are never going to solve the problems that our state is facing. So, I want to invite each and every one of you to a program that is going on tomorrow. There's an organization in my community called "The Safe Haven Campaign" and it's a movement that is specifically designed to help drug addicted pregnant women. There aren't very many organizations in this state that are specifically for those pregnant women to come in and receive parenting classes and to receive the rehabilitation that they need and to partner with them on professional development and this is a program and an organization that is working very hard to start this program in Southern West Virginia. So, tomorrow morning at 9

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a.m. in the Governor's conference room in the Secretary of State's Office, these women are going to be there to talk about their experiences, their ministers, their doctors, their teenagers who just recently graduated high school who want to get involved. So, I would truly, genuinely appreciate it if each of you would take the time out of your morning to come and hear from these women and hear their experiences and see how we can partner with organizations like this one to help our state.

DELEGATE R. MILLER. Thank you, Mr. Speaker. As we're all supposed to be representatives of our own districts and act as a liaison at times between our districts and the State government, here at the Capitol, I feel now compelled to report to you on a recent meeting that took place in the 23<sup>rd</sup> District. Last night I, along with both of the Gentlemen from the 22<sup>nd</sup>, attended a bipartisan meeting of educational professionals, service personnel, public employees from municipal, county and state levels, as well as community members, which is similar to meeting ... as the Gentleman just referred to, as taking place throughout the State of West Virginia. Mr. Speaker, what I feel compelled to report to this body is that I found these public employees to be concerned with the current state of affairs in West Virginia as it relates to public employees. They're scared. They're angry. As a matter of fact, they're very angry. With proposed changes in PEIA, the multitude of bills submitted that potentially effects their profession, their livelihood and the lives of their families, yes, they are at the breaking point, even considering taking the most drastic action that they have in their possession. I submit to you that they are awake and they are paying attention to everything that we do. It's incumbent that we as a legislative body carry the message of our constituents to this chamber and to this building and correct what can be characterized in some circles as a mistreatment of our employees, the working class. Those people that literally make West Virginia run. For example, this body may be receiving and addressing legislation to provide for free college education to high school graduates in this state. My concern is, if we are pushing our teachers outside of our boundaries and aren't having the best, most qualified teachers in our classrooms, how will we be assured that these students are

going to be ready to enter this free education? With that there is a cost. We must do better by our employees. We've talked about spending every tax dollar. Today we've talked about spending every tax dollar as close to the classroom as we can to create a more efficient educational system. We heard that today. I offer that it doesn't get any closer than those individuals who are in and around our classrooms each and every day and in many cases spending more time with our children than does their own parents. In some cases, that would be the only person who provides a caring atmosphere, a warm meal, even provides a hope for a better life. I made a promise that I would attempt to try to bring their stories to this House, to make their issues real, to make them personal which at times we tend to forget as we go about our duties in this legislative vacuum at times. Today, I begin to tell their stories from time to time and hope to do so, as we go along. If you haven't been in your communities and heard the stories of despair or seen for themselves what is taking place, I would encourage you to reach out to your teachers, service personnel and public employees. If they're not afraid or intimidated to the point that they will speak to you, it could be a very eye opening experience. I encourage us all, please see what's actually taking place in our communities. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *February 1, 2018*

DELEGATE CAPUTO. Thank you very much, Mr. Speaker. I want to talk a little bit about what went on in my county last night and the County of Marion. The AFT and the WVEA hosted an informational meeting to discuss what's not going on down here and I got to tell you there were over 300 folks there and the word I got from every phone conversation I had last night, was they're fed up. They are fed up and if you want to look at the headline in the front page of the *Fairmont Times* today, two words: Fed up. They're fed up. Not only are they fed up, Mr. Speaker, they're fired up. They're fired up because they're not going to accept what I believe to be the equivalent of a Christmas

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ham for a pay raise. They're not going to do that. We have a real ticking time bomb on our hands in West Virginia and if anybody doesn't believe that, just talk to some folks that have been to those meetings. Some of you folks have been there, you've seen it. You can't deny it. They're frustrated. They're frustrated like I've never seen before. They don't have any confidence. They don't have any trust that the leaders of these houses will do the right thing in heed to their cause. They haven't had a pay raise, Mr. Speaker, since 2014. That's the last time our side of the aisle had control of this House and they're frustrated and they don't believe that the leadership has their best interest at heart. They believe there's been a constant attack on working families in the last three years and I don't mean to offend anybody, but I'm going to talk about some facts that happened in this body in the last three years. A little buddy across the aisle talked about, we got to talk about the truth and we can't blame one side and I respect that. We're dear friends, but we've also got to speak the truth about what has happened to working families under this leadership. Since this new majority has taken over, there's been no pay raises. The agenda has been, "Let's dismantle the PEIA Finance Board and let's not let working folks have a voice on that board anymore. Let's remove the union representation on that board." They passed Right to Work with not one Democratic vote, not one. There was no bipartisan support for that bill. There was bipartisan opposition but it passed anyway. They reduced the wages of our friends that work in the construction industry by repealing the prevailing wage that fed so many families in the State of West Virginia, again with not one Democratic vote. Bipartisan opposition, but not bipartisan support. They rolled back coal mine health and safety. They attacked seniority in our higher education facilities and now they're worried that that's going to trickle down to public education as well with the bills they see being focused on at this point in time. We're talking more about charter schools and we're talking more about vouchers and we're talking less about them and the children that they go into the classroom and deal with on a day-to-day basis. They think our focus is wrong here, ladies and gentlemen. They think our focus is wrong. It was just a year ago when the Governor stood at that podium and he told us ... he was a Democrat then ... he told us that we were on life support. The State

of West Virginia was hemorrhaging, tubes coming out of us everywhere. It couldn't be any worse, but he proposed a 2% pay raise for teachers then and we can't do that now. I'm hearing all these great reports that the State is in much better shape, that things are good, but we can't even go back to the 2% pay raise that was proposed when we were on life support. There's something wrong with that picture. We're focusing on single delegate districts three years before the Census comes out and we're not focused on the people that educate our children and make a better future for West Virginia. Now, are we going to talk the talk or are we going to walk the walk? We all talk about how education is the centerpiece and the future of West Virginia. So, we have to make sure we have quality educators in our classrooms that can make a living wage, can afford to feed their families and we've got 700 vacancies. Who's teaching those kids? Non-certified teachers, are they teachers or are they babysitters? I'm concerned. They also say we've got all this money to do an inventory tax reduction, \$140 million that we can give to corporations to reduce their inventory tax, but we don't have money to give them a pay raise. We don't have money to fix PEIA. Commerce wants \$60 million more in their budget? But we don't have money to give them more than a 1% pay raise. Well I'm frustrated too and they elect me to represent them and I'm their voice and if I offended anyone in this body, I apologize. That's not my intent but that's the feedback I'm getting from my district. I think this body needs to act, I think it needs to act quickly or those halls are going to be full. They're going to be full of educators because they are fed up with the actions ... I'm sorry, the nonactions that we're taking on their behalf. Thank you, Mr. Speaker.

DELEGATE E. EVANS. Thank you, Mr. Speaker. It's tough to follow the great orator from the 50<sup>th</sup>. I will do my best though. I also attended McDowell County's teachers meeting last night. I would echo my friend from the 50<sup>th</sup>, they are fed up. When I was there it was a tense evening. They looked at me as their representative, wanting to know what I was personally going to do about the PEIA. I had one lady ... before they took their little vote and so forth, I had one lady that had invited me to step out into the hallway. She wanted to talk to me. So, I went out with her and she had an old brown



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shopping bag. You remember before plastic, right? And she had it sort of rolled up to the top and we went over to a table and we go over there and she pours it out onto the table and in that bag was something I really didn't know. I'd never seen before, but what it was, was tubes that connect to an insulin pump. And her daughter that attends the local school, the ... she's in the middle school there, she's on an insulin pump and to be honest with you, I don't have much experience with that but she started to tell me how much it cost her just for the tubing and how much it cost her for the insulin and how much PEIA has suddenly stopped paying for and how much more is taken out of her family's budget. Well, I've got to be honest with you. I got emotion gene. I can't watch "Rudolph the Red Nosed Reindeer" without crying and the tears started to flow. I can admit that because it hurt me to see this woman in the condition that she was in. Her last words to me were, "Fix PEIA, please. Please don't take any more out of my paycheck for PEIA because I can't afford all the stuff they needed for this insulin pump." I wish I had a picture of it that I could show everyone because this was unbelievable. It would stack up this high on this table. I don't know, maybe the physicians know how many times you can use one of those tubes, but she's apparently buying them in bulk. So, it keeps her child alive. The Delegate from the 50<sup>th</sup> is correct when he says they're coming. They have two charter buses that will be here tomorrow. So, let's get behind our public employees. Let's do what's right. Let's make it better for all of them. Thank you very much, Mr. Speaker.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I also was at a meeting last night, probably about 125 – 150 and I told them I'd bring their voice here as well. You know, they're wanting action. They don't want to do anything. They want to continue to work. It's our job and our responsibility to start taking up some legislation that would do just that. "Don't wait until the last ... 47<sup>th</sup> day to tell us it's in the 80/20, it's in the budget." They're angry and they're going to be forced to do what they don't want to do. They raked me over the coals last night. I said, "I'm here. I've supported you all for 12 years and I came here out of respect to you all to let you know that we're working on it in Charleston." The Delegate from the 20<sup>th</sup> has got a bill we need to pick up and run. It's not moving anywhere.

Let's show them we mean business and just take care of our public employees from the top to the bottom. Thank you, Mr. Speaker.

DELEGATE MARCUM. Thank you, Mr. Speaker. I want to follow up on what's been said. I've attended meetings with the Mingo County teachers, Logan, Wayne, teachers all across Southern West Virginia and they're fed up. I mean, the article from Northern West Virginia clearly shows what the teachers and the public workers in Southern West Virginia are feeling too. They're fed up. They want to know where this legislative body's priorities are. Where are standing? What are we going to do? What is the plan? I've not heard any plan whatsoever from this Legislature other than the piece of legislation the Gentleman from the 23<sup>rd</sup> was representing. We have a piece of legislation ready to go. Where are our priorities? When are we going to run H. B. 4341 and fix PEIA? When are we going to fully fund it? When are we going to quit worrying about the out-of-state interests and the donors and worry about the teachers and the State workers? When are we going to do what's right? I hate to mention the six letter word, but there's a word called strike. It's close. I believe it's coming and I want this legislative body to know that I'm going to stand with them on the picket line when it happens and I'm going to tell them who's to blame for the problem. You know, Mingo County and Logan are supposed to walk out tomorrow and I want every member of this body to know it's on you for not running the bills, for not fixing PEIA. We discussed this last year and told the majority what was going to happen. We told you. We told you what was going to happen but yet nobody in here seemed to care. So, let's quit worrying about big pharma and let's worry about our teachers. Thank you, Mr. Speaker.

DELEGATE FAST. Thank you, Mr. Speaker. I too would like to talk about some of the issues that have been raised. You know, when I first came here in 2015, we were hundreds of millions of dollars in the red, hundreds of millions of dollars. Fiscal year 2016, the same, hundreds of millions of dollars in the red. 2017, in the red. But, do you know what? After all these things that we've heard that are so nasty and so wrong, where are we now for fiscal year 2018? We're not really running a massive surplus, but we are running a surplus. So, we're

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moving in the right direction. In addition, there's been allegations now that since this party has taken over, that we've basically derailed PEIA. But let me remind the body and the members of the public that at least for the ten years prior to this party taking over, there were zero dollars put into the PEIA trust fund, zero dollars. What has happened since this party has taken over? We started putting money into the PEIA trust fund. We even set up an additional fund so that the members would not have to shell out of their own pocket for the raises. So, ladies and gentlemen, this idea that we have derailed PEIA, that we are not doing the right thing, that is a fallacy that someone hopes the public will believe to try to derail the programs that this party has implemented over the last three years. That's all that is. It's grandstanding. We are working in the right direction and you want to talk about raises? Court appointed panel attorneys who have no choice but to accept a case under the constitution. Do you know how long it's been since they've had a raise? It's not been three years. It's not been just three years, add a zero to that. It's been 30 years since they've had a raise. So, ladies and gentlemen, there are needs of this state. I hear the concerns of PEIA. We are working in the right direction on that and to stand up and just say, "When are we going to fix it? When are we going to fix it?" That is a fallacy. This Finance Committee, which I'm not on, but this Finance Committee is working on that every day. The public needs to know that. We are fixing it. We have been fixing it and we're continuing to work on it. We are moving in the right direction. Thank you, Mr. Speaker.

### COM. SUB. FOR H. B. 2662

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REMARKS  
of  
**HON. SHIRLEY LOVE**  
*February 2, 2018*

DELEGATE LOVE. A few years ago, when I was in the Senate, Delegate, they had a bill that required a crow to be considered as a game animal and during that discussion, an opossum was also declared a game animal. Does this mean that if I go opossum hunting with my dog and catch an opossum, do I have to eat it?

DELEGATE FAST. No, and I will tell you why. Because, believe it or not, an opossum is considered a fur-bearing animal under the definition of the wildlife and fur-bearing animals are specifically excluded from this bill before us. So, no, you're okay. You can kill as many opossums as you would like.

DELEGATE LOVE. You may check back. I think an opossum is considered a game animal now.

DELEGATE FAST. It is considered a fur-bearing animal under §20-1-2.

DELEGATE LOVE. And a crow, I think also is considered now a game animal. Under that bill the DNNR would acquire X amount of dollars by West Virginia, declaring a crow as a game animal and during all that discussion and debate, an opossum entered the scenario and also became a game animal. Thank you, Delegate. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
**MEMBERS**  
*February 2, 2018*

DELEGATE MILEY. Thank you, Mr. Speaker. I won't take much of your time. To begin I want to thank all the people in the galleries who came down here and took the time out of their day to express their thoughts on some issues facing our state. The reason why I'm standing to speak is because I'm concerned that we are on the verge, as a state, of coming apart at the seams if we don't address the elephant in the room and that would be, of course the PEIA issues and teacher pay raises. Now, just yesterday, to follow what I was saying, just yesterday several members of the Democratic Minority Party met with the Speaker and certain members of his leadership team to begin the process of trying to find a resolution, and I hope we ultimately come to that, that satisfies the people in our state that provide so much to not just our children in the schools, but also the public employees as well and quite frankly I'm certain, in fact I've been told that the Speaker is committed to continuing these discussions with our input and to be clear, I

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suppose it would be easy for the Democratic Minority to try to throw stones and cast blame. But the reality is, you all expect all of us together to find solutions to what's facing ... what you're facing with PEIA and your pay raises and general compensation plans. So, I ask that we, in the spirit of bipartisanship and compromise, continue to try to do that. I have every belief that the Speaker will try to do that. But the only thing I ask, is that we try to prioritize what we work on here as a body and I say that because, while there's a lot of important issues and a lot of different areas that are important to people out there that we represent in the State generally, the message we send to the public is important and we can't get to everyone and explain why we're doing and what we're doing, but they will see what we're putting our time toward.

So, before we consider ... and I'm saying publically what I've said privately so I'm not sharing anything that I haven't said before. I've asked the Speaker. I've asked the Finance Chair. Before we consider any tax reduction for businesses, I think it's important that we first focus on the most pressing issues and that's the people that are here today and the people that I feel will be likely taking their time to come down in the days to come because that's the only way we're going to stop this state, I think, from coming apart and tearing each other apart. I've never seen it like this in my 14 years. Maybe it's an aberration, I don't get that feeling. I shared with you earlier in the week my experience in Harrison County on Tuesday I believe it was, and you see what's happening here today and this is just a small segment of the population that has concerns about the PEIA and teacher pay raise issues. So, I just ask the body to work together, collaboratively. I don't think they're going to segregate Democrats from Republicans as to whether we get this problem fixed or not but I just ask that we prioritize it in a manner that we send the right message to people that we care about what concerns them, and we care about their lives and their families and what occurs to them in this body because we do have a significant influence as we all know on your lives. So, thank you again for coming down. Thank you, Mr. Speaker, for the meeting yesterday and the meetings in the future, but I urge all of us to work together and press forward on this issue with urgency. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. We're at day 24 of a 60-day session. Ladies and gentlemen, we're over one third of the way through this session and we spent about 15 minutes today talking about turkey breasts, opossums, crows, trout and deer. Now I want you to think about that. We've got galleries full of public employees who are worried about their livelihood and we've spent 20 minutes talking about opossums. Now I think ... I'm sorry, Mr. Speaker, I didn't mean to interrupt you. Are you done? Thank you, Mr. Speaker. I think that's a shame. I think that's a shame. The Gentleman from the 58<sup>th</sup> made a motion to discharge. Now, I know a lot of people in the galleries probably don't understand what that procedure is. Heck, a lot of people in this room probably don't understand what that procedure is. But, we didn't even get to debate whether we can move forward with the bill that would give you all a pay raise because the debate was shut down by the Majority Leader when he made the motion to table it. So, we spent about 2 ½ minutes on your livelihood and we spent about 20 minutes on turkey breasts. That's what we've done today and that's what you all need to go home and tell your friends and your neighbors. I've been here a long time. There are probably a lot of people over there saying, "He's been here too long. He needs to go." But I'm not going to go until the people in Marion County tell me it's time to go and I'm going to stand up and fight for your livelihoods and your future and the future of our children. That's what I'm going to do if I've got to take this floor every day. So, if you're sick of hearing me, maybe you ought to just leave now. I'm not happy. In 22 years, I've never seen such chaos in the House of Delegates. We're at crisis stage, ladies and gentlemen. The people of West Virginia want us to act and quit talking about turkey breasts. I've never seen such chaos. We're coming apart at the seams and it's a shame the public is out there watching this crap go on across West Virginia and we're talking about \$9 million issues that don't affect the livelihood of the people we should be protecting. It's time to act. It's time to act. I'm not done, Mr. Speaker. I'm not done. Thank you. You folks came down here today and you risked your livelihood. You walked out because you believe in something so strongly that you walked out of your classrooms and away from your jobs today to send a message to the people you elect, to the people you elect. You

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need to find out who your friends are down here and you need to go home and, I hope to see you a heck of a lot more through this session until we get the job done. God bless you for coming.

DELEGATE C. MILLER. Thank you, Mr. Speaker. As a person who did certify to teach in 1972, I understand what you all have done. There is not a person in this body that does not appreciate and understand your job of raising our children and our grandchildren and how every day you pour your heart and soul into doing that. Whether you're driving a bus, whether you are teaching them, whether you are helping them move through the halls, feeding them, we respect you. We appreciate you. What you do is so important and our children are our future. I want to commend the Delegate from the 48<sup>th</sup>. I would also like to request that his words be put at the foot of the journal. What he said is true. We are listening. We are working. There are meetings all the time, back and forth between PEIA, the Governor's Office, Finance. We have a process here, by putting bills through more than one committee to make sure that what we do is the right thing. Please understand that we do care about you. We want you to be well paid. We want your insurance to be the way it should be. The Governor has already made his announcement about the 365. So, thank you all for being here today and thank you, the Delegate from the 48<sup>th</sup>.

DELEGATE BREWER. Thank you and thank you, Mr. Speaker, and I'm not going to be ... I'm certainly not the first, I'm not going to be the last to speak on this topic and it is the 800-pound gorilla in the room and lately we've heard a lot of discussion about public employees, their wages and their benefits and I had the opportunity to go to Point Pleasant last night and meet with the Mason County School Board and I'm going to guess four or five hundred of their employees, and folks they are mad. They are mad. The Gentleman from the 14<sup>th</sup>, I think, can contest to that. They are fired up but I want to break it down just a little farther than that to another area of the 13<sup>th</sup> District and that would be particularly the Lakin Correctional Center because, although I realize our teachers need a pay raise and they ... you need your insurance the issues need to be addressed and I support you. We also need to remember that we have more public employees out there

than just the teachers and they're struggling too. Recently, I stopped by ... an unannounced visit at Lakin. I happened to get there on the day, and I wasn't aware that they were doing interviews for ... to hire staff, correctional officers, and not surprisingly they weren't very busy. All three of the folks that were doing the interviews had plenty of time to sit and talk to me. I talked for probably an hour with them and they were interviewing for ... they have 136 positions, 28 of them are vacant. If you make it past that interview at Lakin, you start at \$22,500 a year, which is pitiful for people that put their lives on the line every day and are forced overtime every day, by the way. If you make it through that probation, your salary jumps up to \$24,500 per year, to put your lives on the line again. That's 30% below the national average. They have got counselors, people who are there to counsel, sitting out in the pods, watching prisoners because they're so short staffed. It's no wonder that morale is low amongst our correctional officers. Now, the acting warden in there ... the fellow that was a police chief in Point Pleasant for years, John Sallaz, he told me he likes to take the little victories, the little things that come along that he can take pride out of. He was an exceptionally proud of one of his correctional officers who happened to be in a good mood that day. They typically aren't. So he went up and engaged this gentleman in conversation, wanted to know just why he was in such a good mood that day and that correctional officer said that he had finally saved enough money to take his wife to the movies, to go to the theater and see a movie. Now, in that area two tickets is about \$15 and if they spend \$15 at the concession stand, we're talking about \$30 to take your spouse out to see a movie. Now we've got a ... there's a bill pending to give these folks a 1% pay raise. That's \$245 a year, folks. Two hundred forty-five dollars a year or \$4.71 a week. Now do my math, if benefits don't take some of that \$4.71 away from them and they get to see the entire \$4.71, he can save seven weeks to take his wife out to see a movie and I think that's pitiful.

So, over the years and I wasn't here for all of this, but this body, this Legislature has led us to believe that there were certain things that we needed to do to move this state forward. If we would only eliminate the business franchise tax, we're going to get where we need to be. We did that. If we'd

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only eliminate the corporate net income tax, we're going to get this state where it needs to be. We did that. If we'd only get rid of those nasty prevailing wages, we're going to save all this money. We did that. If we make this state a Right to Work state, that's the silver bullet that's going to get us where we need to go and we did that and now we're being told that if we will only eliminate the industrial equipment tax, that's what's going to get us where we need to be. That's going to move our state forward. Well folks, you know there's a lot of talk about \$20 million in this industrial inventory tax. To me that's fuzzy math. That's \$20 million this year, \$40 million then next, \$60 million the next, \$80 million the next and at the end of seven years, we are going to have eliminated \$560 million from our revenue ... \$560 million from our revenue, right now we are the 18<sup>th</sup> friendliest state to do business from a tax perspective. That means there's 32 that are worse than us, only 17 better and at the end of that seven years, we're going to continue to take \$140 million a year or leave ... I shouldn't say take ... we're going to leave an extra \$140 million a year on the table that could be in our revenue. I don't believe that that's the best direction for our state and I personally, I am going to favor these folks that are getting \$4.70 a week before I ever give away \$560 million without getting a corporate tax break. Thank you.

MR. SPEAKER, MR. ARMSTEAD. Thank you, Mr. Speaker. Speaker, ladies and gentlemen as you know it's ... it is rare that I come down to speak and when I do, it's because I feel it's very important to do so and I feel it's very important to do so today and I appreciate the comments from the Gentleman from the 48<sup>th</sup> whose been my friend for many years and I think we've worked together on many different issues and this is one that I believe very sincerely that we will continue to work together in a bipartisan manner to resolve. Now, I want to say to the teachers here today, first of all, I thank you for being here. I appreciate you being here and I think all of this House appreciates both you being here and your service in the classroom for our students. I was at a ... some of you may be familiar ... and I tell this story a little bit, I told a few people yesterday. I was at a meeting recently where one of my favorite authors, David McCullough was speaking and I really appreciate his writing but I also appreciated what he had to say and he was

speaking about a time when the discussion and debate was going on about statues and what statues we should have torn down across the country and whether we should leave up statues or not. He said the more important question ... I'm paraphrasing a little bit here. The more important question is not whose statues we tear down, but who we put statues up for and he's right. The next line he said was, "The statues we ought to be putting up are teachers who inspired us throughout the years," and he's absolutely right. Because there's not a person in this room that can't think back of a teacher they had ... he or she had that they don't appreciate and feel they changed their lives and so, we owe a tremendous amount to the teachers of our state and there's not a person, a soul in this room that doesn't understand that and believe that. Now we owe you other things as well and we recognize that. Not just our gratitude, not just our appreciation which you certainly have, our gratitude and our appreciation. We owe you other things as well. One is to be fair with you, to be honest with you, to work hard to do what we can do in this body to ensure that you're well paid and that the benefits that you have are fair. We recognize that and I can tell you that there hasn't been ... that there's no issue regardless of what may be said on this floor about priorities, there has been absolutely ... as the Speaker of this House, there's been no issue that I have spent any more time on this year than this issue. I guarantee that. I can guarantee that to everyone, that this is the most important issue in terms of my time and my direction and my discussion and trying to work through this. Now, when I said we owe it to you to be honest, let me be honest about a couple of things. One is yes, we do set priorities to some degree by what is done yearly in this chamber but I think, as you probably teach the students that you teach, the question isn't how fast you do it, it's whether you do it right and we want to do it right. We want to do it responsibly. We want to do it in a way that we can bear in our budget to do it and do it in the best way that has the most benefit to our teachers and public employees. It isn't a race because the truth of the matter, none of this will kick in until July 1<sup>st</sup>. So, whether we pass this day one of this session, today, tomorrow, the 60<sup>th</sup> day, that is not going to change what goes into effect on July 1<sup>st</sup>. What is important is what we pass during this session and I appreciate the comments of my colleague

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from the 48<sup>th</sup> about, that we are working on that and trying to get in front ... from the Members of this House, from your representatives and from the members that you sent here to represent you to get their input, to get input from you, from the professional organizations that you're members of, which we met with, the Senate, the Governor. So, it isn't a race of what ... how fast we do it. It's how we do it and what the end product is and that's what's important and I believe that we are working very hard to accomplish a good end product.

Now let me say what else I think we owe you in the sense of this is the ... the biggest issue that I've heard is ... I've heard a great deal about the pay raise, but the biggest issue I've heard is PEIA and what those changes have resulted in and it's already been pointed out here, we have very ... the Gentleman from the 1<sup>st</sup>, that we made it a priority to put additional funding into PEIA. The last time that we got into a discussion about PEIA, what did we do? We found additional funding and we put it in PEIA, particularly for our teachers that were retirees to make sure that the burden that they had from increased premiums was lessened. That's a sign, I believe, and evidence of our commitment to taking that issue seriously. Now, we also recognized, as you did, that the Go365 program was flawed and we made our view of that known to the Governor and to the Senate and to others in this building and the end result of that is, we're rolling that back. We're making that option work. Making ... taking that mandatory provision away. We also made very clear and very evident that we are concerned about what impact the going to family income is going to have particularly in the situation where you have two teachers who are, you know, married teachers or a teacher who is married to another public employee and we heard last night the Governor is listening to our concerns about that and he has his own concerns and we're trying to work through exactly the best way to do that. The best way to ensure that we do not cause harm to our teachers and our public employees. I would think that and hope that you would understand that we are working. We have heard what you're saying. We are working very hard to address those issues and that we will continue to do that until we get it right and it's great to have ... and you know, I understand it's a procedural issue to put bills

out here on the floor and say we're going to move to discharge them so that we can take them up on the floor. Now the truth of the matter is, without a rule suspension that bill wasn't going to be debated on this floor today. That was a procedural motion in my estimation that it would accomplish nothing but to cause people to think that we're going to do something today. Well we will do something today and we will continue to do what we're doing today and tomorrow and that is getting serious about this issue, not playing games, not making stump speeches, not trying to do all these things. Working on it, getting in the rooms, talking to you, talking to your representatives, talking to the people who make those decisions, talking to PEIA and doing what I think you probably teach your students to do and that is rationally and reasonably attack an issue and solve it. Because that's what my teachers taught me to do and that's what I think the people and yours ... their teachers taught them to do and that's what we're trying to do.

We understand you're frustrated. We understand that. No one, you know ... and we understand that you think in some ways you don't have our attention. You absolutely have our attention. You absolutely have our appreciation and we get it. We understand and we will continue to work and ... I said I needed to ... we needed to tell you the truth. You know that while there is a better day on the horizon in our state at this point than we had a year ago in terms of the fact that we're trying to fill a \$500 million budget last year, we're not out of the woods yet. We are not as a state and we need to continue to work to ensure that we are and that we have ourselves on a sound economic basis and so any decision we make as important as this decision is, any other ... this decision and any decision must be made in a responsible manner that makes sure that we keep ourselves on a financial footing that benefits all of our citizens and with that framework, in my mind, we will continue to work on this issue as we have each and every day and we want your input and we appreciate your presence here today and we appreciate your presence in our classrooms each and every day. We appreciate what you're doing for our students and you are not going to be forgotten and you will continue to be a priority in this House. Thank you.

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DELEGATE DISERIO. Thank you, Mr. Speaker. I'll be very brief today. First of all, I'd like to say, looking around the crowd, all the people in the red, the teachers, the school service personnel, I support you one hundred percent, will never waiver. But, as I look around, we also have some other colors in this room today. I'm referring to these gentlemen ... ladies and gentlemen back here in the back in the green. The ones that are sworn to serve and protect. In our current state today, we're approximately 75 troopers short. We haven't had a cadet class in four years. Six hundred and fourteen troopers are off, 238 of those are supervisors, which leaves 381 state troopers to protect our state. How important is this to us that we fund this? So, I very simply ask you today, in the gallery, to stand with my colleagues today and let's represent all West Virginia employees. Let's stick together. Back them, let them back you. Thank you.

DELEGATE PETHTEL. Thank you very much, Mr. Speaker. You know, we've heard a lot here about PEIA and salaries and I'm certainly not going to address that today. What I want to address is the day-to-day working conditions that some of our teachers endure. You know last Saturday evening I went to a basketball game in a neighboring county to watch two former students at the elementary level that had been in the school that I retired from and they've done very well for themselves. You know that I had the opportunity to see another former student who was a teacher in this neighboring county and we talked about her family and kind of caught up on, you know, old times and she said to me, "You know I quit teaching," and I told her, "No, I didn't." I didn't have any idea that she had quit teaching and I said, "Well, what happened?" Well she taught special education and she was a very successful teacher at the middle school level but she told me at the beginning of the year that they were short a special ed teacher in this school and they put 12 students in her class. She said that one of them was autistic and they all were various levels and while she was supposed to have a teacher's aide at the beginning of the school year, she didn't even have a teacher's aide and she said, "I put up with that for a while, to the point where it really affected my health," and she said, "I just told my husband that I'm not going to do this anymore," and she started looking for a job, another job. What she told me then, that

she found a job where she could go into training with a very large insurance company and she said, "I really took a chance on this because I had to go for training for ten weeks to Washington, D.C. I was there every day, Monday through Friday. I was only home on the weekends," and she said, "We had tests that we had to take, like each day and each week," and she said, "You had to pass those tests. If you didn't pass them, you were out," and she told me last week she had finished seven weeks of training. She had passed all of her tests and she was well on her way to being an insurance adjuster for this large insurance company. You know and the point of this is because of this person's working, daily conditions, we lost a very good teacher and she said to me, she said, "You know, I'm going to make more money and I'm going to have better benefits with this insurance company than what I've had from teaching." So, I certainly hope, Mr. Speaker, that we all can work together and I certainly appreciate your comments and the comments from the Minority Leader about working together to get this situation solved and to help us recruit more teachers to fill those over 700 vacancies that we have in our public school system. Thank you.

DELEGATE FOLK. Thank you, Mr. Speaker. Everybody in this chamber that spends every day in here knows that I don't have a problem voting for a discharge motion if I believe in the merits of the bill. This bill that was attempted to be discharged today, the idea of a teacher pay raise has good merit. However, the specifics of the bill were very problematic. Number one, it was only for teachers. Number two, it was a \$1,500 pay raise for three years. I did some simple numbers based on the numbers that have been spoken of in this chamber for the last two weeks. Which is about \$12.7 million for every 1% teacher pay raise. This worked out to be a 3.7% pay raise in the first year and then continuing for three years. The first year, \$47 million and the Gentleman from the 1<sup>st</sup> and the Gentleman from the 27<sup>th</sup>, if you followed what they said on the floor here, have identified money that we can get somewhere between the 2 ½% and 3% pay raise. But the bill we took up today would have left nothing for school personnel, for corrections officers, for state police, for other state employees and probably bigger than anything, is the elephant in the room everybody's been talking about, is PEIA. I

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don't know about you all, but the people I talk to, the teachers, the State employees, that's a bigger concern than having a huge pay raise. So, today when I first saw the bill and looked at it without seeing what the numbers were behind it, I was thinking about pushing the button to keep it going on. But when you look at the merits, I mean what the bill actually does, it was going to pick teachers over everybody and prioritize teachers' pay raises over fixing PEIA and that's problematic. Thank you.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I would also like to talk today about the ... we've heard here today that we're going to work today and we're going to work tomorrow to make this happen. Well, we're not working tomorrow. We've only worked a few Saturdays in 12 years, other than the last night, that I've been here, a couple times. I wish we worked more on Saturdays. We get paid for it. As far as my friend from the 63<sup>rd</sup> talking about the bill, it only covers teachers, that's what amendments are for. We could amend everybody else into that. I stand here hoping that we do take it up and we are serious about this and I feel like we are. I appreciate what the Delegate from the 48<sup>th</sup> said, I agree with him. We've got to work together. He and I came in at the same time together. We're one of the few that are still here from 12 years ago. This is a difficult thing; I don't want to forget the correction officers in this who are the worst paid in the nation. We have a plate full. I understand that and the only way to clear that plate is to start eating on it. With that, Mr. Speaker, I thank you for your comments and I definitely hope we start addressing some of these issues quicker than later. Thank you.

DELEGATE FERRO. Thank you, Mr. Speaker, and I stand here today to support all public employees. I want you to know that I am a proud retired teacher by trade, 35 years in the business and I just want to add a couple of factual things to the discussion on PEIA from a couple of years ago. It was a concern two years ago. In fact, it was the House Democrats' priority two years ago and I know that I spoke a couple of times on the floor about that. Talking about how the premiums were going up. At that particular time inactive employees and retired employees, they were both going to go up 12%, with increases in copays and deductibles. We really couldn't get anything

accomplished until the very end when the Governor proposed the \$1 a pack tax on cigarettes. There wasn't any appetite for that, but we kind of went with him a little bit with regard to a 65 cents tax on cigarettes saying that we would perhaps support that if something was done for PEIA and they came back with a compromise. Now that's not a dirty word either. The word compromise is something good. At that particular time, they came back from the Governor's Office and said that they couldn't reduce active employees' premiums, they would still be 12%. However, with retirees, the reduction would go from 12% to 6% and also what they promised and they held fast with that, they would put in an additional \$10 million a year for five years. We're in year three of that. We're back at a crossroads again with that. We need more money, we need to get it fixed and I remember you all here, today, you're doing exactly what we did back in the late eighties, 1980s and 1990. At two particular days in the 1980s, we took several days off without pay and marched on Charleston because we weren't coming down here as teachers of the kids that we loved, we were coming down here to protect our livelihood, to protect our families. When we walked out on strike in 1990, it was gut wrenching, absolutely gut wrenching. I hope it doesn't come to that today and I hope that we can work in an area, in a manner to get this problem solved. But these people have to make a decision too, based on what we do and all I'm going to conclude with today is, I want you all to know that my heart is full today because I stand here proud to be a unionized schoolteacher. Thank you.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Now briefly I just wanted to say that on the way in I saw people waiting in line to get in here, citizens of West Virginia, waiting in long lines to get into their house and I personally think it is wrong for citizens of West Virginia to be standing outside, some of them for over an hour, in 15 degree weather, waiting to get into a building that they own.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. The State of West Virginia, there are over 725 teacher vacancies currently. We're 48<sup>th</sup> in the nation in teacher pay. All five of our neighboring states pay more than what the State of West Virginia does. You haven't received a pay raise since 2014, 2014. School service personnel are in the



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same boat as you; West Virginia State Police, in the same boat as you; Department of Highways, in the same boat as you; social workers for DHHR, in the same boat as you; every public employee in the State of West Virginia is in the same boat. The only difference is teachers are allowed to come out to collective bargaining and protest. You have that power and you are waving that flag. You're not alone. You're not alone. You're not close to being alone. We get down here, we get PEIA. We have given floor speeches after floor speeches after floor speeches for the past two years. We're going to fix it. We're going to fund it. Have you seen it? I ask you, have you seen it? Your premiums keep going up, your deductibles keep getting bigger. You get penalized, now you get 365, try to get rid of the financial board. The Governor can't tell the financial board what to do. The Legislature can't tell the financial board what to do. They tell us to go pound sand. That's what we're going to be doing. That power is with the board. We don't fund it. We've got the National Guard in our jails. We've got the National Guard going into our prisons because we don't pay anybody squat. We are the worst bosses in America. You could put us on tv. So, we had budget problems the last couple years. All of a sudden now, we have \$200 million. What they're wanting to do is give \$140 million to coal, oil and gas and manufacturing. Every small business in the State, you're cut out. Do it over seven years that's \$560 million. That's \$20 million a year, \$140 million in perpetuity. They want to give \$60 million in economic development and tourism. Now that's \$200 million. Now, in my mind after the federal government just passed a \$1.5 trillion tax cut, about a trillion dollars of that is going to businesses. They're not hurting. We're in 2018, not 1918 but it feels like we're back in the guild age. People matter. Our employees matter and it's time that you all quit getting stiff armed, shoved down and say, "Just wait on the come. We're just going to cut some more business taxes. Wait on the come."

Hey, I want to also remind everybody in here, our Governor, he personally benefits from the coal tax coming off on the industry. Last year he gave you a 2% raise, now he's just requesting a 1% raise. Christmas hams don't count down here and that's what you're getting. That is exactly what you're getting and that's what they're wanting to provide.

So, we're going to continue to be loud. I hope you all will continue to raise Cain, because you all are literally flying the flag for every public employee in the State of West Virginia and if this body and if this Senate do not come together and we don't fix this, I say you go on strike, because I don't know what else is going to do it. But you keep applying the pressure and we're going to get this fixed. Thank you, Mr. Speaker.

DELEGATE E. EVANS. Mr. Speaker, thank you, yesterday for ... and the Gentleman from the 48<sup>th</sup> for having me as a part of the meeting yesterday. I appreciate your ... you listening to my comments and you really, truly did and I appreciate that. Two things: Number one, it was 1990, I walked the teachers' strike out there. I feel your pain when you take a day off to be here. Linda and I had just bought a home. We were struggling and when I lost 11 days' pay. That was pretty tough. So, I appreciate each and every one of you that are here and the sacrifice that you're making. Mr. Speaker, yesterday the Governor awarded McDowell County and the City of Northfork a \$1.5 million ... or \$1.3 million Small Cities Block Grant for drinking water. It is just unbelievable that in 2018 there are cities and towns in the great State of West Virginia where the people don't have water that's clean to drink, to bathe in, to wash their children in, to cook in. It's just unbelievable to me. There are places in West Virginia that the pipes and infrastructure are so badly neglected, not because one or two individuals let that happen, but because of age. In McDowell County to find so many places that are isolated, it's a rugged place. If you ... how many of you have been there? It's rugged. To have an endloader in there or some kind of machine to dig pipes is ... you know, you're digging through miles and miles of rock, up and down, over and above. But, we still have infrastructure problems. I thank the Governor for that money. I thank those that were on the board that approved it. I thank you for the people in the Northfork area that will benefit from that, but there are people in Keystone, West Virginia, and you really can't tell the two cities apart, that haven't had water in four and five weeks. I hope you're listening because I'm going to ask you for some money. I'm going to ask you, not just for them, but for all these small cities that deserve clean drinking water, that deserve the ability to bathe, that wash their clothes and to

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send their children to school clean. In 2018 it's unacceptable. Infrastructure needs to be upgraded, monies need to be appropriated for that. Let's do it. Let's make these people equal to people in the City of Charleston. When the water problem here happened, the whole world jumped in to help, the whole world. They were bringing tractor trailers full of water in here. People in Keystone ... I bought 50 cases out of my own pocket. I don't think anybody else, any business, anywhere, showed up. Now, I'm not tooting my own horn, Mr. Speaker, but the State of West Virginia needs to step up and help the people in West Virginia, all of West Virginia. We're good people, all of us and we need to share in the bounty the State of West Virginia has. Thank you very much.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I am honored to be in the West Virginia House of Delegates. Just as I'm honored to be a Greenbrier County teacher for the last 18 years. I'm lucky to work with dedicated public servants, both here and there. We've got problems in education, 727 teacher vacancies statewide, 48<sup>th</sup> in pay nationally and now a 1% pay increase proposal. As a teacher, we're tired of being told wait until next year. Well, next year is now. It's time to pay teachers competitively in West Virginia. Let me talk about two of my colleagues in Greenbrier County. Tim Nickell, he is a teacher at Eastern Greenbrier Middle School. He's got a master's degree and he's making less money now than he did 20 years ago, when he worked at a sawmill in Smoot. Emily Haas and her husband Bob came back from Dallas, Texas where he was a trainer with the Dallas Cowboys. They wanted to raise their daughters back home in West Virginia. She has a master's degree and makes \$10,000 less now than she did when she was working for nonprofit. I'm new here and this week I've heard both sides point fingers. Nobody cares whose fault it is. We have to do something and we have to do something now. I want everyone outside of this chamber to know there are good people here in this building, on both sides of the aisle. But we need to come together, we need to fix this and we need to fix this now. To the teachers and other public employees, thank you for being here today, I am honored to be one of you. Thank you, Mr. Speaker.

### COM. SUB. FOR H. B. 4329

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#### REMARKS

of  
**HON. RODNEY MILLER**  
*February 5, 2018*

DELEGATE MILLER. Thank you, Mr. Speaker. I would have to concur with the Gentleman from the 9<sup>th</sup> that this drastically reduces law enforcement capabilities. In regard to some comments from the Gentleman from the 46<sup>th</sup>, this does not create a Third Party System by way of law enforcement. Using that as far as searching for stolen property, there are several different databases, online databases that are available now. One element of those databases that are in use today is they do an automatic search of serial numbers of property that's entered into it. So, it's almost an instantaneous notification that property may necessarily be stolen. With the amendment as it appears, it seems like it would benefit the thief in the State of West Virginia more so than it would be the victim and I think there's probably a conflict if you just exempt firearms from the provision of section 2a as it begins: "The pawnbroker shall satisfy the requirements of section (2) of this article. ..." If you go back to the regular, §47-26-2, it gives out specific method of how to handle firearms as far as recording the serial numbers, the description, things like that. To take it maybe even a step further, firearms are stolen in some amount of frequency in the State of West Virginia with a rich hunting number that we have in West Virginia. Some of these firearms are handed down from generation to generation and are actually family heirlooms and I don't think that we would want to lessen the opportunity for the recovery of these heirlooms. So, I would have to speak against the amendment, Mr. Speaker. Thank you.

#### H. B. 2662

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#### REMARKS

of  
**HON. SHIRLEY LOVE**  
*February 5, 2018*

DELEGATE LOVE. Over the weekend I was getting some gasoline at the service station in East Oak Hill when an old buddy of mine that ... he hunts all the time. He hunts and he fishes and he's got stories to tell and he approached me. He said, "Love,

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are you going to vote for that crow bill when it comes up? I said, "I didn't know it was called the crow bill, but that's a pretty good description I guess. I said, "I hadn't made up my mind, Charlie, to be honest with you." Well, he said, "You know, a crow is a pretty good predator." He said, "A crow and a buzzard and a state road worker," he said, "they clean these old animals up pretty good along the side of the road and I've seen crows and you've seen crows eating dead animals along the road," and I said, "Well, Charlie, you got something there, but I don't know that it's good enough for me to vote for that bill or not because it's got some ramifications about it that I don't like, as Delegate Fast pointed out just a few moments ago. I said, "Did you ever eat a crow?" He says, "No, but I seen a time if I had one, I'd probably eat it. I've been that hungry," and he said, "You know why you don't see many crows along the road, dead?" He said, "You see all kinds of animals, but you very seldom see a crow." And I said, "No." ... and this is one of these tales, I'll tell you that first. He said, "What those crows do, they post a crow up on a telephone pole and when an automobile comes along and passes, that crow hollers CAR! CAR!" He said, "That's the reason there are no crows on the side of the road." I thought that was pretty good, so I thought I'd just pass it along to you this morning, maybe make you smile. Thank you, Mr. Speaker.

### COM. SUB. FOR H. B. 2655

#### REMARKS

of  
**HON. JILL UPSON**  
*February 5, 2018*

DELEGATE UPSON. Thank you, Mr. Speaker. This bill is about child safety. Grace McComas was a beautiful and vibrant 15-year-old high school sophomore. For nearly an entire year, she was the target of hate speech, threats and on line bullying. Although Grace herself did not have a twitter account, the popular social media platform was used to torment and humiliate her amongst her peers. On Easter Sunday, 2012 Grace committed suicide. Grace's mother, Christine Pfister McComas, forwarded the following letter to me:

Dear West Virginia Legislators:

Five and a half years ago our world stopped turning. The lives of our family and friends changed forever and the world became more dim with the loss of our beloved daughter Grace McComas. She died on Easter Sunday attempting to flee the pain inflicted upon her by multiple people and entities. Grace was a wonderful human being. She was well loved, she was active. She was well adjusted, funny, exuberantly happy, tenderhearted, kindhearted too, tenderhearted in fact, in a world that can be cruel. Grace's bullying began in the summer of 2011, after she had been subpoenaed as a witness against a young man in an unrelated court case. His personal attacks included not only what he told others, but also included Facebook and Twitter blasts. These were not like, "Your hair looks funny today." These were malicious and dehumanizing. "I hate, hate, hate, hate, hate you." "Next time my name rolls off your tongue, choke on it and die." "You are proof God has a sense of humor." "All day I thought of you, I was at the zoo." "I have come across decomposed bodies that are less offensive than you are." "I hope somehow, you see this and cry yourself to sleep, then kill yourself. You might as well, you are just a worthless piece of (insert expletive). No one blanking likes you, it's just sad and I kind of feel bad for you." "Snitches need to have their fingers cut off, one by one, as they watch their families burn."

Mrs. McComas goes on to say, "It is gossip and hatred at the speed of electronic media. As close as their cell phone, computer screen, iPad, or game system. As a chaperone on overnight choir trips for several years, I have literally seen kids sleep with their phone in their hand, so as not to miss a single message. I never dreamed I would become a middle-aged mother pleading for the passage of a law that would protect children from the type of harm which stole our beloved and cherished daughter from us. Thank you for hearing me today in honor of our beloved Grace Katherine McComas.

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Mr. Speaker, while advanced technology enriches our lives in many ways, it also allows misinformation to spread rapidly. This high-tech world had made the bullies of old pale in comparison to the power to defame and destroy that today's bullies possess. According to the U.S. Centers for Disease Control and Prevention, suicide rates for girls have doubled in the last decade and cyberbullying is largely attributed. Victims of cyberbullying are more likely to use drugs and alcohol, to skip school, to get bad grades and to have low self-esteem. "This is why the West Virginia PTA supports this bill. Until this legislation is passed, we are not doing our due diligence to make sure that our children are protected and given their rights of a quality education." -Janelle Sperry, College and Career Readiness Lead, WV PTA.

Mr. Speaker, I am heartened to see West Virginia taking the lead on this critical issue of our time. I would like to thank the West Virginia PTA for bringing this issue to the forefront and I would like to thank them for their leadership and a very special thank you goes out to Christine McComas, whose beautiful angel continues to be a bright and steady light in a sometimes dark world. Mr. Speaker, I urge passage.

### DEATH OF A WEST VIRGINIA COAL MINER

REMARKS  
of  
**HON. DANA LYNCH**  
*February 6, 2018*

DELEGATE LYNCH. Thank you, Mr. Speaker. Mr. Speaker, I rise today on a sad note. I want to inform you and the body that we lost another coal miner last night, early this morning. Leonard Griffith from Pickens, West Virginia, lost his life at a rib roll at Sentinel Mine at Arch Coal in Philippi, West Virginia, at about 5:30 this morning. Mr. Speaker, I would ask that you please ask the body for a moment of silence in his honor and his family's honor.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS  
of  
**MEMBERS**  
*February 7, 2018*

DELEGATE ROBINSON. Thank you, Mr. Speaker. Over the last couple of weeks, to this body, I've kind of expressed my feelings of priorities and what we've been doing, what we've been paying attention to. And over the weekend, I had a former constituent reach out to me and express his feelings about something that was completed in this body and I just wanted to share with you his thoughts and the effects of a passed piece of legislation that ... how it affected his life and how it affected the lives of the people in my area. So, I'll just read the letter here for you all.

"The amount of insensitive West Virginia jokes I've heard living in New York City and Los Angeles is absurd. The way people form these opinions are through media. Negative portrayals of the great people of West Virginia have resulted in these stereotypes. The best way to counter that is with film and television production by West Virginians, who are shedding a positive light on our people, our communities and our great state. I have created a tv. series that counters these stereotypes, shines the spotlight and raises awareness on our opioid epidemic and brings with it the potential to bring millions of dollars to our state's economy. My show, "Country Roads," is set entirely in West Virginia, particularly Southern West Virginia in communities ravaged by the opioid epidemic and if it were to get the green light and be successful, it's been scripted to run for five seasons. That's six months' worth of filming annually over five years. That's millions, upon millions into the State economy and not just for productions but for hotels, restaurants, catering, local business, etc. and the financial downfall is only part of the story. The pride a community feels with the production in town, particularly areas that have been hit hard with the opioid epidemic, cannot be overvalued. Currently, my series is represented by CAA: Creative Artist Agency."

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And the Gentleman expressed to me that this is one of the largest agencies and he said that ... he goes, actually in West Virginia. It might not mean a whole lot, but in Los Angeles for this agency to pick up a film is a very important thing. He goes on with ... He has Cedric the Entertainer attached as an executive producer and should be going out to major networks such as HBO, Netflix, A&E, Showtime, etc. this year.

“There are no guarantees in this business, but if it does get the green light it would move quickly and when it moves, no major network will support filming in a state that offers no tax incentives when they can film in other rural settings with states offering 30% tax breaks such as Kentucky, Georgia and Louisiana. Even though the show is set entirely in West Virginia, they will opt for Georgians to portray West Virginians just to save cost because we are no longer enticing production to film in our state. Growing up in the East Bank area, I began making films at 16 years old with a group of best friends and we always dreamed of returning back to West Virginia and filming in our home state. I now have another project with them as well. It’s an independent film set for production this fall, 2018, called “Heavy Doom.” As a producer of this film, we were banking on using West Virginia local hires and taking advantage of that tax credit. That tax credit is a major selling point when pitching to potential investors. That tax credit that is now gone. These are just a couple of examples of how this legislation affects me personally, but there are other West Virginia filmmakers who have been crippled by this legislation as well. We have an Academy Award nominated documentary, “Heroin(e),” by a filmmaker from Logan County that is also having her dream stifled. I’ve spoken with several West Virginia filmmakers and they all want to bring production home, but it becomes extremely difficult without the support of legislation and tax incentives. I understand budget cuts, but when it comes to film, tv production, the boost to the economy has proven itself time and time again in-states all over the country. There’s a reason other state governments find these incentives so beneficial. I ask that you please reconsider the tax incentive program or add an amendment that provides some leeway to the prospects of a production wanting to film in West Virginia. We have a beautiful scenic

state and the time is now to bring film and tv production home. Thank you.”

Dustin Kerns from East Bank, West Virginia. Thank you, Mr. Speaker.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. The buck stops here, except the West Virginia Legislature. The language I’ve seen on the press releases coming out of here over the last 24 hours as is, “We recommend, we ask, we hope that the PEIA financial board will listen to us.” The same language the Governor is using, “I recommend, I hope, I pray.” That’s what our constituents tell us. They request us to act. We should be taking the responsibility. The buck should stop with this body and yet, we made a motion to discharge here a little while ago. Fifty-seven votes said, “Nope! We don’t want any responsibility in this body.” I can redirect the resolution we passed. That is the recommendation that the House of Delegates, that the PEIA financial board suspend the implementation. We’re lawmakers not cheerleaders but this is what this body wants to do, is just go ahead and kick the buck and that’s not good enough for our public employees.

Last year, again it came up, S. B. 221 reconfigured the financial board. It had ten members, kicked two of them off, schoolteacher representatives, public employee representatives. At the time, they had ten with the new requirements of bean counters. Two of those ten remain. What did this new board provide us? Total family income, Go365, an intrusive program. We have deductibles going up over \$500, premiums going up over \$25. If you’re in a bordering county like myself, you can’t even go into the State of Virginia, you have to go to Morgantown which is two and one half hours away versus going 45 minutes. That’s what this board gave us today, instead of taking the responsibility back and acting on all the stuff we’re talking about both sides of our mouth down here, how we’re going to try to change things. You keep kicking the buck. This bill has been sitting up in the Gov Org Committee for over ten days, ten days. I went back and looked over the last ten days, what bills have come up in the Gov Org Committee so we can get a reading of this bill out here on this floor? It’s a long

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intrusive list here. We got the reconstitution to the Driver's License Advisory Board. We have the rule related to parking. We have relating to the powers and duties of public land corps, eliminating the regulations on upholstery. Heavy lifting stuff around here and actually, it's my understanding from talking to some of the members in regard to that board, that's actually a half million dollar tax cut. Take the fees off, 83% of it is paid by foreign companies, Chinamen. I might be a part of the memorandum of understanding down here, but it's not our memory or understanding. We want PEIA fixed, we don't want to kick it past this election. Look you guys act like we're just going to freeze it and our schoolteachers, our school service personnel, our state police, our Division of Corrections, our state road workers, every public employee, they're too dumb. They don't ... they're not going to get it. We're going to say we're going to work hard for you and then come November, after the election, things blow up again but it got you through the election. That's not fixing it. That's not funding it. That's not taking responsibility for it. The buck should stop with this body. Period. And so, Mr. Speaker, after I've said these words here on the floor, I am going to once again move to have another vote, so the people can see after that ... maybe we were just confused the first time around. So, we can see who's going to have responsibility in here and where the buck should stop. So, Mr. Speaker, pursuant to Rule 61, I move to lift off the table the motion to table my discharge amendment on the buck stops here. I ask for the yeas and the nays.

DELEGATE COOPER. Thank you, Mr. Speaker. Believe it or not, I'm not going to make a fiery speech. I don't think I could make one if I wanted to, but I did get an interesting fact this morning during the veterans' ... disabled veterans' recognition event and I thought I would share that with those of you who couldn't make it. One point nine billion dollars comes to this state every year because of the veterans who decide to live here, 1.9 billion. Now, you think about that. Our whole State budget is somewhere above 4.3 billion, I believe.

So, from these veterans ... and I'm talking about the benefits they get, the federal programs that are brought into this state and spend their money here, \$1.9 billion. So, every time we come in this chamber or go in committee and we see a veteran about to get a break on something, just remember \$1.9 billion. Thank you, Mr. Speaker.

### VETERANS

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#### REMARKS

of  
**HON. BRENT BOGGS**  
*February 7, 2018*

DELEGATE BOGGS. Thank you, Mr. Speaker, for the latitude. This being Veterans' Visibility Day, I noted something last night. A couple of years ago the Gentleman from the 4<sup>th</sup> and I joined together with our families, our remaining families, and honored one of his family, Joseph Antall, and my uncle, Lawrence Earl Boggs, and today's his birthday. If he were still living, he would be 96 today, but he was killed during WWII, off the coast of Sicily, during the invasion on a transport, taking ammunition and fuel ashore and he and four other sailors were killed in action. While he's not here today, he's with me here and I know each and every one of you may have family or friends that may not be here on Veterans' Visibility Day, but those in the gallery, those that we have honored today, they all have best friends. People that they made friends for life, like Joseph Antall and Lawrence Earl Boggs. So, I think on this day, while we're remembering and appreciating the service of all of our veterans ... this is a tough day for my dad. He's the only one left of five brothers. It's a tough day for me because I was named after him and I just hope that each of you in your hearts, please remember the families and those that were killed in action, missing in action that served and have passed away because we don't have the opportunity to bring them down on the floor and honor them. All we can do is just, by our actions and by our deeds and by our words. ... So, let's just kind of keep that in mind and I just appreciate, Mr. Speaker, the opportunity because this was a very

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special day for me in light of this being Veterans' Visibility Day and even though he's not visible, I know where he's at. Thank you.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *February 8, 2018*

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I couldn't help but notice but today marks the 30<sup>th</sup> day. We are at the halfway mark, it's halftime. We've had one bill actually signed by our Governor into law, one bill. We're on pace for two! This has been a do-nothing Legislature for 30 days. I think West Virginians are ready to see democracy in action. Now, the only time I've actually seen that thus far was last Friday when our teachers and school service personnel and public employees filled the halls. That was democracy in action. When they filled the galleries, that was democracy in action. Unfortunately, what they were watching was democracy sitting on the sideline, a do-nothing Legislature. We took up bills for hunting and fishing, which may be fitting for them because their second job is going to have to be as hunters and gatherers because we've done nothing to solve this crisis. Today we're worried about upholstery. Now, the Governor has been out on this. He's been holding town halls. He held one in Logan, sent a tweet out 11:19, said he was going to have a town hall at 11:30. So, he had a town hall and forgot to invite the town and while he was there he blames everybody. He blamed you guys for not supporting educators last session, back when he was a Democrat. Now that he's a Republican, he's blaming us. Maybe he doesn't know what party he belongs to anymore. He says that we're getting people riled up, that we shouldn't be paying attention, that the teachers shouldn't be paying attention to what's going on here, that we're just getting people riled up. Let's be clear who's getting people riled up. The Governor himself is getting everybody riled up. He stood in front of us, right there and he said West Virginia is doing great, that he just swooped in and solved all our problems, that we have money now and then he said you get 1%. West

Virginians are tired of one percenters dangling out 1%, tired of it. We don't have money for teachers, but we have money for tourists. We don't have money for school service personnel or public employees, but we have money for industry tax breaks. It just so happens tourists can visit The Greenbrier. Our teachers, educators, school service personnel, correctional officers, they can't. So, I'm tired of hearing this nonsense. We jumped on board yesterday. We passed a resolution, press releases went out, everybody was proud of it, like we solved anything. A resolution, come on! We might as well put a big get well soon card out here, have everybody line up and sign it because it does nothing. Leaders lead, they don't mislead and that's what's going on in this Legislature right now. So, for the next 30 days, maybe we actually figure a few things out, act like real leaders, lead on something, pass something substantive, help this crisis and also, listen. Don't just listen to me, don't just listen to those who are in the galleries, listen to yourselves. Every single person in here has been profoundly impacted by our education system in West Virginia, profoundly impacted by our school service personnel. Now you're in a position to pay it back. I mean, that's how I was raised, how you all were raised as well. When you get to a position where you can pay it back, you do so. So, let's actually do that for once, let's lead like West Virginians and let's get it taken care of. Thank you, Mr. Speaker.

DELEGATE BUTLER. Thank you, Mr. Speaker. I asked my fellow members here, do I have to yell to get your attention? I think not and to say that we're a do-nothing Legislature, I would say, speak for yourselves, if that's what you're thinking because a lot of us here are working our butts off trying to solve the problems of the State. Now, they didn't ... these issues may not come up in the order that you think they should, but budgetary issues need to go through the process. Everybody here realizes this. We all realize what's been going on here. The antics have been for show. In the last few days we've ... on Finance Committee, we've done pay raises for corrections officers. Again, we've got to work the numbers to see if we can do this. We did pay raises for teachers yesterday. Again, that took some behind-the-scene work to make sure that we do a responsible pay raise that's fair to the teachers and fair to the other

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taxpayers in the State who don't happen to be teachers, the doctors and the nurses and the truck drivers. We've got to be fair to everyone. We represent everyone in this state. We've been addressing problems with PEIA and even though, we can't do that through the legislative process at the moment, we've been working with the Governor. Our leadership has been working with the Governor to resolve issues that have been a big problem and actually, I just found out yesterday, interestingly, that while the teachers all of a sudden are concerned about PEIA, during the session, about two weeks into the session, back in the fall when the teachers' unions were given the information about PEIA changes, evidently, they didn't let their membership know that. If they had done so, perhaps we could have worked on interim committee meetings and had better answers early in the session. So, now we've had to delay that and I appreciate the Governor's efforts and our leadership's efforts in getting that done. In the Health Committee, we passed legislation to prohibit the use of taxpayer money to fund abortions and I think we all know, the majority of our constituents in this state are opposed to using taxpayer funding to kill babies. The whole time we've been in session here, I've been in Finance Committee listening to budget presentations. A lot of my colleagues on both sides of the aisle are there of course. We've had workgroups. We actually have gone in and talked to the individual agencies of the State to see what kind of money they're going to need, how they're justifying their requests and to see if there's any savings we can have, savings that we could apply to more pay raises for teachers, if that's the issue and certainly it is, or pay raises for state police or all the other issues that we have to deal with. By the way, we do have to take care of programs for children and elderly and all of that. We can't just focus on one thing during this 60-day session. I'll reflect just a little bit. I got elected in 2012, my first session was 2013. Twenty thirteen and twenty fourteen, it seemed like the agenda then was not teacher pay raises so much as it was pay raises for high level government officials, like taking the cap off of the State school superintendent was 175,000. We moved it to 225 with no ceiling. We gave a pay raise to teachers in 2014. I was on the Education Committee, new there. We had an issue where Governor Tomblin, at the time said, "Okay, we're going to give pay raises to teachers." I think

it was \$800, was his proposal. So, we, the Republican Minority said, "Look, we think we can find enough money to bump that up to \$1,500," a modest increase at that time and we had a pretty tight budget at that time. Again, not too tight to have big pay raises to top level officials but we had a tight budget. So, we offered an amendment in Education Committee in 2014 to raise the pay to \$1,500. So, then what happened is we got into a bidding war in the Education Committee and before I knew it, we were voting for a pay raise. I think we got to \$6,000 in the Education Committee. I asked the question there of the Chairman of the Committee. I said, "Can we afford this," because I wasn't on Finance back then. I asked her, "Can we afford this?" She said, "That is not our concern. Our concern is education. If you think the teachers need that raise, then vote for it." So, I did. A couple days later, the Democrat-led Finance Committee reduced that pay increase to \$1,000 and it was not an ongoing pay increase, by the way, it was a onetime bonus. So, I would say we had done a whole lot more. Oh, and on the issue of PEIA in the last couple of years, 2015 and 2016, we were left holding the bag because PEIA was not funded for several years in the past. The Republican Legislature that just took control were left holding a bag where the PEIA Board had spent down hundreds of millions of dollars in their reserve funds. So, we, the Republican-led Legislature put tens of millions of dollars into PEIA, so that there would not be big increases in premiums nor big increases or decreases in your deductibles and so forth. So, we've been doing the hard work in very difficult budget times. Again, budget times that were created by policies that have decimated our major industry in West Virginia, we all know that's coal. Ladies and gentlemen, we've been doing the hard work in the committees I've been involved in and in the House floor here and if you have not, then maybe you need to join in the work. Thank you, Mr. Speaker.

DELEGATE HOWELL. Thank you, Mr. Speaker. I take a little bit of offense saying we're a do-nothing Legislature. The reality is we're a do-everything Legislature in 60 days. We're part-time. We're not full time like Congress. We're only here 60 days. We have 20 committees in this House. Many of us meet at the same times. So, while Finance is working on a pay raise bill for teachers, Government Organization may be working



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on a bill for home rule. Judiciary may be working on a DUI law. Education, working on something to help retain teachers. We do a lot of different bills. Bills are not always caucus bills on our side, they were never always caucus bills on your side. A lot of these bills come from our individual constituents that we represent and to indicate that something a constituent finds very important to them and their local community is a bit disingenuous. Every bill that comes through this body is important to someone. As I said, we're not a do-nothing Legislature, we're a do-everything Legislature in 60 days. Thank you.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I rise today to not have any antics or theater, but I'm a little bit riled up too, right now. Yesterday, we had a group of teachers, a group of teachers from Milton Elementary, a couple of other ones from Charleston and they were up here. They came really, really fast after school. One of them even brought their child, as quick as they could, and they had scheduled meetings with legislators, scheduled a meeting with legislators. I met them at the office where it was supposed to be held, no legislators, nowhere to be found.

Now that's disrespectful. Those are antics that we're not going to do in this body. This issue is so big right now and for somebody, several people to just to blow them off? That's crazy! It's crazy. Now, I can also tell you that the Gentleman from the 23<sup>rd</sup> and the 30<sup>th</sup>, they joined me for that meeting because I wasn't even scheduled to have it with them but, I made sure they had somebody to answer their questions and to stand by them during this tough time. Now, I also know that and there's nothing wrong with it because I'm glad that people have what they have and I will one day have those things and be able to pass on to my family. But, I can also tell you that myself and the Gentleman from the 3<sup>rd</sup>, we grew up unlike many of you in this body, very, very, very humble beginnings, didn't have much. Just like some of these teachers, what they're going through today, I understand very, very well the sacrifices and the juggling that they're doing. Being sold a bill of goods. That's why ... they talk because of the benefit package and the promise that they can give all of our kids for tomorrow. It wasn't very long ago, it was probably about seven or six years ago, that I was coming out of a graduate program and I

was tasked with a big decision, whether to take a good bit of guaranteed money or to go for a commission job. And, I had a guy that, like how our teachers have been done, the guy sold me a bill of goods about seven years ago and if any of you all are familiar with the insurance industry, what the guy did is, he oversold a lot of people so, he'd get an override on me and I had a lot of chargebacks. So, in about a year and a half, everything that I was getting, I had to pay it back to the company and I remember vividly traveling in Huntington on 9<sup>th</sup> Avenue about to cross Hal Greer by Papa John's, when the landlord called me: "Sean, I just wanted to see what's going on. You're about 2 1/2 months behind on rent." And I sat there and cried at that red light with my son in the back seat. I sat there and cried at that red light with my son in the back seat and I told him, "I'm sorry. I will do whatever I can to get that to you." And I told my son that you'll never ever be in this situation again and I don't care how many jobs I've got to get to get us through this rough time; that's what I'm going to do. You see, it's those types of things, when you understand what it's like to have to pick that light bill or the rent. That's what a lot of them are going through right now and I'm not blaming anybody in here because I know yelling at you, or you, or you, gets nothing done, but you've got to be able to feel that to know that what we're all in this for and it is about priorities. Those teachers yesterday, most of them, politically speaking, were on the other side of the aisle. But we didn't care. What they told us, the Gentleman from the 30<sup>th</sup> and the 23<sup>rd</sup>, "Just get the money. Cut out corporate welfare, the tax breaks for the rich." That's what these people from the other side of the aisle told us. Whatever, you've got to do, just get it. So, I'm asking this body and I know people get up here and talk every day and I'm not grandstanding. I'm standing for real. We've got to get this done for our people because it's important. It's very important. You shouldn't have to choose what bill you're going to let go each and every week. So again, I just ask of you all to ... let's really, really come together ... and we know what we've got to do. We've got to have revenue. We've been told that there was some and there isn't. So, we're going to have to make some somehow. It might not be politically expedient to do something that you've always stood against, but we're going to have

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to meet in the middle somewhere to help these people out. Thank you, Mr. Speaker.

DELEGATE FOLK. Thank you, Mr. Speaker. Thirtieth day and I think I've waited long enough. I attended the debate in the Senate on second reading on the pay raise bill and just by ... I didn't watch the whole thing, but I watched enough to get a few ideas and I made some notes. And, I held off until now and as Woody Allen would say, "I kept my powder dry," but I'm going to use some today.

One of the Gentlemen over there said, he referenced a West Virginia Constitution, Article XII. I'll read it right from the Constitution. Article XII, the very first thing it said is, "The Legislature shall provide, by general law, for a thorough and efficient system of free schools." So, I've got a couple of questions for you: Thorough, do we provide a thorough education? Is it thorough? Can anybody in here actually, honestly say that it's thorough? How many students ... we've all read the numbers we receive by the Department of Education in West Virginia. How many students and they were from 30% to 60% of our students, are taking remedial courses in college? So, can you honestly say it's thorough? Efficient, is it efficient? We spend, I think it's the 17<sup>th</sup> most in the country ranking in-state per pupil, but then you look at our teachers' pay and it's 48<sup>th</sup>. There's a disconnect. Where's that money going? Now, I'm glad I waited to say this because I've had many conversations with teachers and in the last 24 hours, I've had a conversation with a clearly Democrat teacher from Kanawha County. She's actually a principal, vice principal and this morning, I had a conversation with a teacher in Berkeley County and two things showed up that was common ... I mean, one thing that showed up, that was common between both of them, wasting money. And I'll give you a couple of examples: The one teacher from Berkeley County says the books ... and of course we've actually tried to take up some legislation to solve some of this. Instead of having the State mandate what books you use she says she's got books that she's never used that they were required to buy. Now the other thing that they agreed on was the use of technology. In our budget, it's around \$10 million that's going into the classroom for technology. But, the one gated example, each had a different example. So, the one said that

they had bought android type devices that were already obsolete and never used and a former superintendent ... I don't know what the current superintendent's idea is, but the former state Superintendent of Schools wanted to put a device in every kid's hand. And, in Berkeley County some of our schools, not all of them but some of them, each student has a ... I think it's called a Chromebook. They are \$100 - \$200 apiece. I don't know about you, but my priority would rather be ... and both teachers agreed on this, we've got kids coming into high school and middle school that can't write a simple sentence or make change, but yet, we're going to give them an electronic device at \$100 - \$200, a piece that has probably an 18-month life cycle. Where are our priorities? That's insane. But yet, we had a superintendent ... and like I said, I don't know where the other superintendent is. I do know that our current superintendent ... sorry, he's probably not going to like what I say, but he was the founder ... one of the people ... he was actually, the head of the superintendent association, a whole country when Core came to West Virginia. Guess where he went when he left West Virginia? Guess where he went? Does anybody know? He actually signed the contract while he still was here and served his last month. He went to a book publisher and the one thing that I've talked about to these teachers, and it's a common theme, there are certain subjects you really don't need to change the books every four or five years. Math hasn't changed. Basic math, K-12 has not changed in basically 100 years, but yet, we waste money on things that are irrelevant to kids learning how to read and write.

Now, maybe the reason we haven't done anything in this body is we spent so much time demagoguing PEIA. If you look in the private sector, believe it or not, PEIA is a pretty daggone good deal. I had this conversation with the Gentleman right over there against the wall, right there. He's on his phone right now. You know, you'd better watch where you go on this because the public ... the private sector has gotten hammered, increased healthcare costs. Their premiums, their deductibles, their copays have at least doubled. Now, I have a great deal of sympathy for the public employees because they haven't gotten a raise like some of these people in the private sector have, including me. I've gotten raises. But let's talk

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about the PEIA. Since everybody wants to make the PEIA board out to be the person that's the bad guy. I just got on their website last night. Four Independents on the board, three Democrats, one Republican and then the Chairman's appointed by the Governor and at the time, all of these were appointed. I believe they were appointed by a Democrat Governor. The majority of them, I believe, were appointed by a Democratic Governor. So, you know, don't be a Johnny-come-lately, saying you want to abolish something.

When you were in the majority, you didn't want to do it and as the Gentleman, I believe from the 14<sup>th</sup>, here said ... let's see, did I get that right? The Gentleman from the 14<sup>th</sup> said ... and I know this for a fact because I was in the Legislature, we came in together. They spent down the reserves. They didn't put any money in, they spent them down and in fact the last year you all were in control, the budget that was passed and signed, I think it was a line item vetoed a little bit, but what ultimately became law took over \$100 million from the Rainy Day Fund. You know and I know now ... I think, I've got enough respect from the other side of the aisle that I call a spade a spade and it don't matter if you're a D or an R. So, now I'm going to come over on what I witnessed last week. The other side of the aisle last week was saying, we can't find the money for the raises, for the increased raises. Well, the Gentleman from the 1<sup>st</sup> too. I don't know where he went and the Gentleman from the 27<sup>th</sup> said during the early part of the session where we could get the money. We're going to do a 3 to 4 fold increase right now in the development offices, \$10 million to about \$45 million. There's \$35 million. Now, we could still give them a million bucks. That'd be a 10% increase. That's more than the teachers are going to get, I can guarantee you that, but that still nets out your \$34 million. The tourism goes from 6 to 20, that's \$14 million. We can give them another million bucks. They still get more than a 10% increase and you just netted out another \$13 million. Another proposal, I understand, that is before us and that passed out in Finance and that we're going to vote on. First of all, I have a really hard time reconciling the Governor last year offering a 2% raise and for some reason, now he can only offer a 1% raise, even though we had a much worse budget crisis last year than we have this year. My understanding and maybe the Chair of

Finance will shake his head in agreement, but the fix that we've offered up, that we voted as a resolution yesterday, is going to cost about \$30 million, \$30 million. That's \$30 million that ... the biggest thing about that \$30 million is that that benefit that goes to those employees, they don't pay taxes on. If we gave it to them in the form of a raise instead and left PEIA with the changes, they're going to have to pay taxes on a large percentage of the raise. Whereas, if we stick with the 2% raise, which raises the cost about \$20 million, now we've ate up around \$50 million of that other money that I said was a waste. So, as the Gentleman from Huntington talked about corporal welfare, that's what I believe it is. It's central planning, as the Gentleman said. It's going to end up ... some of it at The Greenbrier. We have a good plan that passed out of Finance yesterday and as long as the money is taken from the place that I've identified and I've got a few others by the way. There's a gentleman that just happens to want to fly from Morgantown to Charleston a lot. He spent over a million a year flying and last session alone, last session he spent about \$100,000 just flying to Charleston. I got all the facts. It's ridiculous. I can find you some more money, \$3 to \$5 million from the ATPC. We've got legislation right now that ... I know that some of the leadership is concerned about because the ATPC might come out and go, "Ooooh, we can't have that," ... \$3 to \$5 million, direct cost. That's not ... count what they're charging the institutions and I know, obviously, there's some receptiveness to that from our four-year schools because we passed an amendment that includes Shepherd in the ATPC bill last year and by the time it got over to Judiciary, I'm sure the Gentleman ... the Chair of Education will shake his head that every school wanted out. Every school came, every four-year school wanted out. That's \$3 to \$5 million. I could go on. Do you want me to keep going? We can get this raised up to 3% if you really want to. It's just a matter of priorities and right now, nobody in this body ... and that's why I voted for the Gentleman's motion to discharge. Nobody wants to advise government in here, except maybe me and McGeehan. They talk that they do, they talk a good game, but the problem is, when Gordon Gee can just jump in his plane and fly down here in about 45 minutes, instead of drive two hours, two hours; it's 150 miles and most of the speed limit is 70 miles an hour. He doesn't even

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have to drive, he's got enough ... he's could make his lobbyist drive him. He's spending over half of ... WVU is spending over half a million. You want to know who controls this thing more than probably anybody? It sits up there in Morgantown because every one of your four-year institutions, every one of them besides WVU, loses because of the political money they spend down here in Charleston. Nobody from Shepherd, nobody from Blue Ridge has the time or the money to run down to here to Charleston to lobby. So, he gets all the money and they both ... I'm a graduate of WVU, I have a graduate degree there. Oh, by the way, do you want to know what fund that money comes out of? You want to really get twerked off if you're a parent out there listening? It comes out of the tuition fund. It's time for this Legislature, and I don't care if you're a Democrat or a Republican, to start doing something. Thank you.

DELEGATE SOBONYA. Thank you, Mr. Speaker. I'll be very brief. I know that we're all tired of, you know, hearing the rhetoric come back and forth, but I just had to set a record straight. You know, I've been always taught that ... beware of half the story, you may have gotten a hold of the wrong half and I'm not sure what my colleague from District 16 was indicating, that a group of teachers came up from Cabell County to meet with a group of legislators and a certain portion of us didn't show up and I'm not sure if that was meant for us but, I just polled the four Republicans from Cabell County and we were not ... we never received an invitation or we probab ... I'm sure, we would have been there. You know, we keep hearing about our side of the aisle. Does it stand up for coal? We pass the Coal Safety Act that was opposed by the majority of the other party, that saved millions and millions of dollars for the coal industry. You know, we talk about ... this is the do-nothing Legislature and I'm going to hold up here a printed off ... In just the time I've been here, in 16 years, you've got to keep in mind, 87 years ... in the last 87 years, the other side of the aisle has had the majority for 83 of the 87 years and just in the time, I've been here in 16 years, these are the bills that passed that legislative body. These are two-sided and I don't see the help for PEIA. I don't see major help for teachers or public employees, who have withered on the vine to be last in the nation in their wages and pay. What I do see is the discussion of roadkill. You know, making that legal. There

was bills creating infant nurseries in prisons, so babies could be raised in prison, allowing motorcycle plates be affixed vertically, bills relating to selling voter registration lists. And so, when we talk about priorities, we've done a lot here in this West Virginia legislative body in the last four years to remove the barriers that have kept jobs out of our state for decade, after decade, after decade, while our young people have left this state for better opportunities. We've done civil justice reform, regulatory reform, making ... increase ethics in government and we are making a difference. We've taken ourselves off the judicial hellhole in the last four years. We are making a difference and when you want to point fingers, the saying goes, if you want to ... if one person points a finger at someone else, they should be ... remember that four fingers are pointing back. Now, when we talked about the Republicans, in the last four years, have failed public employees and teachers, I will remind everyone that it wasn't the Republican Legislature that passed a 25% legislative pay raise, 25% legislative pay raise. We didn't pass the judicial ... we didn't put up for a vote the judicial pay raise, that includes the Supreme Court Justices, magistrate pay raises. So let's ... you know, we talk about priorities. Let's don't point fingers because four of them will be coming back. Thank you, Mr. Speaker.

## H. B. 4142

## REMARKS

of  
HON. DIANNA GRAVES  
*February 9, 2018*

DELEGATE GRAVES. Thank you, Mr. Speaker. I just wanted to talk, for just a second, about what I went through concerning H. B. 4142 and in thinking about the amendments that were offered on the floor today, I applaud the generosity of spirit and the very good intentions I think that my colleagues who offered these amendments had in mind. I thought through each one of them and I had phone calls from people who this directly affected, who were my constituents. One of them called me in tears about the fact that she was not going to be included in this \$6,000 pay raise. She had started as a correctional officer. She had worked for 13 years. She was now a

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member of the central admin staff and thus would be excluded. She didn't have daily contact with inmates and when she talked to me, I did my research. I also got contacted by a person with 20 years of experience in a very similar situation. I called Stacy Nowicki-Eldridge, who's the deputy general counsel for corrections. I talked to counsel in House Finance. I spoke to some other individuals who had worked through the bill. Here's my conclusion and maybe some of you will agree, maybe some won't but at least I'll have it on the record. I am not going to vote for an amendment, however well-intentioned, that has a fiscal impact that might jeopardize the original bill. I so deeply agree with H. B. 4142, that gives a pay raise to these people who, I have to say, have been at the bottom of a very undesirable heap for such a long time that I am not going to vote for an amendment however well intentioned, that would jeopardize the passage of that bill. They're in such desperate circumstances that I am surprised that we have not had an emergency crisis situation happen already. So, I just wanted to go on the record about why I voted no for those amendments and I applaud the people who created them. I think that this is coming from a very well-intentioned place, but these numbers, they have real consequences and sometimes by adding someone, you think it's a few people; it's 100, it's 300, people, yeah, but those translate into real dollar costs that we might not be able to afford and that will impact the budget in one way or another. So, thank you so much for letting me say this and I appreciate my constituents contacting me with their concerns. Thank you, Mr. Speaker.

### APPOINTMENT WITH HOUSE OF DELEGATES

REMARKS  
of

**HON. CHANDA ADKINS**  
*February 12, 2018*

DELEGATE ADKINS. Thank you, Mr. Speaker. I'm very humbled. I'm very thankful to be here today and I'm very thankful to Governor Justice for appointing me to this position. I don't take it lightly. I really want to serve the people of the 31<sup>st</sup> with all my heart and

all my energy. I'm actually a native of Randolph County and I married a boy from Fayette County and my kids love Fayette County, they love Raleigh County, they love Randolph County. You know, this is home. This is home for me and my family and you know it's just unbelievable to be here. I am truly humbled and you know, just thankful and I really want to serve the people of the 31<sup>st</sup> in West Virginia well. So, thank you, Mr. Speaker.

**H. B. 4142**

REMARKS  
of  
**MEMBERS**

*February 12, 2018*

DELEGATE E. EVANS. I've spoken on the floor about this before and it just ... it's just hard for me to swallow that, you know, the corrections officers at Stevens Clinic in McDowell County will get nothing from this bill. They house state prisoners, 440 of them that the State does not have beds for and they wear the same uniform. They have exactly the same training. They could walk out of Welch Community today, or Welch Corrections today and walk right into any other facility in the State of West Virginia. The same training, the same uniform, but yet they'll receive no compensation, additional compensation and they're already working at 30% less of what the other correctional officers are working at. Thank you, Mr. Speaker.

DELEGATE HARTMAN. Thank you, Mr. Speaker. Having in my district two correctional facilities and a regional jail, it's very obvious that I support this bill. I think that it may well avert a disaster that's about to happen. That any week ... anytime of the week at Huttonsville or Denmar, we're well over a hundred correctional officers short, and as the colleague from five said earlier, that everybody is working 12-hour days mandatory and can be frozen up to working 16-hour shifts and it's not a pleasant place to work. So, I encourage everybody to vote for this bill.

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### DEATH OF FATHER-IN-LAW

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REMARKS  
of  
**HON. TOM FAST**  
*February 12, 2018*

DELEGATE FAST. Thank you, Mr. Speaker. I'm not usually an emotional fellow, but I just wanted to acknowledge the passing of my father-in-law just minutes ago. I received a message from my wife that "Dad passed away. In Heaven now." And, this is actually a celebration. Delmus Vinson Burge, who was a resident of White Hall, near Fairmont, was a believer in the Lord. He was ready to go and he has been suffering for quite some time and I am not, Mr. Speaker, asking for a moment of silence but, I am asking that my colleagues here would join me in a round of applause, that he has graduated from death into eternal life.

### COM. SUB. FOR S. B. 267

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REMARKS  
of  
**MEMBERS**  
*February 12, 2018*

DELEGATE MCGEEHAN. So, my amendment increases wages and salaries in the first year to 3%, but then subtracts the last out year from the current bill. So, it would actually be 3% up front, a little bit heavier loaded on the frontend so that teachers and school personnel and everything listed in the bill, those personnel will get some increased immediate relief this coming year but subtract the last 1%. So, instead of two, one, one, one, I think it is. It now goes to three, one, one. So, it's the same amount of tax money in the aggregate as the bill itself, it's just condensed into three-year ... a three-year time period instead of four. Which I think is very important to understand. So, I'll leave it at that. That's just the basic explanation. I ask for the yeas and nays and reserve the right to close. Thank you very much, Mr. Speaker.

DELEGATE NELSON. Thank you, Mr. Speaker. Again, we want to do all we can within the budget that we have. We, the Finance Committee did consider many other options and I think what the committee

approved and put in front of us here is what we can do living within our means at this current time. You know, we ask how can we pay for this? Well, we've got many other pieces of legislation that will be following, but what we have in front of us is even above what the Governor provided in a balanced budget. So, there's already going to be some cuts across the board. We can look at this in the future. Yes, I applaud the Gentleman for looking at a little additional right here in the frontend. But, our budget is not in the position to handle this at this time. Part of the process that we went through in getting to our 2% across the board in the first year was talking to all the stakeholders. So, not only the representatives of the teachers, the teachers themselves, many emails with the Governor and the Senate as well. I mean and we're way beyond what they've proposed. So, I think what's in front of us is the best option for us at this time and I would ask the members to reject the amendment in front of us.

DELEGATE GEARHEART. Okay, that's fair. Thank you, sir. Mr. Speaker, very early in this session I made comment before this body with regard to pay raises and what I offered and what I felt like I could afford within the budget is extremely close to what these gentlemen have offered in this amendment. As a matter of fact, I would submit to you that theirs is not quite 3%, that it's just a little bit less than actual 3% in the front side. I think this body needs to understand that no matter what we do here, we still have to reconcile our actions with the actions of the Senate which indicate in the first year that there would only be 1% and that there would be an additional 2% on the backside in years four and five. So, no matter what we do here, we still have to make that work with what the Senate puts together and I would submit to you that based upon current public pressure, based upon what we have available to us in the budget and based upon the fact that we have a negotiation that's going to take place in front of us, between ourself and the Senate, and eventually the Governor, that it enhances our position to have just a little bit of extra dollars on the top side of our current proposal to work with. I don't think the gentlemen have gone way out on a limb with regard to their proposals. I recognize that we have a tight budget. I recognize that we have a few extra dollars and some line items that the Governor has proposed within the budget

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that may possibly be able to move. But I would indicate to you right now that I think prudence says that the proposal that these gentlemen are putting before us works. I evaluated it very early in the session and offered that. I've had discussions around. I voted for the current proposal in the Finance Committee at 2% because I felt like that that's what was going to come before the body. But now that my original proposal is before the body via amendments from the gentlemen from the northern and Eastern Panhandles, I think it is a legitimate consideration and something that we should consider passing and I would urge adoption of the amendment. Thank you, Mr. Speaker.

DELEGATE BATES. Thank you, Mr. Speaker, just briefly. I support the Gentleman's amendment.

DELEGATE FOLK. Thank you, Mr. Speaker. This is what we've been trying to get to and of course the Gentleman from the 27<sup>th</sup> and the 1<sup>st</sup> spoke about this very early in the session. The money is there. People want to know where are you going to get it from? Well, after what I said last week on the floor, I had many teachers reach out to me and I'm going to just share one story. This is a kindergarten teacher from Monroe County. She says, "Hello, I am a kindergarten teacher from Monroe County. I just wanted to thank you for your words yesterday. I am constantly frustrated at the technology that is shoved at me and I am forced to use in my class of five- and six-year-olds. Every single one of them have an iPad that they're required to use for a minimum of two hours a week. That does not even count the time it takes them to log on to the computer itself. I would love to be able to just teach those babies how to read, write and learn their numbers. If we could go back to building a solid foundation with the basics, maybe we wouldn't be so far behind by the time they get to take all the standardized tests beginning in 3<sup>rd</sup> grade. They will learn how to use technology." Any parent in here that's got any kids knows that you ... and this is my little commentary, your kids are going to learn how to use technology. They don't need the school. Most of them know how to use it better than their parents. Now to finish her comment, "They need to be able to learn in a developmentally appropriate atmosphere, which does not include trying to manipulate a mouse." One of the big things, you know,

if you read anything about ... if you read anything about education, success in your lifelong pursuit of education comes down to a foundation you build in your first three years. If you learn to read and write and of course learn your numbers ... in general if you learn to read and write, you can learn anything. But yet, we're right now, and this is just one example of teachers I've heard from, that we're putting iPads like this. I've got a couple of them. I've got one, everybody here's got one that's archaic that we use here in the chamber. I've got one at work that is updated often. An iPad, has anybody every bought an iPad in here? I haven't bought one yet believe it or not but my understanding is that they're four or five hundred bucks a piece and I think the average student classroom size in West Virginia is 14. So, just use the four to five hundred dollar number. That's \$5,600 to \$7000 per classroom. Now again, not every classroom has this. But a large portion of them do. Now, I don't have a problem with the technology as the kids get older, middle school age and above, getting the technology. That's when they need to start learning how to do software and things like that, but in the k through probably 5<sup>th</sup> grade, our priorities should be learning the basics. Now you want to ask what's this have to do with this bill? We've been ... and I said this last week, we've been ... having our priorities messed up. But instead of sending money to the classroom in the form of teachers to keep teachers, we're sending it out-of-state to some manufacturer of an iPad, or Google Chromebook, or some other device. I would rather keep that money in the State, paying our teachers. Now although this is not as much as I would like to give, the additional raise, the 1% on the front end loaded is definitely a good gesture in the right direction. We have the money in one line item, in the State Aid School Formula. But if you don't want to take it all from there, I can offer a few other suggestions. So, anybody that stands up on this floor and says \$12.7 million is too much in this budget, I don't know what to tell them. Their priorities are wrong. I support the amendment.

DELEGATE WAGNER. Thank you, Mr. Speaker. First of all, I'd just like to thank you, Mr. Speaker, and the Finance Chair and the Finance Committee for working so hard on this and moving in a direction, in a more positive direction than when it came from the Senate. Oftentimes when we sit in here it is

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hard to remove ourselves from our experiences and our backgrounds and so I come from a family of teachers. My dad was a teacher, his three sisters ... three of his sisters were teachers, the other was a school bus driver. I have two sisters that are still teaching. I have a niece in Berkeley County teaching. I have a cousin in Harrison County. So, the whole discussion today has been very difficult for me, as well as, I know it has been for a lot of people to hear that we can't do ... that we couldn't go along with the first amendment. However, on this one, I think this is something that has been framed, maybe something that we can do. I think it is something that would give some people that I've talked to and I really do appreciate so many people getting in front of service personnel and teachers and speaking with them over the past month or so and talking about these things, that this is something that will give them some immediate help and immediate relief and while I understand the restraints that we have, I am going to support Delegate McGeehan's amendment. Thank you.

DELEGATE NELSON. Thank you, Mr. Speaker. Just to maybe bring the body up to date on the cost of what's in this amendment. So, what is being proposed for the teachers, with the extra percent, adds an extra \$9 million just for the teachers. But what's in here for the service personnel and this is on page three, I believe, it takes the service personnel up to \$1,200 from the 220. It's an extra \$13 million. So, we have \$22 million of new money that must be found this year and again I ask about the affordability. We're already above where the Senate has proposed and the Governor and then we throw the PEIA on top of it. The financial effect of this amendment is more than we can afford right now and again, Mr. Speaker, I urge rejection.

DELEGATE GRAVES. Thank you, Mr. Speaker. May I speak to the amendment? Does math stop working when we walk into this room? I'm pretty sure math helped people build the Capitol and its fundamental principles apply to us if we're in this room, or if we're in our homes and the teachers that we're talking about ... I mean, I went to Stanford, I completely value education and what it's done for me. You're probably not going to find a bigger proponent, at least I don't think so, than what I am. But, my teachers would be ashamed of me if I didn't

stand up and say we have to balance this budget. And, I keep hearing the honorable Delegate from the 48<sup>th</sup> and other people talking about ... we have to recognize the need. Well, we're all on board there. And then from somewhere, we have to find this money. Well, money is not subject to wishful thinking and teachers, they run their households on a budget and it's not subject to wishful thinking and I can tell you the only thing wishful thinking does is effect your mood and very little else because if wishful thinking worked at various times of my life, I would have been a princess and then a ballerina. It doesn't work that way. At one point, I was very much in favor of the 3%. At one point, I was very much in favor of 5% and that was before the PEIA freeze. I keep hearing a freeze is not a fix. No, you're right, but that freeze cost \$29 million and then recognizing the need that 1% was not enough. We have a Finance Committee who was able to propose the best raise that we thought we could do and we doubled it. I've heard at various points here, "I'm not on the Finance Committee but ..." As though we don't have a Finance Committee or we don't want to listen to the Finance Committee who stands up and says after working it through and vetting it and it went through the process, this is the best that we can do. I think it's financially responsible to go with the Finance amendment. Is it the ultimate of what we would like to see? No, it isn't but it's fiscally responsible. Thank you, Mr. Speaker.

DELEGATE COWLES. Thank you, Mr. Speaker. Mr. Speaker, I would just like to briefly renew my call to reject the amendments. I worry that that is going to be more than we can actually get across the finish line. If you care about the troopers and the teachers and the service personnel workers, I think the proposal, the underlying proposal is what we can get across the finish line and into their pockets to help them ... the help they sorely need. So, that's ... we've taken the Governor's proposal and doubled it. That's going to be hard enough. I'm the Majority Leader, not a magician. We have to work within the budget. Again, hear the proposal ... this particular proposal before you, what you have, is as I said, we've left the State troopers out. We've done the teachers. We made a big mistake in our calculation or drafting of the amendment and spent \$22 million in addition to what we planned on the proposal before us for the



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service personnel but left the State troopers out. As you try to balloon this somewhere, it's got to come from somewhere. There are many reasons to care deeply about troopers, state workers and teachers and I certainly join you in all that. I think we all share that desire. However, we have to be careful. We have to find consensus and agreement with the Governor, with the Senate, and we have to stay on track for what we can get across the finish line and, therefore, we have to reject the Gentleman's amendment. Thank you, Mr. Speaker.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I'm not going to engage in demagoguery about trying to pit the State troopers against teachers and all that kind of thing. Under my amendment the State troopers still get a raise in the underlying bill. It's not that I just don't care about law enforcement. As a matter of fact, if you really want to care about law enforcement, one of my bills exempts them from ... all law enforcement officers in this state from income tax and the personal property tax. So, but to get back to my bill here, this amendment. Listen, there's plenty ... plenty of different funds and different nonessential agencies under the Governor's proposed budget for this fiscal year where we can go ahead and redirect to fund this amendment and like I said again, my amendment does not increase the cost in the aggregate it just shortens the time period to which the school personnel and teachers get this raise. So, 3%, 1% and 1% instead of over a four-year period, which I think is very important because if we don't pass this amendment, I'm pretty certain when it comes budget time, we're going to go ahead and see millions and millions of dollars allocated and line items on the Department of Commerce and other nonessential, rather unproductive and wasteful agencies and bureaucracies right here in Charleston. I mean that's just the truth. We pass this amendment, we make sure that we're taking our constituents' tax dollars and at least getting them back to the rest of the State in all our districts, not just here in Charleston, in a much more productive manner through boosting immediately in the next fiscal year higher wages and salaries. Keep in mind, keep one thing in mind ... and the Gentleman from Mercer County probably knows a little bit more about this. I spoke to him actually on the way down here, in Charleston after mass yesterday, just to get an

update on the roadway bonds that are going to be floated. Okay, so keep in mind last fall the voters authorized \$1.6 billion in new general obligation bonds to be floated in the next four years. They authorized \$400 million of those to be floated this coming year. It's my understanding and the Gentleman from Mercer might be able to correct me. As of now we've floated about almost \$200 million in general obligation bonds so far and that's going to continue. Four hundred million dollars this fiscal year that's going to be floated and then that's going to continue over the next several years up to \$1.6 billion, not counting the \$2.4 billion, to make up the \$3 billion of recovery bonds and other bonds to sink into roadway infrastructure projects. So, over the next several years we are going to see, all of the factors aside, excess tax revenue, increase tax revenue coming into the State coffers. I mean it's in so much as you would see increased tax revenue if the State government just went ahead and borrowed \$2 billion from a bank and then dump it directly into the treasury. Of course, we're going to see increased tax revenue. So, I think if we can increase on the frontend, wages and salaries for state personnel under my amendment and in this coming fiscal year, then at least, when all that excess tax revenue starts coming in from those roadway projects, from those borrowed roadway bonds being sunk into this state, then it's going to be very much harder for the executive branch to dedicate a lot of that excess tax revenue into, let's say nonessential agencies and bureaucracies here in Charleston that are somewhat less productive, because the 3% frontend heavy increased wages and salaries percentage on my amendment is already going to be in effect. So, it's going to be much harder for the executive branch to take all of that excess money over the next couple of years and stick it into, you know, the Development Office where politically connected businessmen get a lot of subsidies and I don't want to belabor that point. I've already talked about that whole failed conceived central planning. So, you know, we also ... not to mention that, you know, I haven't really gotten a clear answer on the whole ... what was it? On hundred sixty million dollars when we came into session that DHHR just sort of found. I don't know if they found it in like a duffle bag full of cash in a closet or something. But, I mean, I've never gotten a clear answer exactly, you know, where that money came

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from. I've had a few theories float around, but that's on the books, right? So, there's plenty of ways to fund this quite easily. You know, you've got \$75 million total for the Department of Commerce and the Governor's proposed budget. You have a number of other items that are easy to take money from and ... but I want to just, you know, real quick, closing is ... this isn't really a Democrat versus Republican issue in this body, I really don't think. Because, I think, you know, there's some demagoguing and I think that some people just ignore that whole principle of charity, philosophical argumentative point I made at the very beginning of the session that got thrown out of the window with heated debate. But I think everybody in here, you know, really wants to do the right thing. You know and there's some different ideas on how to address this pay raise bill. I know the Speaker is really dedicated to trying to get this right and I very much respect that. And you know, but I understand united and I think the real opposition is over on the other side of the building with most of the State Senators and with the Governor's Office. And you know, they're the ones that are pushing and I think in just reading news reports lately, that they want to keep a lot of that \$70 million, or so, in the Department of Commerce, that the Governor's proposed. So, they're the ones pushing back and I think we need to stand united, as a whole body of the House and push this through for our state employees, our school personnel and our teachers. I think this is a good way to do it. So, I'd appreciate a yes vote on my amendment and I ask for the yeas and nays. So, thank you very much, sir.

## COM. SUB. FOR S. B. 267

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 REMARKS  
 of  
 MEMBERS

*February 12, 2018*

DELEGATE MILEY. Thank you, Mr. Speaker. As everyone knows, I'm sure, what this amendment does is takes the Finance Committee product of 2, 1, 1, 1 in the successive years for teachers and the 2% and 1% in the successive year, this year and next year, for service personnel and troopers and takes that to 3%, 3%, 3% of the average salary for a total of 9% over three years and what we're really talking about is 9% over six

years because it will have been six years since they've had their last raise once the final 3% or the total of 9 is implemented. You know, we talked earlier this session ... or not the session, today, this floor session today about giving pay raises to correctional officers and we didn't ask whether we can afford it. We recognized the need that it needed to be done and we did it and we're going to have to find money to make sure we can pay for that.

Well, I'm asking you to support this amendment and I know the Democratic caucus supports it. I'm asking for overwhelming bipartisan support to recognize the need that we have to not just maintain and retain our teachers, but making it an attractive profession for others to join them because we are not hiring enough teachers. We have 725 vacancies or so around the State and while money isn't always the thing that will cause them to join in the profession, it's certainly a reflection of the value that we, the policymakers place on that position. Now, of course with any proposed increase in raises and funding needs, the questions become: How do we pay for it? Well, let me start by saying I'm convinced that with our Finance Committee members, the staff and certainly the Chair, we can find creative ways to make sure we can pay for these proposed raises of 3% each year for the next three, but a couple of suggestions. Since 1% is already built into the budget that the Governor has proposed we need to find funding ... at least funding for the first year. We need to find funding for 2%. Two percent for the teachers, troopers and service personnel equates to about \$13 to \$15 million. Now, just to be clear, this doesn't include public employees because public employees aren't covered, as we learned earlier, in this part of the code. Now perhaps we ought to consider deferring transferring the \$30 to \$35 million over to the commerce department and tourism departments and use that money to help pay and fund these raises. In future years, we can defer eliminating the inventory tax and save the hole in the budget that that will create and there's your money.

We are going to be taking up, I presume, a bill on sports betting. I've heard that that will bring in anywhere from \$15 to \$20 million, perhaps as high as \$60 to \$80 million. That's money we can use to fund

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these raises. I've heard it talked about in the Capitol that we can increase the severance tax and have that apply towards either teacher's pay raises or the PEIA and of course I've seen some videos online as we all have about the responses to that. But if we want to really do it and we want to make the commitment to our teachers in this state and the service personnel and our troopers, we'll find a way to make it happen; this body always has and I assume it always will. Of course, many of us in this chamber ran on cutting out the fraud, waste and abuse. Let's cut out the fraud, waste and abuse if we can find it. If we can't find it, at least have the integrity to stand up and say there is none, or there's none that we can find. But if you think there are fraud ... there is fraud, waste and abuse, let's address it and cut it out and apply it towards teacher pay raises. We can either ... even think of something as creative as refinancing the teachers' retirement plan but only ... not to have it committed and dedicated to general revenue, but maybe if it's committed only to teacher pay raises and service personnel pay raises, a conversation I had with a colleague of mine about that prospect. My point is, there really is not just one answer. There's a lot of ways we can go about addressing this problem and I'm asking you all to support it. I think if it's a recognized need, and I don't think anyone can deny that, I think we need to put our money where our mouth is and not just talk the talk, but actually walk the walk. Mr. Speaker, I reserve the right to close and ask for the yeas and nays.

MR. SPEAKER, MR. ARMSTEAD. As I mentioned previously, we are at the stage of simply explaining the two amendments and then we will return to ... for further consideration of the amendment by the Gentleman from the 48<sup>th</sup>, Delegate Miley, and others. So, I will now ... the Gentleman from the 1<sup>st</sup> wish to explain the amendment? Gentleman from the 1<sup>st</sup>, Delegate McGeehan, asked unanimous consent to explain the amendment in lieu of having it been read. Is there objection? The Chair hears none, the Gentleman from the 1<sup>st</sup>.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. My amendment is pretty simple actually. It simply boosts pay in the pay raise bill to 3% in the first year but removes 1% from the last year. So, essentially my amendment is the same amount in the bill in

the aggregate. It just condenses it by one year into three. So, it's front heavy on the 3% in the first year and thereafter, one and one, both for teachers and service personnel. So, that's what it does. I think it's very reasonable and ... so, I'll just wrap it up with that and I just ask for the yeas and the nays and the right to close, however this moves forward. Thank you.

DELEGATE COWLES. Thank you, Mr. Speaker. In your explanation, I just want to clarify there ... both amendments are being offered, but we don't have to adopt either one of them. The adoption of one will preclude the consideration of the other, but would I be right, Mr. Speaker, that, I think both of them threaten the entire pay raise for teachers and we're okay to vote against both of them?

MR. SPEAKER, MR. ARMSTEAD. The Gentleman is correct. The effect of rejecting both would be that we would consider the strike and insert from Finance as it is or with any other amendments that we make or either these two could be adopted as amendments to that but the Gentleman is correct. It's not necessary to adopt either of these if the will of the body is to not do so. It's just that if one were to be adopted, the other would be precluded. The question before the House now is the motion by the Gentleman from the 48<sup>th</sup>, Delegate Miley. Is there further discussion of the motion by the Gentleman from the 48<sup>th</sup>? The Gentleman from the 34<sup>th</sup>, Delegate Boggs.

DELEGATE BOGGS. Thank you, Mr. Speaker, and thanks to all my colleagues for the well wishes for the ... being a little under the weather last week. I certainly support the amendment that's offered by the Gentleman from the 48<sup>th</sup>, Minority Leader. It mirrors what we attempted to do up in the Finance Committee. The Gentleman from Randolph said just a few minutes ago about the congressional ... the pay raise for correctional officers. We needed to do something to avert disaster and I totally agree. We need to do something here meaningful. We've got a disaster that's been coming for a long time. I want to relate with you a conversation that I had with someone that came to me, was very excited because they'd decided that they wanted to become an educator. They wanted to become a teacher and before they could even finish telling me how excited that they were that they wanted

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to be an educator, they kind of stopped and said, "Now, I know I'm not going to make very much money. Now, I know that I'm going to struggle. I know I'm going to have a tough time paying back my student loans." Do we really want ... do we really want our teachers, the folks that are molding and shaping our kids, do we really want ... do we really want them to have to look at something that they have a calling to do, to maybe forego those plans because they can't pay their student loans back, or because they're just not going to be able to make it? I think not. I think every member in this House has said or at least probab ... I can't say everyone has, but I think everybody has acknowledged that an educated workforce is our first and foremost issue that we need to deal with; a drug free, educated workforce. We've got over 700 vacancies in this state. The very first thing that we should be concerned about doing is making sure that we are paying our teachers a wage that they can afford to live and to exercise their calling. So, what are you prepared to do? What are we prepared to do as a body? I think sometimes difficult decisions call for kind of reaching down and buckling up and making some tough choices and I think this 3% for three consecutive years would certainly go a long way. It's not everything we need, but I think it would go a long way to strengthening the profession, our service personnel, our state employees ... excuse me, our State Police. I feel very strongly about this. I don't want ... I wouldn't go to a physician, I wouldn't want to go to church somewhere where the person that was the pastor or the doctor that I was seeing didn't have a calling and didn't have a desire to do what their profession is. I'm just very concerned. We have teachers, we have service personnel, we have people who have a calling to work with our youth. Are we going to say no to them and say, "You need to go find something else?" I can't do that. We need to make a tough choice here and now and I certainly urge each and every one of you to support the Gentleman from the 48<sup>th</sup>'s amendment. Thank you.

DELEGATE NELSON. Thank you, Mr. Speaker. I welcome the comments from the Gentleman from the 34<sup>th</sup>. This is not saying no. This is truly stepping up and saying, "We've heard you." We've not been able to do anything these last few years because of our very poor fiscal situation. We're not out of the trough yet, folks. I mean, we've

moved. We've got positive trends moving. We're up versus last year. It's a much more positive environment and I think we've realized that and that's what's in front of us and we've put something on the table ... or what's in front of us, with the proposal, is much greater than what the Governor proposed and much greater than what the Senate proposed, but it's living within our means, what is affordable now. So, what's proposed in this amendment and it was proposed up in House Finance and was defeated. When you talk about a 3%, 3%, 3%, a total of 9%. That first year, \$36 million versus the \$12 million, or the \$24 million, that we have here, excuse me. Then it goes to \$72 million in that second year and \$108 million in the third year. Our revenues aren't growing at that stage right now and to be locked in without a known, without a known, could cause serious problems down the road to other areas. What we have in front of us is some guaranteed and it's not saying that we can't do higher raises in the future as it relates to the finances right now. Just told, last week, through seven months, we are \$25 million under budget. January didn't come in very good; a word of caution. Then last week we had ... we've heard from the many people asking about PEIA and so when we talk about our teachers and other state employees, it's the total compensation package that is offered. So, it's not just a pay raise, but it deals with their retirement and insurance and what's proposed now is that there is no change in insurance cost, none. But what does that do? We've got to come up with \$29 million extra dollars to make that an unchanged line item. So, not only have we taken the Governor's proposal of \$12 million, but we've added 12 and then the 29 and so when we look at one line item of commerce, yes, commerce is threatened by this with what we've already put on the table. I think other areas are threatened, but should we go to this three, three and three? Gosh, they all need these raises. Without a doubt, we know that. We want to be as competitive and care about our children as much as anybody and to have those that are very interested in bringing us our future. But I believe that this puts us on a slippery path, should we go three, three and three and be committed to \$108 million, not knowing what our future is. We can handle that down the road when things change. I think we've shown that this year with our budget changing and where was one of the first areas

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we looked, were some pay raises. Mr. Speaker, we do need to look at our teachers and all, but with this particular amendment, I believe it's a little too much right now for the affordability of what we can do and I urge rejection of the amendment.

DELEGATE MOYE. Thank you, Mr. Speaker. What we're talking about here today, are people's lives. People that want to stay and live and work in West Virginia. I'm sure you guys have been getting all the emails and I have talked to teachers personally, along with service personnel personally, about what's been going on. Now, to lay some groundwork. They've not gotten a raise, this is 2018, so for four years now. If you do a Google search, you'll see that you lose 3 to 4% buying power each year. So, these folks have lost at least 12% buying power. So, not only have they not gotten a raise, they've gone backwards. If we were to adopt this 3% for three years, it won't even make them even with the purchasing power that they were getting in 2014. Now, to put some faces with these ... what's going on. I train bus operators. I'm sure you know that, and one young lady that I trained, she drove four or five years and in the midst of that four or five years she had to move from one place to another to another, looking for cheaper and cheaper rent, looking for lower utilities so that she could just stay and afford to drive and transport her most precious cargo, our children. She wanted to do that. She worked hard to do that. In the end, she succumbed. She couldn't do it anymore. She ended up leaving and going out-of-state because she couldn't afford to stay and work here. Now, I neglected to tell you that most of our service personnel start out at under \$20,000 a year, or maybe most is not correct, a large part of them though. A school bus operator starts out at \$19,700 and you go on down the line. Others are even less. So, I'm going to tell you now about a cook that I had talked to. She has two daughters. A single mother and struggles from day-to-day just to be able to take care of her children. She is taking care of our children at the school, but yet she has problems at home. You know, when her daughters need a new pair of jeans, where's the money going to come from? And as all of you know, the weather has been cold. Utility bills have skyrocketed, electric bills have. Now what does this mother do? Does she turn the heat down further? Does she not buy her daughter a new pair of shoes when they're

worn out? Three percent for three years is what we're talking about. It's much overdue, much needed. We're talking about people that are hurting. Not hurting a little, they're hurting a lot and they love our state. They want to be here. They want to take care of our children. A teacher I talked to about two weeks ago, again a single mother, she said that her daughter has childhood diabetes. With the changes to PEIA, she's not sure she can afford to stay here and work as a teacher any longer because of the skyrocketing cost. A teacher that wants to be here, that wants to take care of our children. Ladies and gentlemen, this amendment to add 3% for three years, it doesn't even get them back to even. Our people are hurting. Our people are hurting. They need us to stand tall for them. I'm sure we can find a way to make this happen. Please vote for this amendment.

DELEGATE BATES. Okay, well thank you. So, we heard from our Governor 34, 35 days ago that happy days are here again, that things have really turned around and I think it really is a question, if I can speak to the bill, Mr. Speaker. Thank you, Mr. Speaker, that things are really turned around and that West Virginia is back on track and money's raining from Heaven and ... it really is a question of priorities and it's really a question of our priorities and we have an opportunity here to decide whether our priorities are tv commercials and making flat land, or investing in West Virginians and West Virginia and truly making education a centerpiece. That's really what this is about. You know, we're facing a crisis in corrections. We have our National Guard in our prisons. If we get this wrong, if we get this wrong, we will have our National Guard in our schools. You've all seen and heard what I've seen and heard. They are looking at us now to get this right and if we do not get it right, we're facing a crisis in education. So, with that in mind, I ask for your support of the Gentleman's amendment and I ask that you vote with us and for the three, three, three plan. Thank you, Mr. Speaker.

DELEGATE BARRETT. Thank you, Mr. Speaker. I rise today to support the amendment offered by the Minority Leader and this amendment has a very simple and clear purpose. It's about investing in our people, it's about doing right by our employees. Over the past several years in tough economic times, this Legislature under

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both Democratic and Republican control, has taken action in the name of business, attempting to improve our business climate with things like reduction in corporate net income tax, elimination of the business franchise tax, Right-to-Work, elimination of the prevailing wage, legal reform and now even a push for an intermediate court of appeals that could cost upwards of \$10 million. The people of West Virginia have put up with this trickle-down approach for the past several years. The time now is to put the money in the hands of our employees, the people that teach our children, the people that keep our schools operating and the people that protect us. If we don't do it now, when will we? We have a certain obligation to taxpayers. We hear that all the time in this body. We also have a certain obligation to our employees. You know, under this amendment our teachers would receive \$1,212 in addition this year and the next two after that. As the Gentleman from Raleigh pointed out, a 200-day work year with eight hours a day is about 75 cents for our schoolteachers. If you light your name red up on that board, you're telling our teachers they're not worth an additional 75 cents an hour. You know, I ran into a teacher last weekend back in Martinsburg. He's been a teacher for 40 years, been a coach for 40 years and he said, "Jason, I realize what the Governor's 1% proposal is going to do for me. Each week I'm going to be able to afford a number nine at Burger King," and he said, "You guys don't understand exactly what teachers go through. It's not the way that you were ... that it was when you were in school or the way that some of your colleagues back when they were in school. It's much different. It's much tougher." And we talked about our school service personnel. This amendment takes it to \$660 each year from the Governor's slap in the face of \$220. In their ten-month contract, \$22 a month under the Governor's proposal. You know somebody said that they could use that entire annual increase to go spend the night at The Greenbrier. Are you kidding me? They couldn't even take an hour session of a horseback ride at The Greenbrier for \$220. Our state troopers that rank 45<sup>th</sup> in the country in pay, 45<sup>th</sup>. Are they doing the 45<sup>th</sup> best job? There are four or five of them here every day to protect you. You walked by them today. Are you going to tell me they're worth 45<sup>th</sup> in the country? I'm surely not. They're here protecting us every day, but in

our communities, they're understaffed. They're understaffed. They're underpaid and they're overworked protecting the people of West Virginia. Last year we heard all about the drug kingpins coming from Detroit and from Baltimore and what this drug epidemic is doing to our state and we have to pay the people that protect us and our families from those folks. So, this is about our priorities. We're either going to get our priorities in line or we're not, but I can promise you ... I can promise you the people of West Virginia are watching and it's not just the public employees, it's not just the schoolteachers. It's the parents and in Martinsburg this weekend, I can tell you there were a lot of parents just as upset as the schoolteachers are. So, I urge you a green vote on this amendment. It's time that we invest in our people. Thank you, Mr. Speaker.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. I'd like to speak to this for a minute. The Gentleman from the 10<sup>th</sup> asked the right question. The right question at this point in time is, is there anything to preclude us from adding to pay increases as we ... as the money starts to come in and the answer to that question, if I heard the Chairman of Finance correctly, is certainly. Well, we need to do things to make sure we increase the revenue in this state. There's no question about it. We must do it and I think we can. There'll be some bills coming through. I personally am ... have always taken the side that ... do what we can and get ready to do more if we can't and I think we're going to put some things into play here as far as, you know, tripling of the severance tax on gas, for instance. If we do what we should do.

MR. SPEAKER, MR. ARMSTEAD. The Gentleman may state his point.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. For the same reason that was stated earlier by the Gentleman from the 63<sup>rd</sup>, we're talking about a pay raise for state employees. We're not talking about forced pooling or any other gas-related issues. Thank you.

MR. SPEAKER, MR. ARMSTEAD. To the Gentleman, I have tried to give a little leeway when we talk about funding and priorities, but I would ask that we keep the comments to the bill ... the amendment in front of us,

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not even the bill, but the amendment that's in front of us. The Gentleman may proceed.

DELEGATE ZATEZALO. Okay, I apologize. The thing about it is as we grow out of this morass we're in, we can do more. I would certainly support it, anytime I would ... at this point in time, do what we can and go with the bill as presented. Thank you.

DELEGATE DEEM. Thank you, Mr. Speaker. Mr. Speaker, my wife is a retired teacher, my daughter is a retired teacher and her daughter is a 1<sup>st</sup> grade teacher in Greenmont School. It's in Wood County. This debate isn't about how good or how necessary or how underpaid teachers are, it's about what we can afford to pay them. Why don't you do 5%, or 10%? Already we have done more than the Senate and the Governor had proposed for pay raise for teachers and I leave it up to our Finance Committee who's made this recommendation and they ... believe me, Mr. Speaker. ... they have to look at total government and total income to see if we can afford to pay teachers what they've offered and I think we're incumbent upon us to support these people. Whose word are you going to take? These people and the other party, who are only doing this for political expediency? Oh, they can go home and, "We propose a pay raise for teachers and the Republicans turned it down!" Well, that's what it is. You know, who has more consideration and more knowledge about what we, as West Virginians can afford to pay teachers. It's not how necessary or how good they are. I say, you know, teachers in many instances, nobody has more respect and care for teachers than I do and I know that most of these children, the most loving and caring they get in their whole life is from their teacher. Their teachers really care about them and we care about the teachers. But whose words are we going to take for whether or not we can afford it? Are we going to take politically expedient road and raise them 3%? Like I said, why not 5% and again, Mr. Speaker, I repeat, I support the Finance Chairman and his committee for their recommendation and nobody has given more consideration and more positive input to the pay raise than our Finance Committee. I think we should take their word for it and do what we can. Thank you.

DELEGATE FOLK. You know, I've had no problem being critical of him when he was a

Democrat or a Republican. I hate to tell you but he's both of our ... he's your Governor, he's my Governor too. Thank you, Mr. Speaker, and I'd like to speak to the bill. You know, I know ... and to the Gentleman from the 50<sup>th</sup>, I would have never brought that up, he opened the door. When I look at financial things, it's very simple. Can you pay for it? Can you pay for it? Now the Gentleman from the 1<sup>st</sup> has offered an amendment and I'm a cosponsor of that amendment and we have a way to pay for it with existing revenues from wasteful spending. We haven't seen anything except pie in the sky here today about how they're going to pay for it. And I want to, so badly vote for this amendment but I'm also a realist that if this amendment passes, I could tell you one thing that won't happen. That \$29 million to PEIA and freezing it, will not happen. It will not happen. If it for some reason this three, three, three becomes law, it will not happen and every teacher and service personnel and anybody else, you're talking, that's a public ... that works for the ... as a public employee, they tell you that their number one priority is PEIA. If this amendment passes and it becomes law, PEIA will not get frozen for a year because we have the money ... we would have the money for the 3%. But in those out years, there's no way we would have them. Thank you.

DELEGATE E. EVANS. Thank you, Mr. Speaker. I'm no economist, but ... and I'm not on the Finance Committee, but in listening to some of the debate here today, I'm encouraged. I think there's a comment that was made that ... we can't afford to do it. We afford to do a lot of things and I would also say that we can't afford not to do it. The ... our own school superintendent tells us we're 725 vacancies in the school system. In my local high school on any given day of the year, pick it, go down there today and look. Any given day there will be at least eight substitutes that are permanent. Then just add in the ones that ... where the teachers are sick. I know of two teachers out today, one having a surgery, one having a test done and we'll have to find subs for them. The reality of it is, they can't and they'll be in the gym, sitting there doing nothing, watching the gym class do whatever they do while they should be in a classroom. We don't have the teachers. We lose numerous teachers from my county to Tazewell County, Virginia. You should see them run across the border there for that extra pay raise. It's a lot, it's

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somewhere like \$4,000. I was looking at the numbers. I asked my colleague here from Raleigh County what the ... you know, exactly what the amendment would do again and you know what? I spent more out of my pocket my last year teaching school than what the amendment will give the teachers. That's pitiful. We can't give enough money to the schools to allow the teachers to teach, so I've got to take it out of my pocket, but yet I can't give you a pay raise that's fitting and decent? Now, come on! Our teachers deserve better. All teachers across the State of West Virginia deserve better. I can't tell you the numbers because again, I'm not an economist. I'm not on the Finance Committee, but we'll say over and over and over that we can't afford this raise. Well, I'm looking at these numbers too and I've heard some awful good proposals. We hear gas severance. The Governor shot that down immediately. Why? He stood right here with his board and ... you remember all the black lines. They weren't red lines, they were black lines in the out years. Huge numbers. Okay, he's made those estimates. Somebody made those estimates, said that money will be there. There was no red at all on that board except for ... what, last year? It was all black. I don't believe we can't afford it. I urge passage for these children sitting here, so that they'll have teachers every day in the classroom. Thank you very much, Mr. Speaker.

DELEGATE WILSON. Okay, so we can either raise the prices that we charge our customers, in other words, raise taxes on our taxpayers which I think you all know I'm personally opposed to because I believe that we're far overtaxed as it is, or we can raise ... we can find improved efficiencies within the system, which I personally think we might be able to do. But we're in such a rush right now. There's such a demand to do something now about this that what we need to do is this stopgap measure. Now, I'm opposed personally to this particular amendment because I believe it goes too far. It's not sustainable is my concern. I worked in a lot of situations where I built new systems and one of their primary concerns is that the system be sustainable. So, what we've done here, if I understand it. I don't sit on your committee, but I've been listening. I believe that what your committee has done is developed a sustainable response so that we can then build the system and then in the

future be able to provide more and more so that we can pay our employees more so that they can provide better services. Is that fair?

DELEGATE NELSON. Very fair.

DELEGATE WILSON. Thank you, sir. I appreciate it. I think I understand now and, Mr. Speaker, I urge everyone reject this amendment and support the bill. Thank you, sir.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I know a lot of people have been hearing from their constituents, as have I. One of mine is a school service personnel and she figured out that a 1% raise would give her 19 cents an hour. This amendment would triple that. Just think, triple! On my math that's 57 cents an hour. I think we can afford that. The Gentleman from the 60<sup>th</sup> was talking about, you know running the schools like a business. Well, I'm sorry. Ever since our state was founded, one of the things that we did that was different from Virginia is we provided free schools. I'm so proud of that. We said we are going to invest in our children and make sure they can move forward in the world. I don't think 57 cents an hour is too much of an investment and I strongly support this amendment. It is the fair thing to do. It is the right thing to do and it is for the future of our children. I believe in investing in our children and I urge a yes vote on this amendment.

DELEGATE FRICH. I'm also concerned because we were able to discuss a future budget coming up and pay raises, special revenue accounts, those employees funded by special revenue, then would probably feel pressure as well to increase pay by 3%, whereas not all of them have confirmed that they'll even be able to give a 1% pay raise. So, I think this would put a lot of pressure on other future pay raises that this Legislature has to deal with this year and would put incredible pressure on future budgets as well. So, I just wanted to stand for questions. I do believe that this would totally nix the proposal to freeze PEIA insurance and I know that seems to be the biggest concern with these folks. So, I'm going to stick with what the Finance Committee has determined. I was very happy to give these ... be able to give these raises. We're still not out of the woods yet. It's unfortunate that a lot of the



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actions of past legislators haven't had a bigger impact on state revenues in the economy, but that's quite difficult under the circumstances, considering there was an attempt from the federal government to decimate our major industry in this state. That historically has brought in a lot of revenues to be dispensed by legislators. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I certainly rise in support of this amendment. I had to chuckle a little bit when my good friend, the Majority Leader, stood up and explained to the body that we could reject this amendment and we could reject the other amendment. Well of course, we can do that, with 51 votes you can do about anything you want around here. Then the Finance Chair stood up and said, "Now we're not saying no. We're not saying no here, we're just ... not at this time." I'm sorry, I don't buy that. I don't buy that. I think that you have a decision today to make. You have two lights in front of you. You have a red one and you have a green one and if you want to say no ... and this is my opinion before anybody gets all bent out of shape, this is the opinion of me. ... if you want to say no to this amendment, I think you're saying no to fill those 725 vacancies that we have in the classrooms today. I think you'll also be saying no, that you are looking to retain the quality educators and school service personnel and the State Police we have in this state. That's what I think you'll be doing if you say no. I think you'll also be saying no to recruit young folks like this in front of me to become educators, to mold the minds of our young West Virginians and I think you'd also be saying no on improving teacher pay from 48<sup>th</sup> in the nation. Now that's the reality of it. It's your button! Push either one you want. Ladies and gentlemen, today the rubber has met the road. The rubber has met the road. Now we can continue to discuss how well reduction of an inventory tax will be for West Virginians and forget about this pay raise. We can continue to discuss that we should throw \$40 more million at commerce and forget about this pay raise. We can continue to discuss the ... that we'll throw some more money at tourism and forget about this pay raise or we can ... I guess some people don't want to hear reality around here, but I have opinions. I stated in the beginning this was my opinions to this bill and I have a right to

my opinions of why we should proceed with this bill and I don't really care who likes it and who doesn't. I really don't. Now what I believe is the right thing to do, is push that green button and I'll tell you why I believe that. We have all attended rallies across this state and heard the cries of our teachers, our school service personnel and our state employees. We went to all those rallies and we told them how much we loved them and how much we appreciated them. Today you have an opportunity to show them that. Today you have an opportunity to show them that or you can continue to say, "I love you, but ... I love you, but ..." The rubber's met the road. Right there, West Virginia is going to see how we voted on this gentleman's amendment and how much we care about those folks and how overdue this pay raise is, or not. That's what's going to show up on that board here, in just a few minutes and to hear rhetoric about this will nix the PEIA finance fix ... here's a newflash. Those folks aren't buying it. They're not buying it. They're not happy. This little bridge for PEIA, which I believe ... I believe, my opinion, was to calm the waters of state employees. It didn't work. They're not happy. They want their PEIA fixed and I want it fixed too. They want their pay raises and I want them to have pay raises too and just in a little bit, you're going to make your decision and I listened to this business model stuff from the other side and talking about customers and bosses and CEOs, and I don't understand any of that. I'll be quite honest with you. Right here is what I understand, making sure we have quality teachers in the classroom to teach these kids and quality cooks in the schools because some of the kids in West Virginia, that's the only good meal they get and the janitors who clean from the restrooms to the classrooms. That's what I'm here today advocating. I totally disagree that this is a political stunt. You can go home and say that if you want, but I know when I rallied with my teachers in Marion County on Saturday, the message to me was, they're going to find out who their friends are when we vote on this amendment today. If we've got the will, they'll be a way. If we've got the will, there'll be a way to give these hardworking West Virginians what they deserve. But only you, only you can push that button. I would ask you to vote green.

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DELEGATE COWLES. Thank you very much, Mr. Speaker. Mr. Speaker, I rise to ask the members to reject the amendment because we must reject the amendment for ... one thing we agree on is the people and the workers. My friend from Martinsburg enumerated some of them. My friend from Marion did as well and it's for those same people that I care about that I think we need to reject the amendment and I'll explain to you. We need to deliver the highest and best pay raise we can right now to those workers. The highest and best that can become law and can find the pockets of those workers. Friends, that's the underlying bill before you, not this amendment. This amendment is political games. If you care about those workers and those people that we're talking about, you have to reject this amendment. I'll give an example. We just rejected an amendment to balloon the numbers too high on a different pay raise, the two, two for correctional workers. However, we lit the board up unanimously and that says we found the sweet spot. I would suggest to you, what you have before you without this amendment, the reason you should reject this amendment is a pay raise that we've doubled. As it came over from the first year, doubled from what the Senate and the Governor introduced. It's in addition to the step raise and it's in addition to any equity pay they may get and it is in addition to the PEIA fix that we already did. It includes the State Police and the service personnel and the State workers in the budget. My friends, we have to reject this amendment. It is the sweet spot of what we can find agreement on and become law and find the pockets of those workers we care about. If that's the end game, to get them some money into their pocket, that they so richly deserve, then we should reject this amendment and stop playing political games as evidenced by the corrections worker pay raise where we did exactly that. You know there is clearly, in moving this pay raise up, it's going to squeeze something out, other things that were on the list. Something's going to get squeezed out. I don't want the teachers to squeeze out the State workers. I don't want to jack the pay raise up so high here that it squeezes somebody somewhere else. This is a solid deal, it's double what they gave us. It is great work, Mr. Chairman, by the Finance Committee. I think it's the best we can do to get money in their pockets for right now. Grow the economy, put people back to work.

Do the things we need to do to increase it down the road, but today it delivers the highest and the best that can become law and find their pockets. For those people that I care about, the State workers, the State Troopers, the service personnel workers, the teachers, I think we should reject this amendment and stay on course to deliver a doubling to the Governor. Thank you, Mr. Speaker.

DELEGATE MILEY. Thank you, Mr. Speaker. Let me begin by rejecting in calling out those people who have been intellectually dishonest by calling this a political stunt and that will be the Majority Leader and the Gentleman from Wood. If we wanted to play political games, we would have done 5%, 10%. You know what in Harrison County they wanted me to do? Four percent for five years. I'm offering 3 ... I'm only amending it 3% for three years. If you don't believe me, ask the two Republican Delegates from Harrison County. If we wanted to play political games, I guess we could have done something like that. Folks, it's all about priorities. I am a little bit shocked and saddened, I guess, that we've gotten into ... a little chippy on both sides, to be clear, about points of order. Because affordability is the overriding specter of what we're talking about here. So, that does impact things that were in the Governor's budget related in tourism and commerce and how much money is going to be put in there. That's called affordability or not. It does relate to other pieces of legislation that people are pushing through or advancing, whether it's ultimately successful or not. It affects affordability. So, it's not just one side or the other. I mean, I don't mind talking about those issues, because it's all about affordability and then when we talk about affordability, we need to talk about our priorities. The lady from Monongalia is correct and four years ago, the last time they got a bump up in compensation, we ... that year we still had to take from the Rainy Day. No one likes having to do that, but we made those pay raises that year a priority. We had plenty in the Rainy Day Fund, no one really saw the next ... you know, several years as to how much was going to be taken out of the Rainy Day, but we made it a priority that year. Quite frankly the Rainy Day is their taxpayer dollars also. So, we took it out of the Rainy Day, among other things we paid with that Rainy Day

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Fund money. But we made it a priority and did what we could do then as well. Whether it went appreciated or not, who knows. Now, again the ... really the only one who questioned some of the different proposals I mentioned was the Gentleman from Berkeley and I'm glad he did. I don't mind being questioned or scrutinized about anything I throw out there, but no one, Finance Chair or no one else, has even addressed some of the other different proposals that might be able to generate revenue or that may likely generate revenue. So, when we talk about the ability to do it, in our own budgets, in our families, our own businesses, you don't just live for this year. You live for the out years too, unless everyone buys their homes and cars with cash and maybe some do. You take out a loan for those items, expecting to have your job next year and the year after and the year after that. My point is, you don't just live in the moment, you live in the out years as well. I tend to have an abundance mentality. I think we can do this. If the policies that have been implemented and passed in the past three and a half years are as effective as many in this body want everyone to believe they are, we should have no problem affording these raises. But, ladies and gentlemen, my friends, quite frankly we have a crisis in this state and it's not just by the vacancies and our teacher ranks. The crisis is the drug problem and the poverty problem and many of these kids in our school systems go home to families with ... and they have terrible home lives and so I suggest not just this session, but maybe in future sessions, we will be asking our educational system to do more in the lives of these kids. Because, I think it's during those eight to nine hours of the day that we're going to have to have the influence on these kids to get them through life and my point is, if we don't value the people in the educational systems who are the ones who have that impact, or are likely to have that impact on those kids lives, then we're just not going to be able to move forward as a state. I don't care what we do with a business climate in any regard, taxes, intermediate appellant court, or whatever. Nobody is going to bring their business here if they can't find educated and trained employees and we're on a pace to not be able to provide that to these employees in the future because we're not going to be able to educate these kids because fewer

and fewer people are going into the teaching profession. So, for all the reasons you've heard today, it's not political games. I would have suggested much higher percentages. I'm asking that you support 3% each the next three years, which again, would only average 1½% over the nine years ... or excuse me, the six years ... annually 1½% over the six years for which these raises will apply. Thank you, Mr. Speaker, and again I ask for the yeas and nays.

### DEATH OF TREASURER PERDUE'S MOTHER

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REMARKS  
of  
**HON. RODNEY MILLER**  
*February 12, 2018*

DELEGATE MILLER. Mr. Speaker, I would also like to join my colleagues from the 22<sup>nd</sup> and the 24<sup>th</sup> to ask for ... I ask for unanimous consent for a moment of silence. As you may know, Mary Stollings Perdue, 94 years old, of Dog Fork, the famous Dog Fork Hollow in Boone County, passed away on February the 8<sup>th</sup>. She is the mother of our State Treasurer, John Perdue. Mrs. Perdue was a strong woman who is not afraid of hard work and raised four strong children who've had a distinct impact on the State of West Virginia. If we could please have a moment of silence and keep John, Judy, Roger, Steven and their families in our thoughts and prayers.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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REMARKS  
of  
**MEMBERS**  
*February 12, 2018*

DELEGATE SPONAUGLE. Thank you, Mr. Speaker, and let me say I am rising ... I respectfully disagreed with your ruling on the germaneness of the bill, the amendment that I had offered previously and I just want to say briefly on this. On the very first day of session of the State of the State, our Governor came down here on the floor. He told us happy days are here again. Mr. Speaker, he provided you and our Minority Leader with

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an eight track, saying the same. A Hershey kiss and saying how he had single handedly willed the State of West Virginia to financial prosperity and he sets forth his priorities to the body. What was his main priority? The inventory tax. Not for all small businesses, not for all businesses in the State, but for coal, oil and gas and manufacturing. He suggested we pay for that; \$20 million in '21, \$40 million in '22, \$60 million in '23, \$80 million, \$100 million, \$120 million, \$140 million. Now, if you compound that, which seems to be the word, that's \$560 million, greater than a half billion dollars. In the State of West Virginia, the General Revenue Fund is on the hook for \$140 million a year, in perpetuity. Now he titled it, "Just Cut Taxes and Win." Well, it sort of ... a lot of people are saying down here is let's cut taxes and Jim Justice's wallet wins. There is no cutting taxes. We have a constitutional amendment that is trying to change the arrangement with our counties and with these three main folks: coal, oil and gas, manufacturing. We're not cutting taxes, we're assigning the payers from those folks to the counties to the State, the State General Revenue Fund. Now, that's a priority. That's a lot of money, 3% of our entire general revenue budget. My amendment, which was offered and conveniently ruled nongermane, was that every public employee in the State of West Virginia would be subbed into this manufacturing tax. So, they know they're the ones that are going to get the \$20 ... \$40 ... \$60 ... \$80 ... \$100 ... \$120 ... \$140 million. At the State of the State, Governor Justice offered a 1% pay raise to every public employee. "Christmas ham, Christmas ham right here." He said, "Take it. Send it to someone. That sounds pretty good. We'll just extend Christmas hams for a few more years." Comes over to the House, wants the House to, "You don't get one Christmas ham, you get two." In the meantime, you all on the side track are sitting here pushing to cut \$140 million, so our Governor and the Senate President can get a second order of caviar at The Greenbrier? Some people need to get their heads out of the trough around this state. We need to start taking care of the people of the State of West Virginia and we need to set our priorities. Now, you can't in good faith and conscious sit here and say that these folks deserve more money than our public employees. That's what that amendment did here today. Now it was ruled non-germane, so we can't take it up. We can't have that,

can't have an up or down vote on where to give pay raises to everybody across the board. We've got to preserve our inventory tax break for our Governor. Well, I can assure you that there's going to be stiff opposition if our public employees are not taken care of and I've got news for everybody in this body. Educators met yesterday, every county in the State. Schoolteachers were flying the flag for all public employees. They read the papers, they saw what the House Finance proposal was. Guess what. Yesterday they authorized statewide action. So, go ahead and shove it on out here. Ignore those calls and if we do not do more, I can assure you there's going to be a teachers' strike in this state. It's coming. So, some folks in here need to wake up, pay attention and do a little more than handing out Christmas hams, one and handing out a second Christmas ham. We need to take care of our folks. Thank you, Mr. Speaker.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. This weekend I had an opportunity to go to the West Virginia Music Hall of Fame. What a treat! There were two delegates that were there, Delegate Pushkin and myself. We had a couple of people from Logan County and one from Boone County that got inducted into the Hall of Fame and what a special night. I got to watch several little songs from all West Virginia people, folklore. Frank Hutchinson from Logan County was inducted, early 1900s, a singer and performer. The second person was Fred Sonic Smith and he actually was off of Broad Ranch of Logan County, which is, myself, I can be at Broad Ranch from Big Ugly in about five minutes. The third person was Hasil Adkins, from Boone County and I just wanted to let this body know what a treat I had this weekend sitting for six hours and watching these performers and people talk about their grandfather or their father and what a true spirit it was to be a West Virginian. I was never prouder to be a West Virginian and listen to the stories that they told that night. So, I wanted to share that with you all. If you ever have the chance to visit the Music Hall of Fame, please do and if you ever have someone from your county being inducted, please try to go. Thank you. Thank you, Mr. Speaker.

DELEGATE ROWE. Thank you, Mr. Speaker. A topic that's a little different than what we've talked about today, in Judiciary now there is a

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dormitory gun bill that I've gotten a bunch of emails on and people are saying that they're ... they think that it's to keep guns ... or no, to allow concealed weapons in sporting events. Now, that is true, but it also requires that the higher educational institutions would be barred from being able to ban concealed permitted guns on campus, in all buildings. Now, that's dormitories. Now if ... how would you like to be the housing director at WVU if you've got four or five thousand students that you need to get arranged as to who will live with a concealed weapon in their room and those of students that refuse to do that. It is an absolutely ... horrifying possibilities for higher education. Currently, the law is that they get to decide whether and when and how any concealed weapons could be used on campus. I think they universally say they don't want camp ... guns on campus in any format. The ... it is pointed out by one person, to me, that the higher education institutions technically own the property. Now we can tell them what to do with that property, but they really have ... as one speaker in education said, they're cities. College campuses are cities and they've got to accommodate the parents and the students in regard to weapons if we're going to ban them from being able to decide what buildings they can be in and what buildings they can't be in. The bill, as it's written says that the only three exceptions to that are for arenas and stadiums that hold more than 5,000 people. Now it was pointed out at WVU that they have a soccer stadium that's less and a baseball stadium that's less and that the NAA ... The NCAA bars any tournaments where there are venues that have guns. So, the soccer team which I think had a tournament game last year, and also the baseball team had a tournament game, would not be allowed to do that. We are hamstringing the universities and what they have to do. I would point out that the other exemptions are day care facilities and the security office on campus. Those are the only places that they could ban those weapons. I would point out that the bill clearly allows, even for those facility ... those few stadiums and arenas which are just at Marshall and WVU I think, maybe State has one, a convocation hall that will hold 5,000. ... that it only bans it in the stadium and in the arena. It does not ban it at the tailgating parties, which for some folks who go to some of the football games that are held in the evenings, the liquor is quite amazing. And I would point out for dormitories, weapons in dormitories, you'd have to consider, do they have to contain those

in locked cases whenever they're in the dormitory and how would they be handled and of course the mix of youth, physical and personal attraction, and alcohol and drugs is very, very dangerous. So, Judiciary has the bill. We're hoping that ... I personally hope it won't be taken up, but if it is taken up, many, many amendments are going to have to be address ... to address the specific issues that are created by this ban on higher education's authority to be able to control their campuses as they think best for their students, parents, faculty and staff. Thank you, Mr. Speaker.

### CHUCK YEAGER'S BIRTHDAY

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#### REMARKS

of

**HON. JEFF ELDRIDGE**

*February 13, 2018*

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. We have a birthday today. In 1941, he got shot down in the military behind enemy lines right before United States got in the war and this gentleman, General, is from Lincoln County and on behalf of my delegation from the 22<sup>nd</sup> and the 16<sup>th</sup>, we all would like to say Happy Birthday to Brigadier General Charles "Chuck" Yeager. Today is his birthday, 95 years old. Happy Birthday, Chuck!

### COM. SUB. FOR H. B. 4407

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#### REMARKS

of

**MEMBERS**

*February 13, 2018*

DELEGATE MOYE. Thank you, Mr. Speaker. I want to talk to you today about the need for this bill, why this bill is out here. Why are we considering this legislation? I'll give you just a little bit of a history lesson, directly related to why we need this bill. S. B. 529 pretty much gutted the retirement system for our teachers. 205, another bill didn't help teachers. S. B. 221 eliminated the board members on the PEIA. Now, I'm going to go through a list of bills that have been introduced that directly are related to this one; S. B. 14, H. B. 2542, S. B. 8, S. B. 401, S. B. 2 ... 2871. All of those bills were harmful to our teachers. These bills were

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introduced that take moneys from our public education system; H. B. 4008, 2689, S. B. 128 and S. B. 273. All of those things were harmful to our teachers. Why are we looking at alternative certification for teachers? It's because we can't keep and attract teachers. That's why we're looking at this. The issue we have with PEIA, another reason we cannot keep and attract teachers. Do you know that with this legislation, that you could have a degree in theatre arts? You could have a degree in commercial art. You could have a degree in drama or film and as long as you can pass the Praxis, you could end up teaching math. You could end up teaching English/language arts. This is another way to devalue the education that our teachers get. They go to school ... they go to college to teach. That's their major. We're saying now you can major in theatre arts, pass the Praxis, you're in like Flynn. You can sit right beside a fully certified teacher that went to college for that reason, to teach. You can sit beside them and make the same money. What this bill does is, it puts a warm body in a classroom. That's what we're down to. We've made it so that our teachers don't want to come into the field. They don't want to stay in the classroom because of all this legislation I just spoke to you about. Our teachers ... we're graduating our students from colleges with teaching degrees and they're going to other states and I pose to you a lot of this legislation I mentioned to you is the reason why we're having a hard time filling our classrooms with teachers that went to college for the purpose of teaching. This bill will put a warm body in the classroom but I don't think it's good for our teachers. I don't think it sends a good message to the teachers, that we value you and what you do. I'll not support this bill. Thank you.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I want to address the body today to say that I absolutely agree with my colleague from the 39<sup>th</sup>. He's absolutely right. The issue is that, with those folks that he was talking about from Union Carbide, the chemists, the engineers, the scientists, they have obtained a degree in that subject matter to be able to teach and we've already addressed that in the alternative teacher certification bill. What this bill does, it removes that and it also removes the work experience that they have in that field. To echo the sentiments of my colleague from the 29<sup>th</sup>, to my left, what we're doing here is we're devaluing. We're

devaluing what our teachers do for us and what they mean to us. But we're also telling Concord, Fairmont, West Virginia State, Marshall, West Virginia University that there's probably no longer a need for their teaching degrees because you can just do anything and sign up to teach. So, before you make this vote, just think about the message that we are sending to our teachers, because 20 minutes ago we passed a pay raise. But now we're going to go back and say, "Well, you're not really worth it. Anybody can do what you do." So, just think about what we're saying and be consistent in that message. I urge a no vote on those grounds. Thank you.

DELEGATE FOLK. Thank you, Mr. Speaker. It was after 9/11, 2001. I went back to the classroom as ... part time and to address something that was just asked, even a teacher of 20 years can be removed from the classroom, as the Gentleman here next to me told me it takes 18 weeks. I walked into a classroom like that because the teacher was removed and finished out the semester for the ... I was asked to teach the whole year, but I did not. Look, there are good teachers with 20 plus years' experience and there are bad teachers. I hate to say it, sometimes with 20 years' experience. The gentleman that I'm referring to was a local high school ... I'm not going to mention the high school because a lot of people would know who it is, but it was a local high school in Berkeley County that a 20-plus year teacher basically was given two choices. You know, retire, because he was eligible to retire, or we're going to fire you. So, you can find examples that ... the most horrendous examples of people that, like for example the question about somebody without any teaching experience coming into the classroom and in six weeks, they've lost control of the classroom. You can find it with a novice, you can find it with the 20-year teacher. These are all just salacious arguments to try to scare people and I'll tell you one example of a gentleman that was an excellent teacher and is an excellent teacher. As a matter of fact, I think he's back to teaching in Berkeley County. He was a National Merit Scholar, went to WVU, got a degree in biology and chemistry I believe. But he is an excellent science teacher in Berkeley County and, of course, under this program. Now he could ... and, literally, he got out of teaching. Because my wife was similar to him in the sense that she had a science degree and went to what they call the

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MAT through ... at the time, they had a joint program between Marshall and Shepherd College to get a master's in teaching. She did the old alternative certification. She could have ... we didn't have children at the time. We could afford it. My friend, however, by the time he thought about doing that, he had children and a family. That was very difficult for him to go out and go to school while having a family. He left teaching for that reason. Berkeley County school system lost one of their better teachers for several years because of that. I think we ought to look at, you know and I've got so many examples. I mean, everybody ... first of all, it's not a simple basic skills test. It's as ... and subject matter. So, you have to have the subject matter and we're doing ourselves a disservice when we have people with physics degrees, electrical engineering degrees, civil engineering degrees, chemical engineering degrees, economics degrees, biology degrees, chemistry degrees and telling them ... and maybe 10 or 15 years of real world experience and not letting them go into the classroom. We say, no, it's not a math degree, so you can't teach math. You know, I can't believe we have such long debates with so many critical issues in this state and we're worried about trying to keep the most extreme possibilities out of the classroom. When I just told you of an example of a most extreme possibility coming from somebody that, with 20-plus years, enough time that they could have retired. Thank you.

### COM. SUB. FOR H. B. 4009

REMARKS  
of  
**HON. MATTHEW ROHRBACH**  
*February 13, 2018*

DELEGATE ROHRBACH. Thank you, Mr. Speaker. I'd like to rise today to support this bill as the sponsor of it. This is good government, friends. This is showing the people what we're doing with their money. There's nothing sinister about any of this. We have a tremendous opioid problem in this country and in this state in particular. There've been litigations that have occurred in the Attorney General's office. Those moneys should come back to the Treasury. We had one in particular. My friends from Southern West Virginia will know about some pharmacies in Mingo County that had

some trouble. They had over 10 times the typical amount of opioids shipped in to their pharmacies that would have been required. Ten times, so much that right now the United States Congress is representing, studying this matter in the Energy and Commerce Committee and they're finding some serious problems with one pharmacy called Miami-Luken. We settled with them for two and a half million, two and a half million for all the pain and torture that has went on at Southern West Virginia. But that money, or whatever moneys are recovered on behalf of the taxpayers of this state should come to this body and the body at the end of this hallway for expenditure for the citizens of this state. It shouldn't be allowed to be used by any Attorney General, and I say any Attorney General, for political purposes or self-aggrandizement. So, friends, I urge "yes" on this vote and this is good government. Thank you, Mr. Speaker.

### COM. SUB. FOR S. B. 267

REMARKS  
of  
**MEMBERS**  
*February 13, 2018*

DELEGATE NELSON. Thank you, Mr. Speaker. We spent rather a lot of ... a good amount of time on this bill. Anyway, the Committee Substitute for S. B. 267 will increase the annual salaries of members of our State Police, teachers and school service personnel. All three have schedules within our code. The amount set forth for teachers at a minimum annual salary for their 200-day contracts. The amount set for the service personnel are the minimum monthly salaries for their 10 months of employment. To rehash what we talked about yesterday and that's if we have 2% for all three categories in this first year, 1% for the State Police and service personnel in the second year and then our schoolteachers will basically have an extra three years ... two years, excuse me, of 1%. So, a total of 5% for our schoolteachers. What that means, in the first year our State Police will get a pay raise of \$864 per person. Over the two years, it's just under \$1,300 per person. Our teachers, \$808 in the first year and, over the four years, a salary increase of over \$2,000 and that is over and above the regular pay that they get annually according to the step. And then our school service personnel will have an

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annual bump in the first year, \$440 and over the two years, \$660. All the increased cost to the State will be \$24 million next year and by the end of the fourth year, more than \$65 million of extra pay increase. Mr. Speaker, we truly wish that we could do much more, but given our current financial situation and the other restraints within the budget, I believe this is a very prudent first step and leaving plenty of options in the future and I urge passage of the bill.

DELEGATE THOMPSON. Thank you, Mr. Speaker. This bill is something else. It in no way provides enough of a raise to our teachers, service personnel and state troopers. To say that we even appreciate them, much less keep or draw highly qualified people to those jobs. I don't have children that rely on me, but things still get tough sometimes. It gets tough to pay all your bills, for anybody, single people, married, children or no children, and I feel ashamed that we aren't able to do more or can't do more for them than we are with this bill. I hope that we will revisit this issue at the earliest possible chance and make it right, because this simply doesn't do that.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. I, likewise, am very disappointed that this is the best that we can do and the lack of priorities this body is showing to our teachers, our school service personnel and our state policemen. However, with saying that, I will reluctantly vote for the Christmas hams that you all are handing out down here, two of them, and I looked on the back of this; the expiration date is May 9, 2022. That's probably about the next time this body will get around to taking up any type of ... handing out any more Christmas hams, the amount of priorities in here. So, reluctantly we will vote for this but it's clearly not a priority, obviously, for this body or for the Senate or for the Governor. We've got businesses we've got to take care of. We've got intermediate courts we've got to prop up. We've got to give all these handouts to everybody else except taking care of our people and we are falling way short. Thank you, Mr. Speaker.

DELEGATE MARCUM. Thank you, Mr. Speaker. Again, I want to echo some of the comments that have been made, but it's kind of sad that we've reached this point on the 35<sup>th</sup> day, that we're just now considering

even this minimal raise to such vital people in the State of West Virginia. It's sad that the priorities of this Legislature have fallen through the cracks. It's sad that we've not considered the impact this would have if we would do something right and give teachers a raise they deserve. I will be supporting the bill, but it's sad that we cannot consider our teachers to be of more importance, that we have to give them, as the Delegate says, a ham, when we really should be giving them a 5% or 10% raise every year. We all know that this bill will not come back up again. It's been introduced the last four or five years and the last raise was in 2014. So, we know it's not going to happen. If that makes you feel good to put in your press release, go ahead. It ain't going to happen until the teachers outcry or strike or whatever's required. It's not going to happen until the new majority changes their focus. So, Mr. Speaker, I will be voting for the bill, but I encourage the majority to get their priorities straight. Thank you.

DELEGATE ROBINSON. Okay, thank you, Mr. Chairman. Speak to the bill, Mr. Speaker? I believe ... ladies and gentlemen, I believe we have a bad habit in this building and especially in this chamber of congratulating ourselves a little early. We've come to substance abuse bills and congratulated ourselves like we solved the puzzle, like we finished everything and we have that bad habit of getting up and patting ourselves on the back. Today is not a day to get up and pat ourselves on the back. Once we vote green today, we haven't solved anything. We still have upset teachers. We still have upset state troopers. We still have upset public employees across the State. We still have issues with PEIA. We still have issues with salaries and I think today, if we get up and congratulate ourselves, we're making a huge mistake and we still have a job to do. The job is not done. We still have teachers planning on walking out and I encourage the body to reevaluate our priorities. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I too am going to be voting for this minimal pay increase for our state employees. I'm very, very disappointed however. I think the leadership team, Mr. Speaker, has missed a golden opportunity to show the State of West Virginia, the parents, the children, those who work for us every



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day, where our priorities are. I attended rallies across my region, as many of you had. The pot is starting to boil and I don't see satisfaction in this raise. I think that they would have been well satisfied with the Minority Leader's amendment of three, three and three. I think they were more than deserving of that and, quite frankly, I agree with my friend from the 55<sup>th</sup> about the ham scenario. I believe that's what they're looking at this pay raise is as nothing more than a Christmas ham, and a bonus for them for all their hard work and they're not happy and they're not satisfied. I predict that we're going to have thousands of screaming state employees filling these halls before we leave town and I predict that we're going to have to revisit this because they are not happy, and rightfully so. Rightfully so. I believe we've neglected their service for too long in the State of West Virginia. I was proud to support the three, three, three as many of my colleagues ... of all the colleagues on this side of the aisle support it and some on that side of the aisle. I think we could have averted a lot of problems for the State of West Virginia if we would have adopted that and we would have put our priorities where I believe ... where I believe they should have been. So, I'll be voting yes, very, very reluctantly. It's just a sad day for all the people that work so hard for the State of West Virginia. Thank you, Mr. Speaker.

DELEGATE WILSON. Thank you, sir. I'm grateful ... thank you, sir. I appreciate your time. Speak to the bill, sir? Thank you. I'm grateful for this opportunity to demonstrate my concern, not only for our employees, our state public employees, but also for our employers, the ones who pay the bills, the taxpayers. This is a great opportunity to demonstrate our support, our appreciation for both classes of people and interestingly enough our employees are also our employers as taxpayers. So, in doing this in a responsible and ... in a fiscally responsible and thoughtful way, what we're actually doing is, we're providing them with that pay increase without them turning around and taking more taxes away from them. I am really grateful for this opportunity and I would like to add, if you don't mind, Mr. Speaker, that it would be a real shame, from my perspective, for the professional employees of this state to act in an unprofessional manner by ... I believe the term was "screaming in the hallways." We

are listening. That's not necessary and we appreciate their time and their effort. Thank you, Mr. Speaker.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I will be a green vote today. I'm going to vote for this and I'm not going to say I'm voting for it because it's the best we can do, because, quite frankly, I don't believe it's the best we can do. But unfortunately, I think it's the best that you're going to do. It's the best you're going to do. After the failure to improve these pay raises for our public employees, for our teachers, for our state troopers, for service personnel, after our failure yesterday, to improve upon that and get our priorities right, I think this is probably the best you're going to do. So, I'm going to vote for it now. I don't think it's the best we can do. I don't think it's enough. I don't think it's enough to avert the possible teacher strike that's going to happen in this state and you know, it was said by the Chairman, kind of bemoan the fact that there's been a lot of misinformation out here about what's going on up here. I don't know about that. I think the misinformation might have started on the first night of session during the State of the State address when a magic chalkboard was unveiled and said we're in the black. We're in the clear. Everything's great. Well, and then people start wondering, well, how come my insurance rates are going up and I don't get a raise? How come the people that are charged with teaching our children, people who are responsible for the future of West Virginia aren't seeing a substantial raise? The misinformation came when we unveiled the magic chalkboard and told everybody we were rolling in dough. Now juxtapose that next to the talk of a big corporate giveaway, eliminating an inventory tax. We all want to eliminate the inventory tax, but can we ... we can afford to do that, but we can't afford to improve our public education? You know, year after year we hear if we eliminate this tax, people are going to rush back into this state. You know, if we get out of this judicial hellhole, people are just going to rush back into this state. They're not going to come here until we have good public schools to teach their children. They're not going to come here until we have an educated, drug-free workforce to work for their businesses. We start by paying our teachers. That's how we improve public education. So, is this the best we can do? No. Is it the best you're

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going to do? Probably. So, I guess I have to vote for it.

DELEGATE LOVE. Thank you, Mr. Speaker. Over the weekend I was shopping at what I call the poor man's Walmart, that's the Family Dollar store and there was a young teacher in there and he followed me around the store, I don't know, for a couple of minutes trying to get the opportunity to get me in a corner and talk to me and I knew what he ... he wanted to talk to me so I made it convenient for him. I said, "You may as well get it over with" and he was talking about the strike. He was talking about teachers and I have to agree with the Delegate in front of me that there's a storm brewing out there among those folks. They're going to do something. I don't know whether they're going to do it here at the Capitol or what, but anyway, something is coming along. Well, what he said was he asked me, he said, "You know, Delegate Love, with no disrespect," he said, "your Legislature reminds me of the ..." then he asked me, he said, "Did you ever read any books about the mine wars in West Virginia?" And I said, "No, not really. I've maybe scanned over one or two." But he said, "Your Legislature reminds me of Baldwin thugs. It reminds me of back in the teens when the coal miners were trying to get enough money to live on and feed their families, and find the way to send one of maybe five or six children to college and get them an education." He said, "You know what I'd like to see you do? I'd like for you and all of your colleagues to live six months on my starting salary as a schoolteacher." He said, "I don't know if I'll ever get my school payments back ... the college loans." He said his dad had helped him and one of his aunts had helped him, but he said he's still going to have a lot to pay back and doubt if he'll ever get around to paying it all back. But he said, "The administration reminds me of the operators, the coal operators." He means downstairs, not you guys, but he included me in that and he said, "That Baldwin thug, you too, Mr. Love." But I thought about it all day long and it made me wonder. You know, what it would be like for me to pay my bills for six months on his salary and do the things and enjoy the things that me and my wife do with what we make on social security, but it made me think. You know, that ... I mean he was serious as a heart attack. I mean, he was looking me dead in the eye and he says, "We're going to do something. We're going

to get some money somehow. We're going to get some compensation somehow, or we're going to do something," and I said, "You don't want to do that." He said, "We have no choice, Mr. Love." He said, "We have no choice." He says, "You folks in Charleston are backing us in a corner," and he said, "We really don't have any chance. We have to ... we have to make some kind of a show so you will thoroughly understand that we don't have enough money to make a living on. Particularly guys like me who just went into the school system," and that starting salary was what he was referring to and I had compassion for him and I'm sure a lot of you folks have compassion for him and what we're going to do about it, I don't know. But we should really think it over. Because, like he said, "There's a storm brewing out there, Delegate, and I hope you take heed to it." Thank you, Mr. Speaker.

DELEGATE MOORE. Thank you, Mr. Speaker. Ladies and gentlemen, we've heard a lot about prioritization and just to take a look back, this 2% number has been out in the budget request for quite a while from the Governor; Governor Tomblin, first putting that request out. Now that 2% was not appropriated by this Legislature and that 2% was put out when the ... our colleagues across the aisle were in the majority and later we were in the majority. Now I don't believe, by any stretch of the definition, that our colleagues across the aisle weren't prioritizing our teachers. I don't believe that. In 2014, they were able to get together a 1% pay raise that fell short of the 2% that was out there. Now, was this due to a lack of prioritization? I don't think that, but paradoxically now, we are being accused of not prioritizing our teachers. Which I think is just a little bit disingenuous when we're doubling the Governor's request in terms of a teachers' pay raise. So, we both know that's not true and a lot of that has to do with this term that we all are, I imagine familiar with, and that's the mantle of governance in which we've taken up now as the majority, after the abdication of that responsibility by the previous majority, to lead this state government. So, for me, I think we both ... we both want to raise public employees' pay, want to raise teachers' pay and the idea that one side doesn't and the other does, I think is misleading in its narrative and disingenuous, and I'd hope that we can come together in the manner that we did when we voted down the

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Governor's tax increases last year in a bipartisan manner and why did we do that? Because of prioritization. Now we were prioritizing the people of this state, the taxpayers because we do have a responsibility to them as well and I do want to see these teachers have a pay raise. We have doubled and exceeded the Governor's and we have also met that original 2% that was put out by Governor Tomblin all those years ago and exceeded it. So, an idea that we're not prioritizing this, I think is not true when our colleagues on the other side of the aisle had many years to be able to do that and double and exceed and we are doing that. Do we want to pay our teachers more? Absolutely, and I don't disagree with any of those sentiments on the other side of the aisle on that regard. But, let's be fair, let's be honest and let's vote green. Thank you.

DELEGATE E. EVANS. Thank you, Mr. Speaker. I will reluctantly vote for this. It is not enough. We can do better. This past weekend my ... I was packing to come back for this week. My wife looked at me. She goes, "Pack some more clothes. You're going to need some for Saturday because on Saturday when the public employees descend upon the Capitol, I want you to be right up front with them" and I'm going to do that. And, I'm going to continue to fight for some more money for the people that deserve it. Thank you very much, Mr. Speaker.

DELEGATE FERRO. Thank you, Mr. Speaker, and I'm going to vote for this today because I have to. It's the only thing that we have in front of us and again, I'll reluctantly do this. But I will say that the perception of the teachers that I know and work with around Marshall County, they think this ... and service personnel as well, think that this is totally inadequate and I think what we've done in this particular session, we've woken up a sleeping giant. And, these people are dead serious about what's going on right now. It brings me back, takes me back to 1990 when we went on strike and I was one of those people. Was it good fun? Absolutely not. Am I advocating a strike right now? No, I'm not. I'm not advocating it, but I'll support whatever these teachers do. I can tell you that and what I think has happened this time too is we've had two teacher unions, service personnel, they've all joined together. They're unified in their efforts and their efforts are to be treated with the dignity and

respect that they deserve. Thank you, Mr. Speaker.

DELEGATE MILEY. Okay. Speak to the bill? You know, it's amazing when someone gets on the floor to try to make a point but they don't have their facts straight. We gave \$1,000 to the teachers that year, which was more than what the Governor proposed and more than what the State Senate proposed. Go look it up, it's easy to Google. My God, we're in 2018. We gave the public employees \$504 that year. We gave service personnel 2%. All verifiable, whether it was in one year or a base building. That was in one year we gave that money. So, if you're going to get up on the floor and state facts, please state the correct facts. And, I wasn't going to speak today, but I do ... I will say on the heels of that, that we are missing an opportunity. I think this caucus has made it very clear, all 36 of us, that if we could get to a point where the teachers, the service personnel and public employees would be satisfied, within reason of course, that we could consider going down the path of the inventory tax. That's just off the table. I am not going to go home and nor is anyone in this caucus going to go home and say we've given you crumbs, but yet we've given a business more tax breaks. So, that is off the table to the Gentleman from the ... from Berkeley. We've cut business taxes over the years. We're the 18<sup>th</sup> best business tax climate in the country by an objective publication and there's no way in the world that anybody in this caucus, and I think I can safely speak for this caucus, that is going to go home and say we could only afford to give you this but we're giving businesses considerably more than that and creating a perpetual hole in our budget. That's the opportunity we're missing. But we were unwilling to make some sacrifices, make some tough choices. We have a sports betting bill that has an opportunity, whether you agree with the sports betting or not, that has an opportunity to make ... bring a lot of money into this state, of which you can dedicate to teacher pay raises, PEIA, etc., if you want. But, no one has made a teacher pay raise of sufficient amounts a priority and a commitment and when you don't do that, then you don't make sacrifices and so we have missed an opportunity this session ... so far, this session. I will be supporting the pay raises because I've always supported teacher pay raises and public employee pay raises. I always support more wages for workers, but

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I think we've missed an opportunity to take care of a lot of things that might make this date more attractive on all levels. Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I can't help but think we have another symbolic vote getting ready to go up on the board just like we had when we passed our resolution that did little to nothing. That's what this will do, little to nothing. Little to nothing to change what's going on in our state. Little to nothing to change what's fueling our public employees right now, which is frustration, anger and a Legislature that continues to sit on the sideline while our Governor pitches out false promises and lots of props. They're tired of it. I'm tired of hearing things in this Legislature like, "We can do it later, let's just pass this now and we'll address it later. Because what we do here is say to the public, "Just trust us. Just trust us, guys. We'll get it later." They're tired of that. I think I speak for every public employee when I say we can't be trusted. We can't be trusted to do the right thing. What we can be trusted to do is follow the strings that are attached to our backs by the corporate sector that control us, control our votes, control our agenda, Mr. Speaker.

I'll refrain from those comments, but I will say I'm tired of hearing that we need to live within our means. This bill is living within our means when our agenda says otherwise. We control the means of the public employees. We tell them how they can live within their means and then we give them nothing. It's time that we actually prioritized what really counts in our state. Prioritize our youth, prioritize our educators, instead of sitting back and throwing symbolic votes out. So, here comes another symbol. Everybody's going to vote for it. I'm sure there'll be press releases going out saying we solved the crisis, but we didn't do a damn thing. Thank you, Mr. Speaker.

DELEGATE ZATEZALO. Will the Gentleman from the 48<sup>th</sup> yield to questions? I want to make sure I get this right. The tax on sports betting, you made the point that you would like to see that earmarked perhaps for teacher raises, etc. Is that correct?

DELEGATE MILEY. To be clear the point I was making was the revenue that's expected

to be generated from that bill, which I understand is on the way to its passage, can be used for teacher pay raises. Whether it's specifically earmarked or not, doesn't matter to me.

DELEGATE ZATEZALO. I ... well, good. Thank you, I wanted to make that clear before I spoke. This is an example of what's going on here. I don't disagree with his point, but the problem is that would-be betting on sports, betting that may not even show up. We can't run the government of the State of West Virginia with that kind of bet. The only thing we can do is work with what we have and go from there and do the best we can. It's been a little bit painful, but it's certainly not pain that we didn't grasp and go for to try to figure out where we take other money from. There are a lot of things we need to do in this state, but we have bitten the bullet in this chamber and raised what was proposed from the Governor. I'm proud of that. Am I proud that we can't do more? Not so much. I wish we could do more. We just need to get more businesses in this state and get the State moving. So, you know, this is a good start. It's not the end of the line. So, thank you very much, Mr. Speaker, I will be voting for the bill.

DELEGATE ANDERSON. Thank you, Mr. Speaker. As many in this chamber have said, I am rising to somewhat reluctantly support this pay raise and I would like to do more. January revenue estimates are falling \$25 million short of estimates. Some of the chamber suggested we cut some of the Governor's priorities. Do we cut tourism? Colorado did that a few years ago. Their tourism revenue in the State fell considerably. Do we cut the Commerce Department on the verge of considerable investment coming into the State to grow the economy of this state and grow the pie, so to speak, so that we can better provide for our public employees? Well, that's a decision this body will make. Do we reject the inventory tax amendment, possibly growing in the future, possibly not? That's a decision we make. The proposed raise the other day by my calculations, and in my public school career, I did not teach math, but I can do a little math. And, 3% over three years, which I would have liked to have supported, but reluctantly had to oppose, would have cost in excess of \$100 million. So, even if we cut out the Governor's proposed increases for

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tourism and we don't pass the ... put the amendment before the voters and we don't increase the commerce budget, by my rough calculations that's \$80 million. So, where do we go for the other \$40 million, folks? Do we cut higher education again resulting in people's tuition being raised, children striving to go to college? I, for one, worked my way through college. I guess that's a decision we could make. One that I think higher education has been cut far too much. The Chairman of Finance can attest to my protest a couple of years ago and I don't have a major university in my backyard. But, ladies and gentlemen, it is a matter of priorities and we, later on this week, will have to consider another bill that I believe will offer ... open up an opportunity to increase the revenues of this state. It will be up for final passage hopefully on Thursday of this week and that is the Cotenancy Modernization Act and, ladies and gentlemen, I think we ...

DELEGATE CAMPBELL. Thank you, Mr. Speaker. We've had good debate on increasing salaries here the last couple of days. Healthy debate is good. We've had solutions offered by both sides yesterday, but neither passed. There's a problem that's been brewing in education for a long time. That brew has now reached a boiling point. In Flatwoods on Sunday, public school employees overwhelmingly voted to authorize leaders of WVEA and AFT to decide statewide action. As a public schoolteacher in Greenbrier County, I did not vote. I felt it was disingenuous to put my friends and colleagues on a picket line while I serve here in the House of Delegates. But make no mistake, if they walk the picket line, I will stand by their side. We've had two bipartisan proposals in this chamber yesterday that could have turned the stove down just a little bit. Today's *Charleston Gazette-Mail* reads it best, the headline: Teacher Strike, One Step Closer. We've heard things like, living within your means and fiscal responsibility. West Virginia's public employees don't need lectures on fiscal responsibility when many live paycheck to paycheck. What we're doing is kicking the can down the road. We can fix this now or we can fix it later, but later may come sooner than we think. There are dedicated revenue sources out there that we need to look at now and everyone here knows what

I'm talking about. In this chamber we have the greatest opportunity we'll ever have to help the people of West Virginia and if we're not here to help people, then why are we here? Thank you, Mr. Speaker.

DELEGATE LYNCH. Thank you, Mr. Speaker. Ladies and gentlemen, like you've heard so many times, I didn't plan to speak today. I don't even have a clue what I'm going to say, but I'll tell you this, I'm going to try real hard to defend my people in Webster County. The most beautiful in the county is ... county in the State is also one of the poorest counties in this state. We don't have any excess levies. We don't have any extra money for the teachers. They get whatever salary that the board allows them to have or the State, that's all they've got to live on. A lot of them are young and new teachers and they don't get the educated salaries that the people that have more degrees that go on and have longevity pay and all that. They don't get that kind of stuff. They live on the base salary of these teachers and, like everybody else, they have children. You know, we all have the tendency to do those kind of things. So, they've got to try to raise those children on that minimal salary. I just think it's sad that we ... and I'm not here to debate the issue about what kind of taxes we should put on or what kind of bills we should do and ... in order to get more money for the teachers and the State workers. It's just a real sad situation, I think and I truly feel sorry for them, that we just won't find a way to give them more money, Mr. Speaker. Thank you.

DELEGATE NELSON. Thank you, Mr. Speaker. You know, without a doubt everybody here appreciates, cares and has listened to our teachers and public employees. You know, the last four years, we've been attempting to control our growth. Our revenues have fallen through. It's been very challenging. We finally have some positive prospects and look at the first thing that we're doing. We're putting something positive forward, this is a positive step. This is a top priority. We've stepped up and are putting a plan in place that is significantly better than what the Governor proposed and is improved over what the Senate proposed. We all desire to do more and I believe we will be

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able to do so in the future. But right now, let's all vote green, Mr. Speaker.

### COMMENTS DURING OPENING PRAYER

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REMARKS  
of  
**HON. SHIRLEY LOVE**  
*February 15, 2018*

DELEGATE LOVE. While resting one day along the side of the road, I met an old farmer in a field he'd just hoed. His face was all brown and wrinkled by the sun and the wind and he was talking to the Lord, just like you'd be talking to a friend. "Well," he said in his voice soft and quiet, "those corn tassels need shucking. Ain't got no strings to tie them and it ain't rained in so long the fields are mighty dusty and, Lord, it's been so unbearable hot, even the kids are getting fussy. Now you take that grass down by the meadow, it should be knee high. If we could just have a little rain, Lord, it might keep the cow from going dry. But ah, listen to me fussing. You'd think I wasn't grateful. Why if you didn't know me better, Lord, you'd think I was downright hateful. You'd think I'd forgot about that new calf that you sent and the money in the mail that took care of the rent. Ma's cold is better and Johnny is home from Afghanistan and that big Sunday dinner of chicken and dumplings and ham. And that new preacher you sent us, Lord, he's sure a fine young man. Why he's just saving those sinners to beat the band. Well, I guess I'll mosey on home now, Lord, and I won't take no more of your time. I expect there's quite a few folks in this area waiting to ring your line. 'Evening to you, Lord and watch over us tonight and don't you worry about us none, Lord. Because we're going to be alright."

### RECOVERY POINT

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REMARKS  
of  
**HON. CAROL MILLER**  
*February 15, 2018*

DELEGATE C. MILLER. Thank you, Mr. Speaker. With the announcements about Recovery Point, I have to think back to

years ago when I was sitting on folding chairs with Delegate Don Perdue in a crumbling gymnasium of a school in Huntington and how many years that we have been working hard to find the right answers to addiction. And Recovery Point has been such a wonderful. ... blossoming out of the original Healing Place and we can't say enough about how hard we work and how we all feel about the sickness of addiction that surrounds us and I just wanted to, one more time, talk about how wonderful Recovery Point is. Thank you.

### SHOOTING TRAGEDY IN FLORIDA

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REMARKS  
of  
**MEMBERS**  
*February 15, 2018*

DELEGATE MILEY. Thank you, Mr. Speaker. I don't know if you were planning on doing this or not, but before we get any further into our floor session, I think we ought to recognize the tragedy yesterday in Florida.

DELEGATE LONGSTRETH. Thank you, Mr. Speaker. We just had a moment of silence for what happened yesterday, which was a tragedy and it's happened more than once, and I read in the paper and it's been on Facebook and all over social media that every time something like this happens, we always stand and we take a moment of silence. But, we do nothing to solve the problem. I hope in Congress, not only in Congress, but I hope here in the State of West Virginia in this House and Senate, that we do and try to do ... resolve the real problem behind these shootings and I think that we'd better take a deep look, instead of saying that we're sorry and taking a moment of silence, but let's actually do something to prevent this and I think it is regulations and gun control and I hope you all will think deeply about this because we're losing so many of our children. Thank you.

**COM. SUB. FOR H. B. 4268**

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### REMARKS

of

### MEMBERS

*February 15, 2018*

DELEGATE SPONAUGLE. Thank you, Mr. Sponaugle ... or Mr. Speaker. You said it correct. You have me all shook up. So, I've been sitting here listening to various arguments and in preparing for today I look back to some of our founders and one of the most important things they had set forth is that democracy requires minority rights equal that to the majority. James Madison, in the Federalist Paper No. 10, was concerned about runaway legislatures taking that for the majority and shoving it down the minority's throat on various constitutional rights and that was The Great Compromise, before our Bill of Rights, protections for property rights that we share today. We have the 5<sup>th</sup> Amendment, multiple amendments in regards to taxation, public use. Those are all there not to protect the majority, 75%, 80%, 90%, whatever number you want to throw out there, but to protect the one, to protect the one. Now, that's been the law for a long period of time and the argument certainly could be made this law potentially could be unconstitutional if the West Virginia Supreme Court hears it. Back on June 23, 2005, the infamous case of *Kilo v. New London*, the City of New London ... I'm going to read just a portion of the snippet of Sandra Day O'Connor's descent.

Over two centuries ago, just after the Bill of Rights was ratified, just as Chase wrote: An act of the Legislature (for I cannot call it a law) contrary to the great first principles of the social compact, cannot be considered a rightful exercise of legislative authority. A few instances will suffice to explain what I mean ... [A] law that takes property from A. and gives it to B. is against all reason and justice for a people to entrust a Legislature with such powers; and, therefore, it cannot be presumed that they have done it.

That was in 1798. Sandra Day O'Connor, Justice Scalia, Justice Thomas considered to warn people. Today the court abandons this long held, basic limitation on government power. Under the banner of economic development all private property is now

vulnerable to being taken and transferred to another private owner so long as it might be upgraded, i.e. given to an owner who will use it in a way the legislature deems more beneficial to the public in the process. Now they go on to just flat out attack that and say you are stripping away our 5<sup>th</sup> Amendment rights. Our founders didn't trust runaway legislatures. That's why we have those protections for the minority. Now, I've heard a lot of people in here yell and scream, "How can just a handful of people hold up development?" Because it's their land. It's a constitutional right to hold land. It's not for all of us to come in here and say, "Well, nine out of ten of us say we want to take it and go, here." We don't do that. Now, this forced tenancy, forced pooling bill, whatever you want to call it, that's what it's attempting to do. It's attempting to legislate how the owner of certain mineral rights or certain property, how they must use that property. We have an operation of law now, partition suits. When owners, multiple owners of a tract of land fall out, or mineral rights, you don't dictate to them how they use it; you change ownership. We have a procedure so that ownership changes and then the new owner can do what they're legally entitled to do. We are trying to legislate the use of that property, a tax to write a contract, also a constitutional right. You're sitting ... the Legislature is sliding in there and saying, "You unconsenting landowners, you're not entitled to contract." Even though that's a step forth in the Bill of Rights, as a constitutional right. We're stepping in front of them, telling them how to do it. Now, in criminal law, if I am unconsenting and I have an individual forced upon me, you typically end up going to the penitentiary. Here, we applaud it as economic development. It's not consistent. It's not good policy. I have taken the position in the past, as I know many of you have, with the overreach of the EPA, environmental regulations on your property, telling you ... the government telling you what you can and cannot do. I stood with the Alts in Hardy County, when the EPA came down on them on ... for poultry, wrote letters off. Now some of it ... some of you in here yell and cry that and say that should not ... that should not occur. But when it comes to industry, special interest, those principles go out the door. I've got letters on my desk from Chevron, oil and gas, every special interest in the world that wants this legislation. People are tired of having their rights stomped down on them,

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whether it be government, or whether it be private industry, or whether it be corporations. They're tired of it and we as a legislative body should be standing for those rights for the individual. Not just closing our eyes and say the promise of economic development, that's the cost of losing your constitutional rights. So, I'm going to close. I truly believe this is a flat-out assault on people's property rights in the State of West Virginia. There's a reason this has never been on the books before. There's a reason that they're trying to lift your property, your constitutional right to own property, to take it away from you. It's more convenient to them to force landowners to tell them how to use their property rather than negotiate with them. That's not an American principle and I hope that that doesn't become a West Virginia principle here today. Thank you, Mr. Speaker.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I'm going to rise today and speak on this bill. I've been here 12 years and I've always been a no on this one. It's a tough one because you come here and you do try to do the right thing and you try to move your state forward. However, you do look at it, at what cost.

This bill is approximately 19 pages long and in this bill, it's got nonconsenting at least 20 times in it. Like my colleague said over here from the 55<sup>th</sup>, in criminal law we call that rape. The only place in code that I could find nonconsenting is in Chapter 62 dealing with criminal procedure and you have to have a court order to do that.

We start each session here by signing forms to be educated on how not to violate other people's rights of those that do not accept unwanted advances, nonconsenting. My colleague from the 43<sup>rd</sup> made an amendment yesterday and it passed. I voted for that. And my answer to that is that amendment made a bad bill better. That doesn't mean I have to vote for the bill and I'm going to stand by my principles and vote no on this. Thank you, Mr. Speaker.

DELEGATE ROBINSON. Thank you, Mr. Pro Tempore. Yesterday I offered an amendment and the reason for that amendment, I want to go over a little bit before we get to the vote. But in the bill, we

have some requirements for what the oil and gas companies may have to do before a property owner becomes an unknown or unlocatable interest owner. Those include a reasonable review of records, a reasonable vicinity of the owner's address, a reasonable review of available internet resources. Now, in committee we asked what "reasonable" meant and it was explained as, a lot of times are in our committees by attorneys, is it's a form of art. It's something that is vague, however, it's filled by what the companies or what the person entailed does in the future. So, if an oil and gas company would in the future as a whole, as the majority, their reasonable becomes ... I typed their name and Google ... done. Reasonable, right? Check that one off and I go through these and I check off the reasonable things I have to do. Now, when that happens, let me tell you the real conclusion of what this bill is going to do. We're going to have landmen and people going to the courthouse to see who the landowner is. They're going to find 75% of that landowner and at that time they're going to pack up their bags, they're going to go back to the office and start drilling.

It's over with. The 25% will be sent to the Treasurer's office. Then the person who was left this piece of property by their great, great, great, great, great, great grandmother is going to have to come from California, go to the courthouse, figure out what was drilled, if it was taken and then they're going to have to go and find an attorney to do the title work to come back to prove that they're the landowner and then they'll go to the Treasurer's office and try to claim their money back.

So, when we get to that, let's get to the point, the real meat of this bill. The real meat of this bill is in a line that is called waste, in a section called waste and let me read that for you. "The lawful use or development of oil and natural gas and their constituents in compliance with the provisions of §37B-1-1 of this code is not the commission of waste."

Well, what's waste? So, let me read the definition of "waste" to you. Eliminated or discarded as no longer useful or required after the completion of use. Now, yesterday I was asked some questions, interstate commerce clause, other things, legal things, that I don't understand real well. Value of property is what I do for a



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living. If someone wastes my property, they are wasting the value I have in my property. So, the meat of this bill is giving immunity to someone from wasting my property. So, now we're going to give to 75% the ability to waste my property and my value in my property. I think that's wrong. I encourage people to vote against this bill.

Now you may not because you say PEIA. PEIA is in there. That's great, but you want to know why PEIA was in there? It's because if you're going to steal somebody's property rights, why not give a piece of the pie to the public employees? Thank you, Mr. Pro Tempore.

DELEGATE CANESTRARO. Thank you, Mr. Speaker, Pro Tempore. In thinking about this issue, thinking long and hard, beginning about ... looking at the history of property rights, looking at the issues of economic development, it finally dawned on me and hit me that for me this is about human decency. Now, where'd I learn about human decency? Well, I'm at an age where I learned about how to treat others, your neighbors, your friends, about human decency, I learned the ABCs and my numbers from Sesame Street and Mr. Rogers and my favorite character on Sesame Street was Ernie, of Ernie and Bert and he was often seen in the bathtub with his rubber duck. To me, if something looks like a duck, swims like a duck, quacks like a duck, it's a duck. So, you can call this bill whatever you want, cotenancy, lease integration, joint development, forced pooling.

What it really is, it's a watered down version of the bill that was defeated on this floor in 2015. Instead of pitting neighbor against neighbor like you all did that were here in '15, now you're just going to pit brother against brother, on one parcel of property. In 2015 everyone automatically had the Oil and Gas Commission to help determine what the royalty and the bonus should be. It had built-in due process rights for these people for uninterested cotenants and people that could not be found that owned the mineral rights.

In 2018, we've changed that. We've taken that away. Now, if you're an unknown interest, you only get one option. The highest royalty percentage paid to the consenting

cotenants in a weighted average with a bonus payment. You don't even get the highest bonus payment. You get an average. I see several other problems with the bill itself. First and foremost, if we're really about protecting those that are not interested in signing the lease and those that can't be found, then we would have added another Pugh clause to this bill, a horizontal Pugh clause.

Now, you may say, "What's that do?" If you own 100 acres and the company leases those acres, but they only use 10 of them, that would free the other 90 acres up to be released. No, we're not going to give that right to our property owners. Just let the company have that. Use the ... take the whole 100, even if you only use 10. Another big problem that I see with this bill is, if you receive an offer, the best offer from Company A and you don't like it, then you have 45 days to make a decision. On the 40<sup>th</sup> day if Company B sends you an offer that's a little bit better and you think, "Well, maybe I like this one. I want to have a lawyer look at it and review it." You've got five days to do that and if you don't get that done within five days, then this statute kicks in and you automatically get one of the choices that you have to elect from, from the statute. Now, I ask you, ladies and gentlemen, how's that not forcing somebody into something and just another loss for our property owners?

For those reasons, we need to reject this bill. Let's start valuing our people and stop making it quicker and easier for multimillion dollar companies to take advantage of our people in our state. It's about human decency, ladies and gentlemen. I find it funny that not once ... now some people in this body want to brag to me about how much money this will bring to my district, etc. I find it funny that not once has one person from the oil and gas industry, no energy executive has reached out to me to explain that to me. That's how much they value me and my people. They don't care about us. They'll have some shill come do it for them. They don't have the human decency to come and look me in the face and talk to me. The only people I have heard from in my district are the property and mineral owners themselves and not one of them has said that I should vote for this bill. In the jobs back home where I live, where this is actually happening, let me tell you who's got them.

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It's not West Virginians. Now, there's a small percentage that are West Virginians, but for the most part, you see the license plates: Texas, Louisiana, Oklahoma, Arkansas, Mississippi, tearing up our roads in my district and no part of the severance tax, no part of this goes to fixing my roads after they tear them up. It's not West Virginians that are doing these jobs evidenced by these plates. Now, some people say, "Well, our people can't pass drug tests. Well, I can tell you hard-working union people can and, as a prosecutor, I see these out-of-state people. They come to our magistrate courts and our circuit courts. They're charged with DUIs and drug crimes, just like our people. So, it's horse hockey to believe that our people aren't drug free and that's a reason that we've got to give these jobs to out-of-staters.

My frustration is that over and over, this body takes care of multimillion, out-of-state companies and not our own people. We find it easy to give away our people's rights. You know, I remember from Sesame Street, there was one skit about someone doing their own thing and it was okay if somebody did their own thing. But here today it's not okay if one mineral owner wants to do their own thing. We're going to take that right away from them and there's no doubt, today, based on the evidence we've heard, that the purpose of this bill, just like my friend from the 35<sup>th</sup> stated, is to give these companies a quicker, less expensive remedy to do something that they can already do through a partition suit. But, we don't even give that quicker, less expensive option to our own people.

When we deal with bills and oil and gas about transparency, we're told in committee, "No, let them go hire a lawyer and let them do it themselves," when the gas company already has the information. So, I say we reject this bill and stick with our property owners. There's no doubt today, from this bill, that this floor session was brought to you by the letters E, Q and T.

DELEGATE HANSHAW. Thank you, Mr. Speaker. Ladies and gentlemen, I, like the Gentleman from Berkeley here, I've listened to this discussion. It's a fascinating area of law to study and in our debate this morning I have focused in on some notes I made to myself and I've written down here the word "take" a couple of times because we've had

some discussion about that. And, I think it's worth noting that in order for one to take that from another, the other person has to own it and the taker has to not own it and that's a real distinction between that scenario and what we have here.

Because what we have is an unfortunate circumstance because, we have the case in which more than one individual owns it all. More than one individual has a right to all of it. Private property rights are sacrosanct in our country, have always been, should always be. But, that doesn't mean that we don't come upon sticky situations, from time to time. That requires us to resolve them and in cases where more than one party owns it all, or has a right to it all, both those parties, or all of those parties, can't always agree on the use. And that's what we have.

It's as simple as that, that's what we have. We have circumstance in our state which multiple parties have a right to it all. This bill resolves that. We've heard a lot of virtue extolled about the value of the partition suit and it's important to remember that that process remains, that process remains after this bill is adopted just as it remains today and we've heard about the mechanics of a partition. So, we've heard about how it happens in practice and that's important. We needed that education today, but we also need to know how it works at the level of the individual parties. So, for a partition suit to actually move forward, one of the cotenants must sue the others, must name the others as defendants in a lawsuit. So, what that translates into in practice is that family members have to file the lawsuit against the other family members. Family members have to name their family members as defendants in a lawsuit. Those family members will very often fail to understand why they've been named in a lawsuit and if we want to talk about things that can create division, that can challenge human decency, it's that. It's naming your family members in a lawsuit in circumstances where they may have no idea why it's coming or how we got there. We've heard some discussion today about the Supreme Court's holding in *Kelo v. New London Development Corporation* and I'm going to work from memory on that case because it's been a few years since I've read it. But, what I do remember

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was that that case, since it was decided, has been universally viewed as a terrible decision. It was and is a terrible decision. In fact, I had the occasion once to hear Justice Ginsburg who, as I recall was in the majority in that case, actually lecture and the questioner asked of her, what did she believe to be the most ... the worst case decided during her tenure on the Court and she declined to answer. She declined to answer what the worst case was but she said, "The most confusing case that I've helped decide was *Kelo v. New London Development Corporation*." It's a badly decided case, Mr. Speaker, but thankfully, it's wholly irrelevant to the discussion we're having here today. Because, Ms. Kelo, as I recall the facts of the case, owned it all. Ms. Kelo owned it all and as the owner of it all, she absolutely had the right to object to a taking of her property. She absolutely did because it was a taking of her property. There weren't 50 people who had a right to it all. There weren't 50 people who had a right to her home. She had a right to her home. That case was badly decided but it's wholly irrelevant. We also heard that there may be some fuzziness in the bill about what is and isn't reasonable. Realize that that's the legal standard for the entire field of our law that relates to torts. What does the reasonably prudent person do under the same or similar circumstances? Reasonableness is a cornerstone of our law. It has always been; it always will be.

I'm not an emotional person. Most of you that know me, know that I don't shout on the floor of this House. I won't admonish you in how you make your decision, but make it based on fact. Make it based on the law and make it based on a proper understanding of the facts before you. I'm going to vote for the bill because as a cotenant, I have a right to it all. I have a right to it all. Now, so does every other cotenant. Every other cotenant has the same right to it all that I have. That doesn't make my right subordinate to theirs. It doesn't make their right subordinate to mine. What it does make is an awkward, unfortunate circumstance that's an artifact of over 100 years of bad law in West Virginia. Let's fix it today. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV

### ORDER OF BUSINESS

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#### REMARKS

of

**HON. MIKE CAPUTO**

*February 15, 2018*

DELEGATE CAPUTO. Thank you, Mr. Speaker. I want to share something with the body that we received yester ... well, day before yesterday actually, from a constituent of Delegate Diserio's up in the Northern Panhandle. Her name is Patty Barnabei and I hope I don't embarrass Phil by doing this, but I think it's worthy that his colleagues hear this. This is from Patty:

I was eating dinner with Phil and Cindy Davis and we were talking. Food became lodged in my throat. I kept trying to cough to make it dislodge with no luck. Phil took action. He escorted me into an area separate from the ballroom and quickly did the Heimlich maneuver. It released and I was able to breathe freely again. Phil was a real blessing to help me and I wanted to share how proud I am to call him one of our Ohio Valley Delegates of West Virginia. Phil has such a kind spirit and is open to try and help with words of encouragement and action. Thank you, Phil, and may God bless with you with his words of knowledge, kindness and compassion. Well done, faithful servant.

### COM. SUB. FOR H. B. 4620

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#### REMARKS

of

**MEMBERS**

*February 16, 2018*

DELEGATE WAGNER. Thank you, Mr. Speaker. Speak to the bill, please? Sometimes in life I've found that when you're dealing with a major problem, you have to take care of what you can take care of today and this is something that we can do today. And we all realize that there's more work that needs to be done on the PEIA problem, but for today, what we can do and I certainly appreciate the Finance Chair and the Finance Committee bringing this down to us and everyone voting to suspend rules today. But for today, what we can do is press green and move that money, possibly ease

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some ... the tension of some employees, but ... of the State employees, but also realizing that we have more work to do on this. So, for today let's ... let us all vote for this. Thank you.

DELEGATE FOLK. You know, there's enough blame to go around. Yes, for two or three years, we haven't done an extreme amount in here, but we have put money in it. We have put money in it. But we have been spending, we were spending down basically after the ACA passed. The prior years before that they were actually running surpluses. Obviously they were running surpluses, that's why the reserve fund got so big. This is not a Republican problem; this is not a Democrat problem today. It's both of us. But I know at least one board member of the PEIA was on record, was on record in 2015, on the Capitol Report saying we need to get leverage from the ... with the Legislature and we have a 40% reserve, so we're going to vote to spend it down. They're only required to have a 15% reserve. They spent it down and the leadership at that time never put any money in. That's why your benefits didn't get decreased. They spent the reserves down and they didn't give you any premium increases while the private sector, I know you're not going to like it, but they had extreme increases, in their premiums, in the private sector. They give you none. Instead they spent down the reserves. So, that's their fault. Our fault is we haven't fixed ... haven't created a long-term solution. That needs to be done and whether you like it or not, the mandates and the ACA have created a healthcare cost crisis in this country and until we realize that and take a bipartisan approach and fix it and I gave you one example. I'm sorry. If you're 26 years old, you're an adult and unless you're disabled or something like that, in that case you're probably covered by something else, you should be out working and getting your own health insurance and that's just one example that that cost ... this plan, \$7 million a year, I think is what I saw on the report is. It's for ... people demagogue in here and some of it from both sides of the aisle is ridiculous. Let's put our heads together, let's find a long-term solution. Thank you, Mr. Speaker, and I support the bill.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *February 16, 2018*

DELEGATE BUTLER. Thank you, Mr. Speaker. Nearly 10 years ago I first sat in the gallery, just as our guests are today. I had casually followed politics for many years but I had decided that I needed to learn more, needed to learn how the Legislature worked. I came on an ordinary day so the gallery was nearly empty. There were no theatrics, so a pretty boring experience really. I left thinking that it all seemed like an auction. I didn't realize that members had worked through the bills before they even presented ... before the bills were even presented here in the chamber. There were no discharged motions, which are procedural motions to bypass the committees. There were no motions to table, which really just keeps issues working through the committees so that we can get them done correctly. Back then I didn't even know how the committees worked. The committee process has existed since West Virginia became a state because that is where careful deliberation takes place. This is how we come up with the best legislation reasonably possible. Then we send it to the Senate. We all know that whatever the two houses agree on has to be signed by the Governor and that is a cattle trail I don't care to go down. We all remember the cow pie, right? So, you may be sitting here thinking that nothing is being done. That is because we discuss, or you might even say, we fight over everything. We have committees with assignments to consider everything from laws governing and the funding for care for foster children, drug abuse, prevention and treatment, senior citizens in dilapidating state hospitals that we have across the State, assistance for disabled veterans, assistance for single mothers and their children and other issues literally of life and death. Then we have committees working on issues that are understandably ... that you are understandably concerned about today, like insurance, pay, seniority and education of children and young adults of West Virginia. Everyone in the Legislature is and has been working on these issues which are important to you today. Not to say that these other

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issues are not also important to you. While all of this is going on, we also have committees working on less pressing matters like hunting, fishing, banking, insurance, traffic laws and the list goes on. All of these issues ... and always have been handled simultaneously. We're working on them all at the same time and we are crunching the numbers in Finance Committee all along the way. And by the way, the utopian picture of the budget that has been portrayed for this year, well, it is a whole lot better than it has been in recent years, but there is not very much daylight between being balanced and being in a hole again. Today we put another \$29 million in the PEIA as you sat here and this is to prevent premium increases and benefit reductions. So, yes, we have heard you and you're doing your part to make sure that we do. Unless you have spoken with me at recent town hall meetings, you probably don't know that we put similar and even larger amounts into PEIA over the last several years with no fanfare, no arm twisting. We did it because it was the right thing to do. We are vigorously debating and working through plans to provide the best short- and long-term plan that we can to meet our obligations to you. We have already taken the first steps to fully fund PEIA for the coming year and a plan for a work group to come up with a long-term solution. We have passed a pay raise out of this chamber which is among the largest in recent history. That legislation is in the hands of the Senate today and something will be worked out soon, probably not today, but soon. The economic outlook for West Virginia is better than it has been in many years and as West Virginia does better, you will do much better. We may see a show on the left side of the aisle today but to work ... the work to improve the lives of West Virginians is done on both sides of the aisle. I'll repeat that. The real work is done on both sides of the aisle, but for right now the leadership is taking place on the right side and we're going to get it done. Thank you, Mr. Speaker.

DELEGATE SUMMERS. Thank you, Mr. Speaker. This morning I called my daughter, a high schoolteacher, to see if her classroom door automatically unlocks when the fire alarm is pulled, as what happened in Parkwood, Florida. Because she's told me they lock their door every day and she said, "No, Mom. No worries, we use keys. Our school is old enough. They don't unlock."

The thought of her safety scared me every day and yesterday the lady from the 50<sup>th</sup> recognized the tragedy in Parkland, Florida where students and teachers lost their lives at a high school ... at the high school due to a 19-year-old shooting them with a gun. In fact, she even suggested that gun control was a possible solution. I believe; however, it is much more than that. The mere fabric of our society is unraveling before our very eyes. Families are falling apart and God is far from many hearts. Our children need help. This teenager who killed these people needed help. Our CPS cases in West Virginia are going through the roof. We need foster care. Our kids have to be in school to get a meal. Hopelessness is the new norm. Mr. Speaker, the Delegate from the 11<sup>th</sup> and I will propose a study resolution to evaluate mental healthcare in the schools. We've got to find out what we're doing and what we can do better. Thank you.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I just want to briefly respond to the remarks from the Gentleman from the 14<sup>th</sup> and I'm in complete agreement that most of the work that is done here, we all know, is done in committee. So, I would like to invite our guests to pay even closer attention to the work that we do in committee and some of the issues that this body has prioritized to take up and put on our committee agendas and also would remind everybody to watch how we vote on these issues, issues such as seniority for our teachers, pass alternative certification for teachers, individual educational savings accounts, charter schools and paycheck protection. That's some of the things that have been prioritized this session and placed on committee agendas and I would invite all of our guests to pay close attention to how your representative votes on those issues.

DELEGATE PYLES. Thank you, Mr. Speaker. I do have some brief remarks. Today we recognized several Frasure-Singleton interns and probably there are very few members of this chamber who know the background of the internship program, though the interns themselves may have received a brochure on the subject. But, I had the honor of knowing of both of those men for whom this internship program was named. Carl M. Frasure was Dean of the College of Arts and Sciences at West Virginia University and he was a political

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scientist and a professor of mine and also a coauthor of the textbook on West Virginia history and government and if, those of you who attended West Virginia University and majored in Political Science, you know doubt used that textbook for the State and local government course and the textbook, I believe, has been republished in the year 2000 by some of the younger faculty. But, it should be required reading for all the members of this chamber. But Dr. Frasure was on my committee when I defended my master's thesis in 1972. Julius W. Singleton was a former Speaker of this House of Delegates and was a ... was the last, probably the last, Speaker of the House from Morgantown and he was Speaker of the House in 1964 when I was here as a page. So, we ... I had the honor of knowing them both and I just wanted to share some of that background with you. Thank you.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I wanted to respond to a few things as well. I've been here for a while. I've said that a few times this session and I've been on a many of roll call votes and I've been on a many of discharge motions. So, it has went on over the years at a higher level than what's going on at this point. That's my opinion. Secondly, I would echo the Gentlelady from the 49<sup>th</sup> about mental health. We've got to quit studying it, guys. We've got to do something about it. I don't care what other states have done. I know what we've got to do.

Mental health is a major issue. If you go back and look at all the school shooting that's happened over the years, every one of those people, it's mental health. It's mental health. The guy in Florida a couple of days ago put out on social media over a year ago that he was going to be a famous school shooter. It's right there in black and white, but we allowed him to buy a gun.

We've got to do more for mental health. It's not a maybe, it's not a study resolution. We've got to do it and let's try to get ahead of it. This state can lead the nation on mental health when it comes to stuff like that. We owe it to our kids. We owe it to the families. Thank you, Mr. Speaker.

DELEGATE MILEY. Thank you, Mr. Speaker. I just want to take this opportunity

to thank those public employees which include teachers, service personnel and others who made the trip down here to take the time out of your lives to make your voices heard. I also want to thank you for committing your lives to public service, whether it be in the school system or elsewhere. Because, quite frankly, without you we won't have any future for this state and I want to thank you for staying in West Virginia when it would have been very tempting at times and may still be, for you to move right across the State line and become employed.

And so, I ask all of us get up and show a round of applause for you for being here today and making your voices heard. I also want to point out a couple of things that were brought up throughout the day today. Part of the reason why the public employees have expressed their outrage, at least to me and what I've seen and observed, is because while maybe those people in the private sector do have their health insurance premiums go up, there's also usually an expected increase in wages and that's what really has frustrated the public employees. They continue to see their PEIA premiums go up, their benefits go down or some combination thereof, with no corresponding increase in wages and therein lies the difference.

So, for those of you who want to get up and talk about the private sector has ever increasing healthcare cost, too, you're right. No one disagrees, but they typically have increasing wages and so, that's what we're dealing with here.

Now, I don't know how many in here have seen, but I've put a very detailed post on social media outlining the process of how it works for the PEIA board and the funding used to provide the benefits which result then, your benefit decreases or your premium increases, if either. The way it works is this. By October 15 of every year, the Governor tells the PEIA board how much money he's giving to it to fund PEIA. It's either enough to fully fund it, or it's not and when it's not, the board is left with the obligation to make sure it can provide services to you based upon the money it's been provided. And it has public hearings and if they're not provided enough money, they can't provide ... they can't keep the benefits the same and they

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can't keep the premiums the same. They have to make adjustments.

If you don't have enough money, you've got to get the money from somewhere to pay for the services or limit the services or raise the money. They have public hearings, the board makes a decision which they did in December of '17, and by January 1 of every year, they present their proposal to the Governor and legislative leadership. So, on October 15<sup>th</sup>, the Governor knew how much money he was or wasn't providing the public employees. By January 1, the Governor and legislative leadership knew what the plan was. Crickets, until you all made your voices heard. Keep it up. Because nothing will change until you all demand it and so I'm glad we took the effort and I thank you, Mr. Speaker, for funding this shortfall this year in PEIA.

Now, earlier during this session, some people got on the floor and said we can't put more money in PEIA because it would cause a ... the 20% proportion of the employees' part to go up. We now know that's not the case. We told you that wasn't the case, but we've ... we have a freeze but we haven't made the fix. Now I take the Speaker's word that we are going to have a fix, I hope, or certainly work on one. But it's not an 18-month reprieve like you've heard. You'll know by October 15<sup>th</sup> of this year, this fall ... what's that, eight months? ... what the Governor plans as far as how well he's going to fund PEIA and shortly thereafter you'll see the board meetings and you'll know. You'll know.

I hope we have it fixed before then, Mr. Speaker, and to the Finance Chairman, I don't have any reason to doubt the people in here are committed finally to that long term fix, and it has been a problem brewing for a number of years, but I know we did on two years ago talk about the severity of it. We did spend down the reserves that we had built up because we had other financial concerns for the State to meet. But we chose to spend down the reserves instead of making your premiums go up. I make no apologies for that. That's what a savings account is for. In tough times, you tap into it so that your premiums don't go up. But, we did give you a raise in 2014 and we haven't given you anything in the last four years and so, thank you for standing up for your rights. Thank

you for standing up and fighting for not just yourselves, but those colleagues with whom you work and all public employees in this state. Because all public employees are woefully underpaid. We all wish we could do more for you and we're going to keep trying until we make you satisfied. Thank you very much, Mr. Speaker.

DELEGATE LOVE. Thank you, Mr. Speaker. You know when a neighbor bakes a couple of pies, fresh pies and one of them is your favorite and they bring them over to your house? You say thank you. Or if another neighbor has picked a big gallon of blackberries and he has some left over, enough for you to make a big cobbler. You say thank you. Well, yesterday we had a ... quite a long session and the cafeteria closed and I probably can speak collectively for everyone in here. There was Chick-fil-a boxes everywhere and I got one of them and I was hungry and I just like to ... a matter of record, to thank Chick-fil-a for the boxes that were here yesterday and I think all you guys would pretty well agree with me. That's all I've got to say about that.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I just wanted to expand on some of the sentiments that have been commented on in this body today. I absolutely agree with the Gentleman from the 22<sup>nd</sup> and the Gentlelady from the 49<sup>th</sup> and some of the others talking about mental health issues that we do suffer from in our great country. But I will also tell you that it's not always just mental issues and sometimes we give certain folks a pass and we don't like to talk about things because they are uncomfortable. One of the biggest things that we can do as people, as brothers and sisters, is have conversations with people. Some of us talk about this, talk about this a lot, but it's about getting to know one another.

Now, obviously the young man had some mental issues yesterday, but obviously it was well noted that he was a white supremacist. It's not just mental health. It's a lack of parenting and probably a need to find Jesus. Now, my granddaddy, a former coal miner and a preacher, taught to believe that everybody's built in the image of Christ. I know some people in here might be atheist or maybe practice another religion, but those are the conversations that we're not having.

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Certain folks do things that we always want to say it's mental health. Look at the facts. Start having conversations, because somewhere along his life, something happened. I don't know what happened, but he was hurt. Maybe it was his parents' fault, but something happened. Because, again he was a white supremacist. I can't say that loud enough. That's not acceptable and again, some of you all might not be Christians in this body, but if you are, you probably do believe that everybody is built in the image. That means everybody is the same if you didn't know that. So, we need to be talking about those issues in addition to mental health. Thank you, Mr. Speaker.

DELEGATE BATES. Thank you, Mr. Speaker. Just ... I appreciate the Gentledady taking the lead on looking at this issue with her study over the summer with regard to mental health and I just would like to point out to the body that a wide range of mental health services are covered under Medicaid and subject to a three-to-one match. Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. Another week in the books and no fix for any of you after another week. I think you're probably tired of watching your legislators stand and clap. If we're truly going to stand for you, we'd pass some legislation that would have a long-term fix.

We heard a lot of words today, things like "task force," "work group" and "soon." I'm tired of it. You know what that really means? Nothing. It means we will continue to do nothing. We'll patch it up, patch it up just in time for election season to come and go. That's what we'll patch it up for. Now, I was trying to pay attention to legislation that was passing this week that really would give you a long-term fix. So, I wrote it down on this piece of paper. As you can see the paper is blank because we continue to do nothing.

Now you traveled long distances, you gave up ... you've given up a lot of your time. It's going away from what you really care about. You don't want to be here. You shouldn't have to be here. It pains me that year after year we have the same fight and finally it's reaching a boiling point. We get a freeze. It's been freezing for a long time, Mr. Speaker. We've been building a glacier. The

Titanic's about to hit it and it's going to sink. So, you have to keep coming here. You have to keep fighting. It's stacked against you, but we can get it done if you keep it up. Thank you, Mr. Speaker.

DELEGATE CAPUTO. Thank you, Mr. Speaker. Some things really bothered me today. I don't know whether to laugh or cry about some of them, to be quite honest with you. I'm very upset that our friends that traveled all across the State of West Virginia to come here and watch their Legislature in action had to wait three hours in the rain to get into their building. Mr. Speaker, that's wrong. That is wrong.

Now, do I believe there should be security in this building for the staff? Yes, absolutely I do. We're elected. We asked for this job, but we should protect our staff. But during the legislative session when the public pours into this building, there should be more than two entrances for them to come through. And, Mr. Speaker, I call upon you and your leadership team to look at that. I think it's something that needs done badly in the State of West Virginia.

I looked at those lines going clear around the corner. It sickened me, sickened me that our citizens had to stand in the rain to get into their own house. This is your house. It's not our house, it's your house and I heard all the lovey dovey introductions today about how we love you all. How wonderful you are. We had a vote to give you a 9% pay raise over three years. We had 42 people in this chamber support that motion by the Minority Leader. So, words are cheap. Words are cheap.

I don't know where you all are from, but look and see how your Delegate voted on that pay raise. Don't go for the lovey dovey introductions of how wonderful you are. Tell them you want some action. That's what you're here for. I've seen more police presence in this Capitol today than I've seen in a long time. You all don't look like a threat to me. You look like my friends and you look like my neighbors and I'm happy you're here.

And I don't know what the heck happened over in the Senate. I mean, what a circus! You all show up to see what's going on. What do they do? They quit working. They go hide



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from you. They adjourned until 6:00. You know why? Because they know your buses were leaving. They don't want to listen to the people that sent them down here and that's wrong. That's wrong! Wait them out!

What did we do today? My colleague gets questioned about his attire. That's absurd. It's absurd. We had an opportunity to give the State Police a 9% pay raise over three years. What did we do today? We said, "Get a second job." Get a second job, are you freaking kidding me! It's insane what's going on under this dome and to blame the Affordable Care Act on the demise of PELA is demagoguery at its finest, my friend.

Twenty-six-year-olds maybe should be working? Well, maybe a lot of them are in college, because everyone says education is the centerpiece for West Virginia. So, maybe they were in college trying to make a better life for themselves when the Affordable Care Act was covering them. I've got family that worked every day up to age 26, but guess what: Their employer didn't provide healthcare. Heck, we can't even get them to provide a living wage for these kids in West Virginia.

They should be working? They are working! They are working and they deserve the basic right to healthcare in the United States of America and for anybody to suggest otherwise is wrong. I'm going to be here with you tomorrow. A lot of my friends are going to be with you tomorrow, but you've got to keep the pressure on. I've been here a long time. The pot is boiling. Don't let them run from you. Don't let them hide from you. Don't let them convince you to vote for them with slick ads telling you how wonderful they are and how you need them down here.

You need to pay attention. So I want you to know you have friends here and we're going to stand with you here. We're going to stand with you here and if need be, we're going to stand with you on the picket line until you get what you deserve. God bless you guys.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. I'm going to echo the sentiment from my good friend from Marion County. The State of West Virginia, right now, is in a crisis mode. This body has failed to act on

any type of meaningful pay raises. The Minority party offered a three, three, three pay raise. The Senate sent over here a one, one, one. The House has front-loaded it and sent back another five and it's my understanding, at least the rumors that I hear, the Senate wanted to poke you all in the eye and cut 1% off because you got uppity.

They run legislation to attack your teacher union leaders. They want to defund your unions by running paycheck protection. Why? Because you got uppity. You voted to take statewide action. So, what are we doing here today? Nothing. Yesterday we adjourned here at 2:45. We thought we might get some movement on a pay raise. We sat around until at least seven, seven-thirty last night. Nothing. Today, we thought we might get some action on a pay raise bill. Nothing.

So, what I'm afraid of is coming this Monday, or this Tuesday. Our schools are going to be shut down across the State. Because we dillydallying here and do nothing. We know this crisis is coming, the storm is out there. You people are down here today; there's going to be literally thousands here tomorrow while we run away and that's unacceptable. We should be working through the weekend to have an opportunity to stop the crisis that's coming early next week. So, Mr. Speaker, I move that we adjourn until tomorrow, Saturday, at noon and I call for the yeas and the nays.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS

*February 19, 2018*

DELEGATE PYLES. Thank you, Mr. Speaker. About 40 years ago, when I was serving as Director of Archives and History, I took a notion to audition for the Charleston Symphony. It never happened, but at the time I discovered that my bow needed restrung and I talked to Bobby Taylor, who was an employee of mine and had been the State fiddle champ and asked him if he knew anyone who could restrung a bow. And he referred me to Harold Hayslett, who lived in South Charleston and gave me instructions for finding his house.

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And so, I went to the Montrose Drive exit and just ... up the hill, third or fourth house, located the Gentleman and he restrung my bow for me. I don't recall what he charged, probably more than 20 and a little less than 50 and I had my bow back in perfect condition. And, I did not know at the time, that he's such a well-known violin maker. I discovered since then that he had made, during his lifetime, made 86 violins, 14 violas, 65 cellos, one bass viol and six bows, some of which are played by ... played in symphonies worldwide and that the Violin Society of America international competition, in an exhibition in 1980, Harold was awarded the gold medal for cello tone.

He's included in the Governor's Arts and Letters series in 1991. In 1996, a video, "Building a Cello with Harold", was released. In 2016, he was presented with the Governor's Arts Award. He's included in the *West Virginia Encyclopedia*, has a permanent exhibit at the West Virginia Cultural Center and is listed in *Violin Makers of the United States* and I'm sorry to report that last week Harold Hayslett passed away at the ripe old age of 100 and I ask for a moment of silence in remembrance of this distinguished West Virginian. Thank you.

DELEGATE THOMPSON. Thank you, Mr. Speaker. For the last week, I've been trying to come up with some words to show my gratitude to my fellow school and public employees. I've written and rewritten my thoughts but never seemed to grab on to something adequate. Then yesterday I received a letter from a high school student at Tolsia High School in Wayne County that summed it all up in dramatic and appropriate fashion. Her name is Haylee Porter and she has been a page for us here in the House of Delegates in the past and I want to take this time to just ... to read her words.

"Dear Governor Justice and West Virginia Legislators,

I want to take this time to thank all of the teachers, service personnel and all other West Virginia state employees. School employees go above and beyond every day for their students. They spend more time with us than they do their own families. I've witnessed numerous occasions where teachers gave their last dollar to a student to get into a

sporting event or to buy them a bottle of water."

I have seen teachers give students their coat off their backs in the pouring rain. Secretaries take time out of their day to put a bandage on a scratch or calling home when someone's not feeling their best. Bus drivers patiently waiting on a student's parent to put them on the bus so they can go to work. Custodians cleaning up after every student with a smile and a kind word. Cooks arriving two hours before the students to make sure that they have a hot meal to eat for breakfast and lunch. They motivate us to act better and bring positivity everywhere we go. That influence that my teachers gave me will never be erased. Their dedication, patience and determination has allowed me to pursue my ambitions in life. If I could hope for nothing else ... if I could hope for nothing else in this life, I'd hope to grow up to be exactly like my teachers. I feel nothing but respect for them as their student and a person. Almost any time of the morning, afternoon, evening or night, when you go by a school parking lot, there are teachers there. They spend countless hours of their free time investing in children's futures. Thank you for all you do in your classroom on a daily basis, for making a million little split second decisions for the benefit of your students, for putting your own needs on hold and keeping us the focus of your day, for planning for us long before the school day begins, for changing those plans because they didn't fit someone who needed a little extra help, for smiling and laughing with us, for acknowledging our efforts, trials and mistakes, for placing your hand on a shoulder that was exactly what someone needed, for getting down on the physical level of your students because it matters, for thinking of a new way to reach someone that wasn't getting it. Teachers matter. When God created teachers, he gave us special guides to show us ways in which to grow so we can all decide how to live and how to do what's right instead of wrong. Teaching is not just an eight-hour job, it's a lifetime. Because of them, students will be loved and will believe they can reach the stars. Through my teachers' encouragement and guidance, I feel I am ready for tomorrow's challenges.

A teacher should hold a special place in every child's heart because in the game of life they help us get our start. Some may argue

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the point that if teachers cared, they would be teaching instead of walking out. But they are teaching. They are teaching us to stand up for what we believe in, to take pride in our work, to be confident in our self, to unite and make a change. So, in closing I would like to thank the West Virginia school employees for teaching us to unite and be strong. My parents have always told me if you are not part of the solution, you are part of the problem. Now, let me ask you legislators and Mr. Governor, what are you teaching us?

“Sincerely,

Haylee Porter, former student of Dunlow Elementary, Crum Middle School and current freshman at Tolsia High School in Wayne County, West Virginia, a daughter of a teacher’s assistant and a West Virginia DOH worker.”

Thank you.

DELEGATE COWLES. Thank you very much, Mr. Speaker. First, I’d like to say I certainly agree with Delegate Thompson’s constituent, Haylee. But I have a little different take. I’m a little bit frustrated and would like to share with you that, sadly, I think a lot of the information, some good news is not getting filtered from the union bosses in Charleston, down to the rank-and-file members, our good teachers and state workers across the State and so I’d like to share with you a timely outline of information. I call it the “But wait, there’s more.”

Here in the House we doubled the Senate proposal from 2% ... or from 1% to 2% for year number one. Doubled the pay raise that the Senate sent over. It’s the largest pay raise in a decade, maybe longer. We turned it into the two, one, one, one plan. That’s 5% in four years. But that 5% is in addition to the 5% plus that is in the step pay raise already in code, for a total of a 10% to 12% pay raise in four or five years. But wait, friends, there’s more. That’s base building, compounding two, one, one, one in a multiyear pay raise. That’s a multiyear commitment in-state code. But we tripled the trooper pay raise from one to a two, one raise. We tripled the service personnel pay raise from a 1% to a two, one multiyear pay raise. But wait, there’s more. The 2% state worker pay raise is to be put in

the budget. A \$6,000 pay raise; two, two, two pay raise for correction workers has already passed through the House. But wait, there is more yet. PEIA, \$29 million from the taxpayers’ Rainy Day Fund to go and stop the premiums and increases plan in this year’s finance board plan, which will allow us zero increase in PEIA for teachers and state workers. PEIA total family income stopped. PEIA, no increase in out-of-pockets, no change to your plan. GO365 stopped. It’s now an optional, no-penalty plan. Those are great accomplishments of folks working hard and listening to the teachers and state workers back home. I’m not sure that’s getting filtered down to your counties, to your people back home.

Despite all of this, I have concerns and I’m worried. It appears from the news that teachers will walk out on the kids on Thursday and Friday. I support our teachers but they’re walking out on my children and my family. I have students in the public school system. Why would they do that? PEIA is zero, no change, no increase, no planned changes. The pay raise is 10 to 12% in five years, the largest in decades. Maybe the information is not getting through and down to them. Why would they walk away from the students? The students haven’t done anything wrong. We’re making progress. Why walk out in the middle of a contract? Why walk out when we’re making this good progress and my bigger question, perhaps, is what happens after Thursday or Friday? What happens then? I pray cooler heads prevail. Sadly, it seems to me the union bosses are not giving good counsel to their members back home. We have made progress. We have done some good things. I’m not sure we can get all that across the finish line. I would need the support of teachers and state workers. But wait, there’s more. I hope it doesn’t become “But wait there’s less.” Cooler heads, that’s what I’m looking for and I hope the information gets out to the counties, to the members, good teachers and state workers across the State. Thank you, Mr. Speaker.

DELEGATE MARCUM. Thank you, Mr. Speaker and ladies and gentlemen, there is more. There’s a whole lot more that’s not been said. A lot of things that have been spoken in this chamber are disingenuous. I don’t want to say they’re false, but they are awful misleading. With all due respect, Mr.

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Majority Leader, there is more. There's a lot more this body can do. There's a lot more this body can do to help our teachers. There's a lot more we can do to help our school service personnel. There's a lot more we can do to help our state troopers and our state employees.

You know, we sit here and we pat ourselves on the back. Oh, we doubled what the Senate did. It's still not enough. It's a joke. Seventeen dollars a payday, that is a mere joke and you know, it's sad to see that we're sitting here as a body praising ourselves for giving our teachers a \$17 a week ... or a \$17 each payday raise. That's a joke. So, you know there is more. How about a five, five, five plan? Let's make our teachers competitive. Let's put the money that we gave big business to the inventory tax and put that where it should go, where the teachers are, to our teachers. You know, let's learn from North Carolina. North Carolina was struggling. Their economy was falling apart and North Carolina doubled down on their teachers, on their education system and look at the economy of North Carolina and now.

So, there is more, Mr. Majority Leader. There's a whole lot more and that means getting our priorities straight, focusing on the future, doing what's right and learning from others such as North Carolina. When their economy was about to tank, they doubled ... truthfully, they tripled down on the money they put in the education system and now North Carolina is thriving.

You know, we brag about taking \$29 million from the Rainy Day Fund that this party saved. Let's don't forget who made the Rainy Day Fund. It was when this side of the aisle was in charge. We were smart enough to put money up and get ... and have it there. So, remember, ladies and gentlemen, it's disingenuous to say that we've done this, we've done that. It's not true. It's disingenuous. A freeze is not a fix. A freeze is not a fix.

So, if you want to go home and you want to tell your teachers, you want to send your press releases out, that there is ... that we've really made progress, well that's not true. It's simply untrue. We've done nothing, nothing at all to help our teachers. Maybe buy a bag

of dog food for their pet, buy a ham that Delegate Sponaugle has, but that's about it and you know I'm not running again and this is one reason why. This is one reason why right here. This body, in eight years, since I've been here, has really took three ... for every step forward, we take three steps backwards and you know, our teachers deserve better. The parents, the students, they all support our teachers walking out because they deserve better. They deserve so much more. Do we want to remain 48<sup>th</sup> forever? It's pitiful. So, you know when they walk out, I'm walking with them. Thank you, Mr. Speaker.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I appreciate the remarks from the Gentleman from the 58<sup>th</sup>, from the Majority Leader and the refrain of "But wait, there's more" because I remember where that came from. It came from those old Ronco ads. Ronco was this company that made really cheap stuff and they would charge you more than what it was worth and they'd advertise on tv when I was watching cartoons as a kid and they'd always say, "But wait, there's more," but the fact of the matter was there was no more. It was just a cheap gimmick to get you to buy something that wasn't really worth what they were charging for it.

So, that was a great refrain, Mr. Majority Leader. "But wait, there's more" reminds me exactly of where it came from, a Ronco ad. A Ronco ad, a cheap gimmick, kind of like freezing PEIA instead of actually dealing with the problem, freezing it just long enough to get through the next election. That's a cheap gimmick and it's an insult to the intelligence of the teachers of this state. That's just saying something like, they're not able to get information themselves. They're not able to make judgments themselves. That they have to get information handed down to them from union bosses in Charleston. You know what? Teachers in our state are well educated. They've gone to school longer than a lot of us in here have and they can make those decisions for themselves. They can see what's going on here for themselves and see that what's been riding so far is nothing more than a cheap gimmick, especially when on days that they're down here, we decide ... the Senate decides to run a bill, paycheck protection, telling them that they can make decisions with where they make contributions from, or they run bills that take

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away their seniority, or we run bills for ... that would take money from public schools with these educational savings accounts, or we would run bills to take away money from public schools, again for charter schools. When we pass the bill while they're down here on the same day we're talking about that two, one, one, one teacher raise, we passed the bill that cheapened their profession by making it so anybody could do it. We passed alternate certification on the same day we passed that pay raise. So, they can see through that. They can see through the cheap gimmicks. They don't need union bosses to tell them what they're for and what they're against. They know when they're ... how they're being treated down here.

So, I'm sorry, but they're not walking out on the students. If we don't take care of this and provide a meaningful solution, actually address their insurance problem ... that's the main thing, is PEIA. The raise isn't enough to cover their premium hikes and if we're just going to patch it up in a cheap gimmick to get through the next election, they can see through that.

Until we provide a real funding stream for it and fix the problem ... you know what? They're not walking out on the students, we are walking out on the students. We're walking out on them and we're the ones walking out on the students. So, let's pull all these bills that are just a slap in the face to the teachers and other working people in this state. Let's pull those bills and actually work together on real solutions.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. Well, we're coming down to the time to choose and I think it's ... these remarks were pretty much all good. But there are a couple of things that we have to look at and you know, I've heard the statistic that we're 49<sup>th</sup> in teacher salaries. That may be. We're also in the top 15 in cost per student in this country. I submit to all my colleagues in this chamber that there's something wrong here. How can we do this?

Maybe we're going to start to see the glimmer of the solution in the new ... in the new thinking about how you do education in the U. S. and a couple of months ago we had a seminar here in Charleston where some experts came from out of town, three of the

very smartest ladies that I've heard in a long time and they countered flexibility, we have to have flexibility and we have to push the flexibility down to the local level and I said ... one of them said, "Well, there's only one problem with pushing flexibility down to the local level. Anybody that's been trained after No Child Left Behind really doesn't know how to do that," to which I raised my hand and said, "What have we been doing for the last 20 years?"

Well, let's think about this, some food for thought here today. I don't like the fact that we're 49<sup>th</sup> in salaries. I think that's wrong. I don't like the fact that because we're 49<sup>th</sup> in salaries, we're still in the top 15 in cost per student. That's wrong. The ladies that came ... one of the ladies, after I raised my hand, one of the ladies came and sat at the table with me for lunch and she said, "You have to understand. We went over to Finland, where we laid out what we've been doing for the last 20 years here and the Fins told us, 'We tried that 30 years ago and it didn't work. You need to have flexibility and you need to push it down to the local level!'"

Well, look at it this way, we've tried to get rid of some of the bureaucracy around here. We've been charged with politicizing the whole thing, which was a ... how can our state have two departments of education? It doesn't make any sense. You know, those types of things come to me very quickly and those are low hanging fruit. But I think, I submit to you, why don't we think about this and we'll be glad to work on this. If it is true that you push it down to the local level, my proposal is, let's start immediately, working on looking at the budget, pushing it down to the local level, which should raise salaries at the local level, probably where it belongs and possibly we will get a better education that comes out of it. But until we start looking at the bureaucracy, we're never going to be able to do that, because all that will happen is the cost per student will rise. Can we really afford the 15<sup>th</sup> highest cost per student?

So, let's take a look at this. I think there are some solutions here and one last thing, to the people that put out that we're trying to kill everybody in the State and we're trying to just go with big business, this state needs business. There is no way around it. We have the opportunity with ... here, to do some good in getting the economy rolling. Try not

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to demagogue the issue. We're going to work with big business, sure. We've been chasing them out. National Steel was one of the biggest, five largest steel mills. It's no longer even in existence. We booted that right out of Weirton and went from 14,000 workers to 1,000.

You're going to have to work with big business. They're fine. They're okay. The Gentleman from the 2<sup>nd</sup> knows that Wheeling- Nisshin is in there. They work with them all the time. They're good people and they provide a lot of jobs in the Follansbee area. Times are changing. Big business is not the enemy of West Virginia. As a matter of fact, using our resources is going to require these people to be here. So, if it ... that's it. I just wanted to put some food for thought out there because we have some issues. This cost per student has to go down or be pushed down to where it belongs. Think about it. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I can't sit idly by and let the Majority Leader throw out derogatory terms such as union bosses. I mean, that may be a tactic to create divide from the membership and the leadership. I guess I'm a union boss. I'll tell you a little bit about myself, I spent 21 years in a coal mine. I was elected by my peers to represent them at a local level. Then I was elected by my peers ... elected, Mr. Majority Leader, by my peers, to represent them at an international level and I was trying to put this into perspective because you're talking about education and the leadership, the union bosses as the Majority Leader wants to refer to them, not passing information down to the membership.

Mr. Majority Leader, I don't know if you've noticed, but this is percolating from the bottom up, not from the top down. The membership is who is speaking. The membership is who is not happy with the actions that are happening here in Charleston. But let's just talk about those union bosses that you so refer to. The leader of the American Federation of Teachers, Ms. Campbell, had 18 years in the classroom. She didn't just fall out of the sky and be anointed someone to lead over these folks. Eighteen years she taught our children and she was elected by her peers to lead that organization.

Mr. Lee, with the WVEA, had 22 years in the classroom, taking care of our children and Mr. White, the leader of the School Service personnel, has 20 some years. I think it's 27. I don't want to mislead anybody, but it's well over 20 years, taking care of our schools and doing the day- to-day work at our schools and he was elected by his peers to become the leader of that organization. So, I guess you can toss around derogatory terms such as union bosses. Some like to say union thugs. That's me, I guess, if that's what you want to look at me like. But you know, I listened to my membership. If I didn't listen to my membership I wouldn't get reelected. If you didn't listen to your constituents, you wouldn't get reelected. I try to serve my membership, just as the leaders of the AFT and the WVEA and the School Service personnel do. So, make no mistake about it, the word is getting down to the members from the leadership of those unions and I think they're all very fine individuals and I think they've been working really hard under this dome, trying to negotiate a deal. But there's no deal on the table that is acceptable to the members that they represent.

This movement isn't from the top down, Mr. Majority Leader. It's not from the top down, ladies and gentlemen. This movement is from the bottom up. This is a grassroots movement. They're unhappy and their leaders are listening to them and they're trying to lead them through this struggle. They're trying to keep them unified and disciplined and that's what leaders do. You see, to be a leader, you can't be a coward and you can't be a liar. You have to be honest with people and you have to be able to lead them to the hardest of struggles and that's what I believe those leaders are doing today.

So, Mr. Majority Leader, I'm sorry. Union bosses is derogatory. Mr. Majority Leader, it's offensive and, Mr. Majority Leader, it's very divisive and I think that's the intent of it and I think it's wrong. I think it's wrong for you to use that term. Thank you, Mr. Speaker.

DELEGATE ROWE. Thank you, Mr. Speaker. I feel compelled to comment on the Majority Leader's talk. I really ... in talking with school service personnel, teachers, public employees, it's pretty clear that the reason folks aren't happy is, first of all, they understand that the amount of money we're talking is nothing, that the fix of PEIA by

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taking one-time money out of Rainy Day Fund and moving it in so that they don't have to pay increases during this election year doesn't mean that they're not going to be hit with even higher increases next year. Which is what's going to be required according to the PEIA folks if we don't come up with extra funding.

Now, one of the public employees spoke on Saturday and talked about what the pay increase meant to her and her family. The \$220 a year being offered to public employees and public school service personnel comes out to \$18 a month. And you say, "Well wait, wait, wait! We ... there's more! We doubled what the Senate said. The Senate wanted to give them \$18 a month. We did it for \$36 a month," and the problem is that she also revealed that her PEIA had gone up \$79 a month and so even with the improved pay increase that has been proposed in this body ... I don't know that ... it's hard for me to subtract, but 36 dollars from 70-some dollars doesn't do you a whole lot of good and what people are saying very clearly is that they want a dedicated revenue stream to cover these pay increases and future pay increases that are going to be necessary to bring these employees; teachers, public employees and school service personnel and others who work for us, to bring them up to a competitive wage and we can't cut that competitive wage year after year with increases in PEIA.

What people are saying very clearly is that they want a dedicated revenue stream to cover the future. Now, I'll just point out that when we give a tax deduction ... I'm sorry, when we remove a tax, it's forever. We take care of it, not this year, but we take care of that tax next year and the year after and the year after and it goes on in perpetuity. That's what a tax cut does for businesses. Teachers, public service employees and public employees are just saying, "Do the same for us. Give us something that covers us this year, sure! Next year, sure! Then next year and the year after that," where you've got a dedicated revenue stream that will cover these.

Now, there's an easy solution, a very easy solution to help the core problem that we're facing on PEIA. Two years ago ... I want to say it was two years, maybe three years ago, we gave the natural gas industry a tax

elimination. It was \$62 million dollars a year that the natural gas companies were paying on production and what that production was is not the current tax, which is a gross receipts tax, I believe, a percentage that goes up and down when the price of energy goes up and down. It was a production tax based on the amount of natural gas that belongs to West Virginia and is brought up out of the ground and sent out-of-state a lot cheaper than it should be sent out-of-state. Now, it's an easy production tax. Sixty-two million would solve the PEIA problem. We have been told by PEIA that they need about \$55 million; \$50 million this year, \$55 million next year and it's going to continue to increase. Why? Because PEIA is a \$1 billion cost. Healthcare has just gone out of the roof for all of us. It's \$1 billion and when it goes up 5 or 6%, you're talking \$50 million ... \$60 million a year in increases. So, how are we going to handle that? What employees are saying is, "Look, if you're taking care of a business on a multiyear plan by cutting a tax, why don't you do the same thing for us? Why don't you dedicate a revenue source to take care of the PEIA increases?" And in all fairness, if this was a transaction, you know, the natural gas industry is now getting ... if the bill that passed last week goes through, they're going to be able to force people into more production. We see pipelines being planned all over the State. As that increases, are we going to let our natural resource go out of state for free?

You know, ladies and gentlemen, the ... what's being requested is very reasonable. The employees are saying, "Do for us what you've done for business. Don't look at it just this year, but take us through the future and for crying out loud, make us competitive for our salaries." The difference in salaries between West Virginia and Virginia, West Virginia and Maryland, West Virginia and Pennsylvania and go on around, is a shame. It's shameful what we're paying professional employees and what the solution is, is we'll give you a little money. Ten years ago, or whatever it was, we gave them a little money. What they want is a dedicated revenue stream.

Now, I know folks are going to grab their chest if I say tax, but it's available to us and it's very easily done. A production tax on natural gas with its growth over the future. We've been told about how important the

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future of natural gas is and how beneficial it's going to be and how much production we're going to have. Well, let's put a tax on it that covers our teachers, our school service personnel and our public employees. We can dedicate it to PEIA if it's not to absolute tax increases, but as that production tax produces more and more gas, it'll produce more and more income and we'll have that dedicated stream that we need. There are other possibilities that the House has available to it. You know, an increase in the tobacco tax of 35 cents, that was something we worked on a couple of years ago. That would bring in about \$50 million. That certainly would go a long way to taking care of PEIA and that's what they want. They don't want one-time Rainy day money to cover the PEIA problem. Because next year ... we're giving them a break this year, they'll just get even higher increases and \$70 a month is a lot of money for people to pay who are making these low salaries. Again, the ... \$18 is what we're offering people that make \$220. At 1% we double that, it goes to \$36 a month and the increases on PEIA are going up by \$70 a month. That's why it's a bottom-up problem. That's why people are energized and angry at what we've done and they say it's a priority problem. "You're giving business a tax break and it goes from now on and they can plan on it. You won't do that for us. We have to come and beg for what one Delegate has called Christmas hams." Well, I think that whenever you look at the money and the math, it's pretty obvious that we're not offering very much at all to these folks who take care of us, who help us when we have heart attacks and who come to our aid and who take care of our children and do all the services that the government provides.

So, I think that I would say that, Mr. Speaker, that what's incumbent upon us is to step back, take a deep breath, look at our priorities and discover that what people are saying loud and clear out of this building is that some sort of dedicated revenue stream is going to be necessary to take care of, not just this year's problem, but our continuing problem of being uncompetitive in the wages that we pay. Thank you, Mr. Speaker.

DELEGATE MOYE. Thank you, Mr. Speaker. I just want to make a brief comment. If you don't mind, an observation. I've had jobs before and I always got a paycheck from my boss. Isn't that the way it usually works;

you get a paycheck from your boss? I don't know who these big union bosses are that are being referred to, but it appears to me that if it is in reference to Dale Lee and Christine and Joe White, that the exact opposite is true. I think they're getting paid, they're not paying anyone. They're the employees. Thank you.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I would briefly like to respond to the remarks by the Gentleman from Weirton because I was at the same forum that he attended about ideas on education and one of the things I recall from that very interesting forum was ... that involved exploration of what's going on in Finland and what's going on in Pittsburgh and WVU experts were there. One of the things they said from the stage is that to have education reform they would not recommend punishing unions or ... they would recommend involving people, the teachers' organizations, in any type of reform and I think if anybody has studied education reform they would ... and Finland is at the top. They are one of the most unionized countries in the world. They have very broad union membership and lastly, I think I agree with the Gentleman that we need to think through how we're going to lower our cost of education.

But one of the big things is that we're in the top five when it comes to transportation and that's because we were last in on the consolidation bandwagon and we shut down a lot of our community schools and now we have to transport kids by buses over very, very long distances and it's very expensive. So it's not just like we're going to snap our fingers and lower the cost of education without thinking about that piece. Thank you, Mr. Speaker.

DELEGATE FOLK. Thank you, Mr. Speaker. I haven't been home in over a week now. I did a little research, attended the rally on Saturday and everybody's talking about the symptom. Some are talking about a solution. Some people are saying this is bottoms-up, but I had my wife send these ... a questionnaire from the ... because I had heard Tom Roten on the radio last week interviewing a candidate for the Senate. Don't believe it's bottoms-up. All you've got to do is look at the questionnaire from one of the biggest representatives of the teachers.



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The first question is; how do you fix PEIA? And your options are: Increase the tobacco tax; increase the telecommunications tax on cell phones and land lines; restructure the alcohol barrel tax, which is a tax increase; revisit the food tax, which is the most regressive tax there is; increase severance taxes on natural gas, which by the way, that's the biggest thing probably everyone's heard here. Just raise the severance tax.

Well, I suggest to anybody out there listening that you should look at the tax in Pennsylvania. It's zero. You should look at tax in Ohio, it's around 1%. They do it to modify the way they do their tax, but it's a significant less than the 5% in West Virginia. Revisit the business franchise or corporate net income tax, vote for a tax on out-of-state digital goods and of course, then the making the 80/20 change is the other one.

And the next thing is for salaries, same list of taxes. I'd suggest to you that PEIA, the degradation in benefits, the increases in premiums are the symptom. The cause of that is healthcare cost. I suggested the last ... one of the last times I spoke on the floor, that it was in large part due to the Affordable Care Act. But make no mistake about it, this body, past Legislatures ... I know at least one bill while I was here, have caused insurance ... healthcare costs to go up.

In 1974, Congress in their infinite wisdom, passed a concept called certificate of need. CON is the acronym and in that bill they required basically for the States to get funding for healthcare, that they had to pass certificate of need laws, which basically limited competition because you had to go to some government healthcare czar, healthcare authority, whatever you want to call it and get permission to open a hospital or variety of other healthcare providers. But, incredibly in Congress, U. S. Congress, in 1987, realized the failings of their ways for once. They repealed it, but it's because, in general, some of the things that it said it would do, which is decrease healthcare cost, increase availability of healthcare in rural areas, had just the opposite effect.

There's a study from George Mason. I could go into great detail, but I don't want to be here for a half an hour or an hour speaking to you about it. Since that time, since 1987

when Congress said we're not going to tie your funding to the certificate of need program, state after state have slowly either eliminated their certificate of need or reduced the broad services that were covered under certificate of need. Fifteen states currently have reduced ... have completely eliminated their certificate of need. West Virginia is not one of those.

You want a long-term solution to reduce healthcare costs? The best way to do that is allow competition. We haven't done it. Now I'll just give you two examples, our state versus Oklahoma. Oklahoma has a certificate of need but it's very, very, limited and I believe it just has to do with nursing homes. Ours is very broad. The list is one of the longest that I've seen in any of the States. If you want to reduce healthcare costs, you have to have competition.

Now fast forward. Since I've been in the Legis ... we haven't reduced ... that passed in 1977 in the State of West Virginia, I've had a bill and I think for three years, two or three years, to repeal the certificate of need law and the Gentleman from the 1<sup>st</sup> is a cosponsor. Let's fast forward to 2016, a somewhat benign bill, at least most people thought it was, or some people thought it was, the final vote would indicate as much. We passed a bill, it was sold as a bill to allow two hospitals in Huntington to merge. But that bill had broad antitrust implications because it basically exempted these teaching hospitals and a variety of other hospitals from all antitrust laws, both federal and state. I fought that bill. Anybody that was here then knows that, forced it up to Judiciary. God knows why a bill that has to do with antitrust law would be single referenced to Health and not go to Judiciary for the antitrust divisions to be thoroughly reviewed. The original bill had phrases like "Our goal is to supplant competition with regulation." Now, it went up to Judiciary and it went to conference and it came back and passed. Ten people voted against it. Ten people voted to allow various healthcare providers, mainly hospitals, to be exempt from state and federal antitrust law and in the very bill it said, "We're going to supplant competition with regulation."

So, there's two solutions. The CON needs to go and I'm sure I'll never get everybody ... you know, you saw the lady get dragged off about where they get their checks from

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and things like that in the one public hearing. I guarantee you, I'll never get another check from a hospital association, because I believe in what's right and I believe in free markets. But I believe that healthcare has gotten so far away from a free market, but in some states the pendulum is starting to switch. If we want to take a real look and it's not going to happen overnight, you've got to get rid of the law first.

I truly believe some of the problems with the way hospitals are charging is because they're exempt from antitrust law and they've ... the Health Care Authority, which I refer to on this floor, is basically a healthcare czar. It has given them so much authority to price fix that it has cost and the people that are paying ... this is just not PEIA, everybody is paying.

I'll give you one example. I talked to a public emp ... or not a public employee, it was a private employee in the Eastern Panhandle who said they're covered by Blue Cross Blue Shield. If they go out-of-state, they have to pay for everything. Blue Cross Blue Shield pays zero. If you want to solve this problem, you have to look at the solutions and not just the symptoms. Thank you.

DELEGATE BREWER. Thank you, Mr. Speaker. I wasn't going to say anything today, but the Majority Leader has gotten me inspired. As I've already mentioned in here, most of you already know, I assume everybody knows, I'm a 40-year union member and I spent the first 22 years of those 40 years working in zero-degree weather up to 100 degrees, it didn't matter and the last 17 plus I have been fortunate enough to be a union representative. A union representative and I've always considered the term union boss just to be kind of a joke, anyway when the very definition of union is "an organized association of workers formed to protect and further their rights and interests."

So, a union isn't a boss. A union is no more than what the members in its membership make it. That's what it is and if your definition of a union boss is what I just explained, I'm glad to be in that category. I'm proud to be in that category. Now, I stood in front of teachers and service personnel and all public employees. I've stood in front of

them in Jackson County. I've stood in front of them in Putnam County and Mason County and I've explained to them that I've been through this many times. Forty years in this business and you go through some strikes and some walkouts. and they're never fun and you'll make enemies and I asked them to be patient, to be patient because strikes cause hard feelings. Well, it's apparent to me that they made up their own mind. I didn't stand in front of them as their representative union boss. I stood in front of them as their Delegate and explained to them the truth, the truth of how strikes make people feel and what they do and again, it's apparent to me that they made up their own mind because I can tell you, every meeting I was in, the members of the union far outnumbered the union bosses. It's apparent to me that they made up their own mind and I just have to wonder, all these things that we've talked about, how we've gotten better for them this session, just how many of those things would have happened had they not been here for as much as they've been here. Thank you.

DELEGATE LOVE. Thank you, Mr. Speaker. When I was young and I'm talking about when I first started voting, I'd always ask my dad. I'd say, "Pop, who are we going to vote for?" and he would say, "Well, let's wait a few days, son, and see what the local union down in Minden, what they come up with, who they recommend."

Now a lot of you would call them "union bosses," but my dad, he always called them "representatives" because they represented him and looking around I wonder how many of you guys have really struggled to get a support from what some would refer to as a union boss and I refer to as a representative, to just get their endorsement at election time. Why? So, you could get extra votes or, if it's a close election, you would win that vote. You're going to win that election due to the support that these union representatives have with the people they represent. And how did they get them? Well, just like my dad belonged to that local union, he voted for a particular person that he felt could represent him in a respectable way, that he could go to and say, "Mr. Jones, Mr. X, who do you think is the best man on the ballot in this particular category that will best represent the working man, which he was a working man. He worked at mines

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for 50 years and he retired after 50 years. But, it makes me wonder how many of you and myself too, because I have ... I've chased these union, so-called, union bosses around, wanting to get their support. But, I still refer to them as representatives because they are representatives. They represent people that respected them enough to vote for them from the ground level to the position that they're in, as this Delegate referred to as Mr. Lee, who taught school 22 years, the other lady taught school 16 years. But, those people respected their ability to represent them, to do the right thing, to do the best thing, whether some people thought it was right and some people thought it was wrong.

Saturday a lot of people thought it was wrong. Well, it's how you look at it, whether it's right or whether it's wrong. It's whether you've been there and done that as to whether it's right or whether it's wrong. But I respect you so called union bosses and I want to ... I'm pointing at the Delegate down here because I consider him a union representative that has influence over other people that put him in the position that he's in and he wouldn't be there if they didn't respect him and respect his judgment for doing the right thing for the working man and I commend you and others like you for what you do and you do a good job of it. Thank you, Mr. Speaker.

DELEGATE DISERIO. Thank you, Mr. Speaker. In response to my very good friend from ... the Gentleman from the 63<sup>rd</sup>, I'm not sure where he went to, but when we're going to put figures out, I'd just like to make sure they're all correct. So, he is correct in saying that Pennsylvania does have a zero severance tax. But keep in mind in 2012, Governor Corbett initiated a user fee that has since that time brought in \$1 billion, that I think if we did something like that would be very helpful to fund PEIA. Thank you.

DELEGATE E. EVANS. Thank you, Mr. Speaker. There are a few casualties of this work stoppage and that'd be the children. Let's not use too many rocks and arrows and all that across the aisles, let's remember there are a lot of kids involved. I talked with my wife over the weekend.

She was concerned that students at her vocational school, they have to have so many hours to be certified and they're going to miss out on some hours depending on how long this goes. There's very little play in those hours.

I was also contacted by my ... I'm an assistant scoutmaster of a troop in Princeton and I was contacted by the scoutmaster this weekend and he informed me that the church that sponsors our scout troop is starting a fund to make sure the kids in their local area get fed because there's a lot of our children that depend upon the meals that they receive at school, not just my area, but your area too. Hunger is universal in West Virginia. So, in you know, throwing all the rocks back and forth, let's remember that we could hit one of those kids.

I have my "Save the Children" tie on today, so I guess I was in ... sort of inspired to say something about that. I would encourage you to use some of the energies we've used today to contact somebody back home and say, "Listen, why don't you look at, you know, our church is pretty affluent, or our group is pretty affluent, our Lions Club is pretty affluent, maybe we can at least put together, maybe a lunch and put it out on the radio that they can stop by and get a square meal."

I'm not going to point any fingers today. I'm not going to go back and forth, I'm just going to say, let's remember the kids. The longer they're out, the harder it is on them. I stood on the picket line in 1990 for a long time, 11 days and I think about everything that was missed in that time. We all have kids in school, or have had kids in school. I imagine some of you have grandchildren. Zatezalo probably has great grandchildren. I told my dear friend I would not forget him in my speech here. I'm not going to throw any stones but, do remember the kids and let's meet their needs if we can while they're off. It's just the right thing to do. Thank you very much, Mr. Speaker.

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REMARKS  
of  
MEMBERS  
*February 20, 2018*

DELEGATE COWLES. ... This amendment does one major thing, it moves the pay down to two, one, one. The bill is mostly the same as it passed the House, except that it takes off the last year, the \$404 off the back, last year and FY 2022. We can always take a fresh look in the out years, but the Senate is in substantial agreement with the House position. In addition, the State Police is the same pay raise that left here, 2019 is \$864 and year 2020 is \$432 for an approximate two, one percentage pay raise. The public schoolteachers was \$808 in year one, 2019, followed by two additional years at \$404 in 2020 and 2021 for an approximate two, one, one pay raise. The public school service personnel in year number one, 2019 was \$404, in year number two, 2020 was \$220, for an approximate of two, one. That includes the school counselors and the nurses with the public schoolteachers as the House had included before.

Mr. Speaker, there are a number of good reasons that we should accept what the Senate has done and let us take what we can agree to with the Senate. It's probably also important to note that PEIA Finance Board today locked in the zero increase that we had asked. The no change in PEIA for the coming year, for 17 months, with the \$29 million and the surplus \$20 that they did up in Finance, the sports betting revenue and some other actions that we've taken.

In addition to the pay raise bill, which is the two, one, one, plus the step pay raises, adds up to a substantial amount for the teachers in the next coming years. It is noted, the Governor put out a press release talking about the 2% pay raise for teachers where he noted, just last year, the teachers' union leaders said that this is refreshing. We know that the Governor's been talking about it, but actually feels like walking ... he's walking the walk and saying that we do not want ... or we do want to keep our teachers in West Virginia. Also, they said that they were glad Governor Justice recognized that we have to address the teacher salary issue and attract teachers in the classroom. I think that's the general hope of where we're going to end up.

It's a substantial effort to try to meet and listen to the concerns of our teachers and public workers. It's not quite as far as some of us would like to have gone, but it's service personnel at two, one; troopers at two, one; teachers, two, one, one; correction workers earlier and 2K, 2K and 2K. I think it's a good bit, Mr. Speaker, and I would join my Senate colleagues and call on our teachers to show up in their classrooms and be there for the students and hopefully be at work on Thursday and Friday. That's some of my motivation ... my goal, Mr. Speaker, but it is a decent proposal that came back from the Senate and I think we should take what we can agree to with the Senate and, Mr. Speaker, I move we concur in the Senate amendment.

DELEGATE MILEY. I do have a few questions for the Majority Leader. So, you're making the motion that we concur with the Senate. If we vote against your motion, what posture would we be in? Maybe I could ask it a different way. If we rejected your motion, could we then move to ask the Senate to recede from its position?

DELEGATE COWLES. We could. It could end up all the way in conference. They could ... there are a number of things that could happen. That motion is ... the opposite is also true. So, it doesn't matter which way I say it, but I think we should concur in this Senate amendment. Be done! Let the teachers know that we have this coming. There are things that happened today. The Finance Board met, this, the work of the Finance Committee and the other bill. So, certainly there are other options available to us. I think we should get it across the finish line now, though. This would end work and it would be on its way to the Governor. The other way it'd go back to the Senate.

DELEGATE MILEY. Correct. I would like to speak to the Gentleman's motion. I move ... or excuse me. I ask that we reject the Gentleman's motion. I don't think going backwards is the right way to go. We had a number of teachers, public employees, service personnel down here on Saturday and even days before then and we know what they've resolved themselves to do and it's not to go back to the classrooms, because they feel like they need to make a statement. So, in response to their very strong statements they've made thus far, in the media, on social

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media and otherwise, we've decided to take a position of going back to them with even less. I don't think that's the right way to go.

I do think we need to make more of an effort to find the funding to increase ... or at least stay our position. I mean, we all voted, I think it was a unanimous vote for two, one, one, one, 5% over four years. Now we're retreating back to 4% over three years and hoping that that will get it done. I think all we're going to do is inflame the teachers. I think we're going to be offending them. And I know the Governor said that his press release, spewing the same misleading and incorrect facts he's stated before and it's become white noise to most people.

But the fact is, last year when they said it was refreshing and they liked the 2% discussion, I ... my understanding was, in recollection was, that they were glad the discussion began after it not having begun for several years. So, I ask people to reject the motion to concur with the Senate's amendment of reducing the amount of money we were providing for them in pay raises. Thank you, Mr. Speaker.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. I'm also going to stand with my Minority Leader, Assistant Whip and say that we reject this. The Senate sent over a 5% pay raise to us. We sent back a 5% pay raise to them, but front loaded. So, what's happened since that time? We've had teachers down here in the galleries protesting. We had a rally. This past Saturday there was somewhere between five and ten thousand public employees across the State of West Virginia who came down and protested the miserable, low Christmas hams we're handing out down here. So how do we respond? The Governor, Senate President Mitch Carmichael says we're going to put you in your place. We're going to cut down to 4% and send it back over here to the House, which this body almost unanimously passed it out at 5% and you're in good faith and conscious trying to suggest that this is going to stop a teachers' strike this Thursday and Friday? That's absurd. It's absurd. You are inciting it. We're handing out Christmas hams and now you're taking them away. I ... for the life of me, I just don't understand. The Minority party offered a 3%, 3%, 3% raise. 9%, which wasn't enough, quite frankly, but that's what we thought the most responsible

way that we could possibly fit that in there. A vote died on this floor in a tied vote for 3% on a front load, for a 5% total. And now you're coming back here and saying the best we can do is 4%, because if we pass this 4% out, it's somehow going to starve off a teacher strike this Thursday and Friday and talking about fixing PEIA.

The PEIA board met today and freeze ... a freeze isn't a fix. Talking about the legalized sports betting, as the Majority Leader said, well that's dependent on whether or not the United States Supreme Court strikes that law down. We haven't done anything in here. We talked about taking Rainy Day Fund money. Senate President Mitch Carmichael said we're not going to take any money from the Rainy Day Fund. It's just a bunch of promises. We're not following through with anything in here. We should send this to conference and at the bare bones minimum, tell our teachers that we're going to continue the fight for you.

You know, it would have been very helpful, actually, frankly, if the majority of you would have been here this past Saturday at the rally and you could have seen the five to ten thousand public employees that are upset, rather than going home and you might see the anger that's coming and I bet you this Thursday, this Friday, this place is going to be packed with thousands of angry public employees. Go ahead and throw kerosene on it. You vote yes to agree with the Senate, that's what you're doing. You're not putting out any fire, you're just striking the match. Reject this.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. You know, I've gotten a lot of notices from various people and one of the things that they said, "Fix PEIA. Fix PEIA. Before you do anything, fix PEIA." Well yeah, we have one less year. Of course, if we're in surplus in year three, I think we would look favorably ... or I would anyway, look favorably on doing something then. The question is, did we take care of PEIA in the next year and are we doing anything to fix it in the future? We're working on it hard, just like we did the year we kept the ratio at 75/25. It was a process. We went through the process and we're working pretty hard at it. I think there are a lot of things that we're looking at for PEIA that are going to help.

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The bill that passed for the sports betting as the Gentleman from the 48<sup>th</sup> said, has gone through the Senate. There are things that are being done to shore up PEIA and I think this is a good effort because I think we're getting a lot of people on board for that as well as raises. Nobody thinks that two, one, one is the end of the train. We have a long way to go. We have much to do. We have much to do with the education department in general. So, I would say a diligent effort on PEIA is in the works. The two, one, one is here. I strongly support the motion to agree with the Senate. Thank you.

DELEGATE ROWE. Thank you, Mr. Speaker. I'm not a good mathematician. I'm very bad, but I did a little math. I think, for public service personnel we're offering them \$8.47 a week. That's with 2%. That's a 2% raise and on year two, if we add \$4 and something to that, we end up with \$12.69 a week for public ... for school personnel. Let me do that again. Do you want it by the month? It's about \$38 a month. Does it come up to even half of what their increases in PEIA have been scheduled for this year? No.

Let's do it for teachers for just a second. Now, we're saying to teachers ... and on Thursday don't go strike, because hey, what we're going to offer here is, we're going to give you two, that's \$15 a week for teachers and then in the next year you add to it and once you get ... and it ends up being \$30 a week. The package, in three years, they can look at it at a pay increase of \$30 a week. Now we just have to ask ourselves, is that going to fill 700 positions in West Virginia? Is that going to catch us up even to ...? I don't know what the numbers are. They keep saying 49, 47, 48. I don't know what it is. Do you think it's going to move us up the scale even one position? In three years we offer teachers \$30 a week? Do the math and you say, "Yeah but, everybody's all worried about PEIA and, you know, we've got a solution to that. We've added a couple of bills. We put a little ... a million here to ... a couple million here and there and we've got all these little teeny weeny Band-Aids to put on the problem and what's counted is really a new approach to give us something from year to year on PEIA and that's the idea that we would wait at the end of the year and determine what our budget surpluses are, which is completely manipulated, both by this body and also by the Governor.

Let me tell you, over the last five years how much we've made. If you combine all of the budget excesses for the last five years, you come up with \$147 million. It sounds like a good figure to start with, doesn't it? Huh uh! I hate to tell you, we're only taking 20% of that and what that means is per year we're only taking \$5.9 million. Over the last five years ... let me give it to you again. In the last five years, we had \$147 million in surpluses. That's five. If you divide that to come up with an average, that's \$29 million a year. How much do we take for PEIA? 20%. That gets us down to \$5.9 million. Is that a fix? And when we say to teachers, "Look, we're working on it." Is that credible? That we're proposing ... one of the grand solutions is to use the last dollar in General Revenue. I mean, that's what the budget surplus is, is the very last dollar that's left over. In the last five years, \$147 million. Now, we've got another provision in there, that if we build up the fund to \$75 million, then we stop even taking the 20%.

MR. SPEAKER, MR. ARMSTEAD. To the Gentleman, I don't mean to interrupt, but is the Gentleman debating the amendment in front of us that relates to the pay raises? Because the Gentleman's argument appears to be going to a separate piece of legislation.

DELEGATE ROWE. Well, Mr. Speaker, it is exactly that. It is exactly that idea that is our problem. We have categor ... we think in categories and I will not say any more on PEIA. It's the elephant in the room when we talk about pay raises. It's the reason that the pay raises that are requested are so inadequate; \$8.47 a week for service personnel, \$15 a week for teachers and I haven't done the calculation on troopers. It's close to what the teachers are. We're just ... you know, to concur what the Senate has done is a complete retreat by this House and this House's commitment to at least five years' worth of pay raises over a two, one, one, one period.

And the Senate comes back and wants to redo ... there's no reason to reduced it ... we ought to be adding to it. Mr. Speaker, I really think that the body needs to consider what we're doing and why the professional educators and the support personnel are not going to be in our schools on Thursday and Friday. There's a reason for that. There's

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justification for that and I urge the members to vote against concurring with the Senate.

DELEGATE FRICH. Thank you, Mr. Speaker, and please forgive me if I bring up ... if I address the elephant in the room that was brought up, the PEIA. Apparently, there is some concern that we won't have enough revenue surplus to be directed towards PEIA with an upcoming bill. However, the Gentleman is aware, or should be, that on page 124 of the Governor's proposed budget, is the PEIA Financial Stability Fund, which currently ...

MR. SPEAKER, MR. ARMSTEAD. Again, let's ... let us, please keep our debate to the motion before us, which is to concur the Senate amendment. We will, in fact, I assume have rigorous debate on the separate pieces of legislation relating to PEIA and I do realize that they are interrelated and that there are some arguments that may be made on both issues. But I would ask that we try to keep our remarks to the amendment before us.

DELEGATE MARCUM. Thank you, Mr. Speaker. Ladies and gentlemen, I'm going to ask you, reject this. I mean, let's think about it. This body votes on a bill, we send it to the Senate. They make a change. It comes back over here and our own Majority Leader won't take up for what this body did. He won't take up for what 98 people in this body said was right to do. There's 98 people in here that voted for the raise as presented. You know, we heard the Majority Leader talk about calling on our teachers to teach our kids and be in the classroom and show them what's right, something like that. I don't remember exactly how he said it.

You know, I'm calling on teachers to stand up for themselves. Stand up and show their students that when you've been wronged, you fight back. When you've been disrespected, you fight back. When somebody does you wrong, you work to make that right. Our teachers have been done wrong in this state. Our teachers, our service personnel, our troopers, they deserve better and to just back down because a few Senators want to say, "Oh, we don't like what the House did." You know, we're stronger than that. We're better than that. We're West Virginians and West Virginians don't back

down. You know, it reminds me of the teachers, when they were here. You heard them. We were in session and there's 5,000 teachers outside the door. "We won't back down." You know, it sounds to me like this leadership team and this majority is more worried about the consequences of a teacher strike, than they are fixing the problem, because it will have an effect on the next election.

So, let's focus our priorities on what is right, what the teachers deserve. Let's give them what they deserve. You know, they go to school more than most of us in this room. They have student loan debts, they have car payments, they have house payments, they have families. But yet, this body wants to back down because the Senate said so. You know, it reminds me of growing up. Are we the little stepchild? The little red-headed stepchild and that's the big brother who always tells us what to do? Or are we going to come together and show them that we are big brother?

You know, there's an old country song, "You've got to stand for something or you'll fall for anything." It sounds like there's a lot of new members in this body. I encourage you, pay attention what's going on, ladies and gentlemen. Don't fall for anything. Stand for what's right. Stand for what is right. Our teachers deserve better. Let's show them we're here to really address this issue and fight for them. Let's don't kick the can down the road in hopes that they will not go on strike Thursday and Friday. You know, let's don't just kick the can down the road. Let's do what's right and I find it funny that we want to praise ourselves and send out press releases when we use the Rainy Day Fund for a one-time fix, when we should really do what's right and make the hard decisions, to permanently fix PEIA.

I'm ... I'm going back to my speech. I knew Cindy ... I'm sorry, I knew the Delegate would probably do that, sorry. But the point is, ladies and gentlemen, if you don't stand for what is right, you will fall for anything and believe me, our teachers aren't going to fall. They're educated. They're smart. They've got common sense, which is something this body sure doesn't have and they know how to come together and do ... and fight together. West Virginia's brightest, our young kids, are with them more than

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they're at home a lot of times and yet we don't want to give them the pay that they deserve. I'll never understand why we cannot just be bold, why we cannot just stand up and do what's right, why we cannot just fight for our teachers like we should do. Why we cannot just give them the raises they deserve. You know, let's do what's right. You know, West Virginia has one of ... if you look at the States, we are the 5<sup>th</sup> highest-paid Legislature in the nation and that's shameful. But yet our teachers are 48<sup>th</sup> in the nation.

You know, it's no problem for the majority of this body to take their pay home every day, but when it comes to our teachers, who deserve more, nobody wants to stand up and fight for them. Reject this and don't let big brother intimidate us and bully us around again. Reject this and let's do what's right. Thank you, Mr. Speaker.

DELEGATE DISERIO. Thank you, Mr. Speaker. I stand today as a proud union boss. I heard that thrown out there yesterday and so, that's how I stand in front of you today and I hope that you all understand what a union boss does. Because ... I'm talking to a raise ...

DELEGATE HOLLEN. We're not talking about union bosses. We're talking about the pay raise, Mr. Speaker.

DELEGATE DISERIO. And with all due respect, it was brought up yesterday from that side of the aisle. I didn't say anything and it's been eating at my craw all day long. Alright? So, not I'm here to say in my former life I used to deal with contracts. Let's go that route. Many contracts and what we did in those contracts was bargain in good faith. I got with my other union brothers and we met with our contractors, our partners, behind closed doors, like we do. You know what I mean and we would say, "What are we ... what's our men hours look like for the last three years? What's our men hours look like for the next three years? What's projected in our area? How many people do we need? Do we need to attract more people? If we need to attract more people, maybe we should give a little raise this year," and between the contractors and that's union guys, we would do what was the best for our people.

If they got a little bit of a raise, a little bit of that raise is going back into the community. They spent that money there and today, what I feel we are doing to our teachers ... and I will say once again, what we did was behind closed doors, like us guys do. Today it's not. There's a whole bunch of people out here looking to see if we are bargaining in good faith. Alright? I've heard some people stand up and say something about sports betting is going to bring a bunch of money in. To the best of my knowledge, that's got to be approved by the Supreme Court and not this one. This was brought up. I would just say I got my point across, I believe, at least to all the people who are watching out there. I hope somebody in here paid attention. Thank you, Mr. Speaker.

DELEGATE PUSHKIN. Thank you, Mr. Speaker and I will do my best to keep my remarks to the motion of whether or not to concur the Senate ... amendments to Senate Bill 267. A bill that, when we passed out of here, when we sent it over to them, I reluctantly voted for it and I said at the time, "Well, I don't think it's the best we can do." But I thought it was the best you were going to do. Apparently, I was wrong. You're now prepared to do a little less. I thought it was the best you were going to do, but unfortunately, I was wrong. Now, I don't think it's enough. I didn't think it was enough then. I said then it was not enough to avert a strike. It's definitely not enough now. It will not avert a strike and well, Mr. Majority Leader, I hope when the teachers come back here to visit us, you're prepared to tell them, "But wait there's less," and you're prepared to settle for it.

DELEGATE FAST. Thank you, Mr. Speaker. I rise in support of this motion. You know, February 13, 2018, the 2% that was mentioned by my colleague across the aisle recognizing the \$8 for the service personnel and the \$15 for the teacher ... February 13, 2018, just a few days ago, that was voted on and passed by every member of this chamber, those on that side of the aisle that are now railing and those on this side of the aisle, save one. Just a few days ago that same 2% was voted on and passed by everyone's support except one person in this chamber and now it's such a tragedy. The 1% for next year, that was passed with a plus vote for everyone in this chamber, that side of the aisle and this side of the aisle, except one. The 1% after



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that, that was passed by everyone in this chamber, those on that side of the aisle and this side of the aisle, save one.

The only difference with what is on the floor right now is that we are leaving open the option ... open the option of additional raises on the year after that and we can do that. I would love to be able to increase by 5% in one year. I would love to be able to do that for our teachers and our school personnel. I would love to do that and we're leaving the door opened. You know it and I know it. We can do that. In three years, if we're here, we can do that. We're not shutting that door. This is fiscal responsibility for what we are dealing with right now. It keeps us within our means, it is a raise and I would just like to add, Mr. Speaker, a quote and this is in the Governor's press release when he talked about a 2% pay raise. What we are wanting to pass right now, that 2% pay raise and when this was done by the Governor, proposed last year, there wasn't any two plus one plus one plus one. It was 2% and here's the quote: "This is refreshing. We know the Governor has been talking about it but this actually feels like we are walking the walk and saying we do want to keep teachers in West Virginia." Who said that just a year ago? That was Christine Campbell, president of American Federation of Teachers in West Virginia. A plain 2%, period and now it is claimed that that is a tragedy.

Ladies and gentlemen, I am sick and tired of us using our teachers as a political ploy. I think, Mr. Speaker, that is what's going on. We want to do the best we can for our teachers and this is what we have right now, what we can afford and I hope to goodness, maybe next year, or the year after that, if our economy keeps ticking up ... by the way, based upon policies that have been implemented in the last three years, if our economy keeps ticking up like it is now and let's hope that it does, then let's do more for our teachers. Let's do more for our public employees. I know they're captive.

I know they're captive. Our teachers can't go out and just hustle and raise their income. They might be able to increase their education and get a little bump in their salary. They get what we pay them and I hate the fact that they're 48<sup>th</sup>. So, we can do more if our economy continues to tick upward and that's what I hope to do. Ladies and gentlemen, this

is what we can do right now. It's the same thing that everyone passed, except that last year, three years out and we can change that soon. Mr. Speaker, we can take care of that. So, ladies and gentlemen, I urge passage of the Gentleman's motion.

DELEGATE THOMPSON. Thank you, Mr. Speaker. The Senate must think we're stupid and I'm not talking about the people sitting in this room. I am talking about the teachers and service personnel of this state. We passed out a pay raise bill from this House that consisted of a 2% increase for the first year, followed by 1% for the following three years. That's 5% and virtually everybody in here got up and said, "That's not enough." We scratched and we clawed to raise it to three, three and three, for our teachers, service personnel and state troopers. We couldn't get it done. So, we passed out a pay raise bill that was 5% for teachers over four years, 3% for service personnel and so on.

Now the Senate has caved and dropped the pay raise to 2%, followed by 1% for two years. That's 4%. That's elementary school math. That is less than what we passed out of this House and said, "That's not enough." Do you honestly think that passing this new, even more inadequate pay raise is going to stop thousands of teachers and service personnel from showing up on your doorstep Thursday and Friday of this week and potentially longer? I know it won't and I look forward to seeing them. I'm going to be out there in the rotunda shaking hands and talking to them, because I work with a lot of them.

A lot of people in this chamber will be hiding, in here, in their offices, somewhere else in the Capitol. Teachers are some of our most highly educated people in this state. They know when they're getting the shaft and I cannot support this nonsense. 5% over four years wasn't enough. 4% over three years is ridiculous. This is elementary school math. Two, one, one is not enough for teachers, service personnel or troopers. So, I urge you to vote no and come back when you're smarter than a fifth grader.

DELEGATE E. EVANS. Thank you, Mr. Speaker. Like the Gentleman from Kanawha, I did a lot of math on this and his figures are a couple of cents different than mine, but let's

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for ... just round it off and say \$15 a week for teachers and about \$8.50 or so for our service personnel. You know, I taught for a long time. That's not enough to keep me from ... as a teacher, if I was in the position that many of our school employees are, to come out on strike. I would walk that picket line at this ... for this amount. I also have a son who has Asperger's Syndrome and a lot of times what I have to do when we do math is, I have to put it in practical terms that he'll understand and so I search for ways to explain what \$15 would be, or what \$8.50 would be.

What it comes down to is, our teachers will be able to buy an additional ... well actually, two additional happy meals a week and our service personnel, only one. That's practical. Or we might say it's enough to buy three gallons of milk. Or we might say it's enough to buy one ticket to the movie this weekend, no popcorn, but you can get your ticket. So, it's not enough. It's inadequate. We sent out of here a larger amount. I think we should defend the amount that we sent out. We asked for two, one, one, one, after our side coming down from three, three, three and we agreed on it and now we should defend that and not concur with the Senate. I don't think our teachers are willing to accept two additional happy meals a week. Thank you, Mr. Speaker.

DELEGATE LOVE. Thank you, Mr. Speaker. Remember about, oh I don't know, a couple of weeks ago, I told you about that first-year teacher cornering me and that poor man's Walmart, the Family Dollar in Oak Hill? I tell you what, I remember a couple of things that he had in his cart and he was there for probably the same reason I was there, to cut down on his store note. My wife, she sends me to the store and I stop by the poor man's Walmart, as we call it in Oak Hill and I save a dollar or two, two or three or four dollars and I buy shotgun shells with that because I like to shoot skeet and trap.

We have a little range up in Fayette County and I save as much as I can on that store note and I'd say that that first-year teacher was in that store for the same reason I was, because I remember seeing a can of Spam in his bucket and he had some other things and I can't remember exactly what it was, but ... and I remember some toilet tissue and ten rolls for seven bucks. You can buy antifreeze for seven bucks, eight bucks a

gallon if it's 50/50. You can buy a quart of oil for your automobile for \$4.50. You save a lot of money at the stores and he was a schoolteacher and I know that's what he was there for or he wouldn't have been in there and I might have looked around. I might have saw a trooper or two, because they wouldn't have been guarding the place. They'd have been there for the same reason and we just aren't giving those folks enough ... to what they deserve.

I mean, my grandchildren ... they mold the minds of my grandchildren and I want them to have the best teacher that they can have. I know when I was in school, I still remember all kinds of things that I learned from my teacher and I'll never forget and in fact, I can quote Scripture that one teacher taught me in the sixth grade. She made us ... she had a little Bible class and we had to memorize certain verses from the Bible. I still remember those and she was a good teacher and those are the kind of family values that I want my grandchildren to have and a teacher that will teach them good family values.

If we can't get them and keep them and have 700 of them short by paying them what we pay them, we've got to do better and we'd better do better because they're the future. They're the future of this body here and we'd better pay for them and by doing that ... we can do it by paying our teachers just a little bit more money. Thank you, Mr. Speaker.

DELEGATE WILSON. Thank you, Mr. Speaker. I'd like to speak to the bill. I rise in support of the bill, or in support of the motion rather and I'd like to give you all my reasons for that if you'd give me just a minute. I was disappointed with our initial offering. I was disappointed when the amendment offered by the Gentleman from the 1<sup>st</sup> failed. I appreciate our teachers. I've got kids in school here. Everybody here has kids or grandkids in school here. The thing is, though, as I've studied this situation and I've talked with people throughout the spectrum here, I've come to understand that what we've got here is, we have a dilapidated house and I'm not just talking about the education system. I'm talking about the way this state functions.

Please forgive me. I realize I'm a foreigner. I come from another state, but hear

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me out. I'm from Louisiana, so I recognize dysfunction when I see it. The thing is that we've got a state that is dysfunctional. Education, public education is a constitutional requirement. We have to do it. We have to do it well and it is part of what will rebuild this state and make us great again. The problem is, it is not the only load-bearing beam that we have in this dilapidated building. There are a variety of others, a variety of others and the thing is, we've got to shore up one while shoring up another, while not knocking the other ones down, because the moment that you fail to shore each one of them up, the entire building is going to crash down on your head. We have got to come up with a sustainable system to rebuild this state.

Yes, I understand this is not enough. I understand this is just a tiny Band-Aid and I am not asking the teachers to trust me, not by any stretch of the imagination. I don't trust politicians. I wouldn't ask them to. What I want them to do is keep an eye on us, maintain communications with us and let us know what they expect and what they need and we need to continue moving forward. Right now, however, right now we need to put this jack under this load-bearing beam, so that we can continue on and build this system, so that it will actually function in the future. Thank you, Mr. Speaker.

DELEGATE NELSON. Thank you, Mr. Speaker. Let's put some facts on the table. Fiscally, for the last three years, we've not even been close to doing a lot of the things that we needed to do. For the first time we are in a position with some extra surplus, if you will, revenue, to do some things that we haven't been able to do and what was the first thing on the table? Pay raise and yes, we all wish and I've said this before in this body, wish it could be more. But what we did is took the 1% from the Governor and doubled it and again, that was \$12 million. What we have in front of us right now, for fiscal year '19, more than doubles that to \$27 million just for this group of state troopers, teachers, which includes counselors and nurses that we added to the bill and service personnel.

Yes, we're talking about a third year out, but I think what we've said, or has been said, is that if we can do more next year and the year beyond, we will. But what we have locked in, is 1%, 1% and yes, we would like

to have that third 1%. That's what we passed, but we have the other body that's agreed with this on that important 2% up front and realize, we've taken care of our correctional officers. We still have some outstanding bills. We still have the budget to deal with and increased needs on our healthcare, DHHR, our higher ed., many other areas of government and we must balance all that.

We've taken actions on our PEIA and yes, we did pass a \$29 million, if you will, supplemental, coming from Rainy Day, to do immediate action. But if the Senate and the Governor does not sign that, we will come out of our budget for that \$29 million. That means something else will not be served this year. Let's also note, year to date through January, we are \$25 million under budget. The expectations are that we'll continue to have a positive year, here this year. But again, year to date, \$25 million. So, let's focus on what's in front of us right now and that's fiscal year '19 with a 2% and this bill is one, one beyond that and we can do more when our finances turn around. Mr. Speaker, I urge adoption of the motion.

DELEGATE ROWE. Thank you, Mr. Speaker. Just to explain, I was one of the 99 that voted in favor of the pay raise bill and I think people need to take that in context. Had we been able to defeat that pay raise bill in that vote, we wouldn't even be here at this moment. So, voting for a bad pay raise bill doesn't mean that that's what we hope to finish up. We're still hoping on this side of the aisle that we have a three, three, three percentage and someone might say, "Well, but you voted last week for that." Well, you know, I've had a hundred and ... I don't know how many hundreds of emails since that vote.

There's been a strike vote, a statewide strike vote, that's come about and I attended a rally where thousands of people came to object and to say we want something done now. So I don't think that we can take the vote of a two, two, one, one, one as the final say. I think that folks feel, need to pass a three, three, three at minimum. That's a minimum, not a maximum.

But, that's how we addressed the issue. That's how we can say to teachers, school service personnel and others that striking

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won't help, we'll take care of the problem. But that's not what we're saying at all and if we accept this . . . if we accept this motion and vote yes, if we have more than 51 votes on that motion, we've basically announced that we're not going to fix it and we're not going to fix the pay raise problem and we're not going to fix the elephant in the room. Thank you, Mr. Speaker.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I want this body to consider staying with the 5% that we voted out of here. All we're doing is giving them a couple more days to work on this by voting no on this motion. It's not that hard. Don't kill the bill. We're still going to work on it. We can do more. My Chairman of Finance, I know he can do better, because I have faith in him. We can do better. I want this body to be strong and vote this crap down and let them work on it a couple more days. Now when I show up to a job, to give them an estimate, if they don't like my estimate, they try to talk me down. I say I'm okay. Let somebody else do it. I'm okay with that and I have a feeling a lot of our teachers in this state are going to do just the same. We're already at shortage. Be strong, vote it down and let them work on it another day or two.

DELEGATE R. MILLER. Thank you, Mr. Speaker. I spent a career of reading body language when I was out dealing with the public. I think the Gentleman from the 9<sup>th</sup> can back me up on that. It's one of the things that you do or you acquire. It's an acquired skill when you've worked in law enforcement for a number of years. What I see today, right now, by looking around the chamber for those that are paying attention, I don't think that our House leadership likes this amendment, to be honest with you. I don't think that you that are in leadership, like the predicament that you've been put into right here, right now, because I think that if nothing has happened over the last couple of years, if nothing else has ever happened in the 83<sup>rd</sup> session that I've been a part of, when it all comes down, we've been more unified than what they have down the hall, more unified with the response we get from downstairs.

So, I kind of sympathize with the leadership because I don't think you really like and I mean this as a compliment, I really don't think that you like the position that

you've been put into, having to back up with what this body passed as a whole. I recently had the opportunity to travel to the other side of the world, literally, to Taiwan, as their guest. I got an opportunity to go visit their legislative yuan, which is a cross between the Parliament and the Legislature. They're very proud. We met everyone there except their president. They're taking us into their chamber, we're getting ready to walk through the door of their Legislature, their Parliament. They stop to set the door and then they wouldn't let us go. They brought us back and said you can't go in. We kept asking why. Why could we not go in? We're, you know, we're getting to see something once in a lifetime we will never get to see again. Why can't we go through those doors similar to what we have here?

They were embarrassed, because there was a debate on that floor considering taking away vacation from public employees. They did not want to see us . . . or they did not want us to see them in a heated debate into an argument. They were embarrassed. I'm embarrassed for us with what we're doing right now. Some three months or so later, I get their feeling, because I'm embarrassed that we have to engage in this. I'm embarrassed for our public employees. I'm embarrassed for our teachers, our state troopers and everybody else that we touch and affect by our actions, or lack of actions, right here in this very chamber.

Make no mistake, people are watching us. The people that we work for are watching us. Before we walked onto this floor, I'm getting texts and messages. I got some phone calls, didn't have time to take those, but I'm getting all this information from the folks that I represent, that they're watching the live feed. I found it very ironic that we had some folks, they may still be there now, I don't know, actually, in our Board of Education meeting, watching the live feed, watching what we're doing right now, because for action there is an equal and opposite reaction and I don't know where this is going to go, but they are watching.

We're making national news for the treatment of our employees. I understand CNN has been calling down. They're wanting to talk to people. We're making national news. Again, I'm embarrassed for

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the State of West Virginia. I'm embarrassed for the predicament we've been put into. I see across the board that we're getting ... not we're getting, but public employees in West Virginia are getting support from throughout the nation. There's getting messages being sent here by the droves from other public employees. "We feel your pain! Don't give up the fight!"

For those of us that were on the front steps of the Capitol this past Saturday, that's exactly the lesson that we heard, that we were taught from those teachers. Don't give up the fight. They're watching, they're listening, they're reading, they're learning about everything that we do and it has been eye-opening for them. I know at some point, while I opposed this amendment, that some will try to say along the line that I ... that I have made opposition to teachers, that I voted against a teacher pay raise, or voted against something. Some of you think it's funny that they're sitting on this floor right now, because I can tell by some of the laughter in the chamber that you think this is funny. I don't particularly think this is funny because we are dealing with people's lives. We are dealing with people's lives, we are dealing with their husbands, their wives, their children and the children that they represent in the communities. We are responsible for that.

This is not just about PEIA. In the mix of the equation of the pay, various pieces of legislation which is tax workers, our education system and their fair treatment. It's not a single issue. This is not driven by a single issue in no way, shape or form.

A constant message that I heard Saturday was a barrage attack on the Senate leadership as well as the Governor. Someone may, correct me if I'm wrong, but I don't think I ever heard our Speaker called out on the steps. I don't think I heard that. While we as a Legislature with our counter parts down the hall caught a lot of flak, I never heard a lot of criticism specifically directed toward the House.

Maybe that's because we took a little bit higher road. Maybe because we offered more, but now we're asked to be offering less. I think the lack of criticism may very well change with this very vote, because they

are watching. They are listening, they are paying attention. I am ... I'm proud to be, I guess you could say, a part of the grassroots movement, because I had the privilege and I say it is a privilege, every day when we leave this building, I get to drive home. Some of you don't get to do that and I'm sorry. But I get to drive home. The last several evenings ... of course I'm on the telephone on the way down, Bluetooth by the way, hands-free, driving down 119, I start getting phone calls from educators, service personnel, public employees and that's who I end up meeting every evening once I leave here.

They're mad. They're angry. I wonder if this is ... this amendment is not anything other ... I know it's been said maybe it's quicker to get them back in the classroom, or keep them in the classroom. I'm questioning that because I'm wondering if this is more of an effort to keep them out of this building. To keep them out of this House come Thursday and Friday, because you can bet your rear end they're coming. I don't know that we can do anything to keep them from coming at this point, because it is such a strong grass-roots movement. I'll be very proud to stand in opposition to this amendment and join those six from down the hall that were brave enough to say no, brave enough to say no and I can't tell you if they were Democrats or Republicans. I really didn't look.

I looked at the numbers. I looked at those six. I didn't look to see if it was a Democrat or a Republican issue. I think the general public is offended when we get into that kind of banter, because what party you are don't necessarily cash very well when you go to the bank or when you go to the store. I will welcome them here on Thursday because they don't intimidate me, because I agree with them. I'm one of them. That's where I came from before I came here.

I don't think it's a political play in these debates, because we are again, talking about people's lives. At least some of us are that don't find humor in this and I've referred to that a couple of times because I have the opportunity to be able to look around the chamber when the folks at home don't get to, while I'm babbling on and I can see some of the looks on some of your legislator's faces. You need to know who's representing you. That's as far as I'll go with that. I'm proud of our state, but I'm embarrassed at the same

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time. I think we can correct that, I think that this chamber can stand tall and we can reject this amendment. Thank you, Mr. Speaker.

DELEGATE AMBLER. Thank you, Mr. Speaker. Sitting in here and listening to all of us and, you know, voicing our ideologies about this, it seems that we've come down to its a 1% difference in what we agreed three or four days ago, or a week, whatever it was and I think the biggest picture that all of us need to keep in mind is a reasoning that we came to, to a 2% to start with. It was on the front end of this bill. The 2% raise we all chose, 98 of us, or whatever it was, that we go with the 2%, this year's bill. The 1% that is being taken off, the 1% that is coming off, it's similar to next year's, or the year after's 1%. It can be what you need, the House.

What our economical or economics will be at that time, no one knows, but if things are better, then that raise can be higher than the 1%. All we're doing is saying we're giving you 2% next year. We're locking that in. We're telling you that you're going to be getting at least a 1% the following year and one after that. Nothing locked us in to the 1%, why can't it be two? If the economy is going well, we can revisit that and put in extra money. That's the whole idea of what we're doing here. We all agreed to get a 2% raise to help our teachers now, to help our service personnel with 2%, the State Police with a 2%. We are not obligated after this pay raise to go and hold on a 1%. We can do 2%, maybe. We might be able to do 15, who knows.

I don't know what the economy is going to do, but the idea is that we can. We have the opportunity to make an adjustment at that time and I think that's the reason we need to keep in mind as we get ready to vote on this. That's the reason that we need to keep in mind. We're helping right now. This is going to be a tough vote for all of us. Is it enough? Probably not. Is it something that we can afford? Probably so. So, it's a tough vote, we understand that. But I also have faith in this House that all 100 people, or 99 of us who are here, will make the right decision for the betterment of all of West Virginians and we need to concur on this. We need to concur on this. And I just simply ask you, we're dealing with next year really. After that, we can make it whatever we need to. Thank you, Mr. Speaker.

DELEGATE BREWER. Thank you, Mr. Speaker. I'll be brief. I'm going to stand with Minority Leader in opposition to this motion. The Gentleman from the 32<sup>nd</sup> over there suggested he'd like to give a 5% raise. I would love to give a 5% raise, myself. But that costs about \$180 million a year and I've got sense enough to know we can't do that. Now, we reluctantly sent a bill over to the Senate that offered our teachers \$2,050 over four years and our service personnel, just over \$600 over two years and they sent it back offering our teachers \$1,636 over three. We lost \$400 somewhere in the hallway between the Senate and the House.

Like I said yesterday on this floor, I've stood in front of a bunch of our public employees in all three of my counties and their minds are made up. Don't think that this is going to change their minds, because it's not. They have decided what they're going to do. Like I said, I'd like to give 5% raise, but I know that we can't afford \$180 million, but there was an offer of a three, three and three and I believe that offer could be accomplished somewhere around \$140 million in a corporate tax break I'm hearing about. I suggest we reject the motion.

DELEGATE FOLK. Thank you, Mr. Speaker. I'd like to address ... we've heard a lot about this body conceding the leadership ... conceding to the Senate. I don't know if you all realize the posture that the Senate was in last week. They didn't want to come to 2%. They wanted to stick with 1%. So, to say that we are conceding is a pretty serious distortion. The Senate actually ... I mean, we both gave a little. We gave it on the back end, they gave it on the front end, which is important. That dollars in those people's pockets right now, next year, in the next school year. That 1% is four years out. There's so much that can happen between now and then. Hopefully the economy turns around.

I want to address the ... dealing with people's lives. I've got a little bit of experience with that. You know, we deal with people's lives in law, but not ... I deal with them in reality. Two hundred and fifty people at a time sometimes. Flying across the Amazon, sometimes we're flying across the Atlantic, sometimes flying across the Pacific, I've truly had people's hands ... I mean, lives in my hands when I've had problems and we

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have had one emergency in the airline business. But the thing that you learn in my business is that you have to be calm in critical situations.

I wanted to share a story that I just had sent to me by a gentleman that actually is a coach up in Fairmont Heights School. I want to say exactly what he said. He got off track practice and he asked me, "What's going on? I just got off of track practices and you are in floor session." I said, "We're finalizing a two, one, one pay raise," and I explained to him \$808 the first year, \$404 the second year, \$404 the third year. I also told him the PELA Finance Board had frozen the plan until 2019 and the board voted to do that today.

His response was, "I knew you could pull this off, but what caused others to come around?" And I said I really wanted 3% the first year, but I don't control all of the votes. He said, "You're doing a great job. Thanks for sharing the post on Facebook," which is my comments on addressing healthcare issues. We need to quit the hyperbole in this body, in this whole building. We have serious issues to deal with and the one thing to do right now, which if we vote this down won't happen, because it's going to go to conference and who knows what happens in conference and the old thing I used to hear is a bird in the hand is worth two in the bush. I think we ought to consider that right now and take it. Because we did not concede to the Senate, both gave a little.

We got 2%. Last week they didn't want to give us 2%. We gave up 1% four years down the road. We've got the bird in the hand. This chamber, when we vote this up today, we've got the bird in the hand, not the two in the bush that may or may not happen four years down the road. We have an opp ... we have, you know, several years between now and that fourth year to give a better raise. Especially if the economy turns around. I support the gentleman's motion.

DELEGATE COWLES. Thank you, Mr. Speaker. Ninety-eight to one, ninety-eight to one. Substantially the same. In fact, four out of the next five years, it's identical. Ninety-eight to one. Could it be that we just don't want to pass this now? I think the question ... you have to put all this static aside and ask yourself, do you believe that teachers need a

pay raise? Do you? Do you believe teachers need a pay raise? Here it is, near the finish line, right now, a multi-year guaranteed 4% in three year pay raise, right now, plus service personnel, plus troopers, plus counselors, plus nurses. Do you seriously want to punt back to the Senate? Who knows what happens then. We are near the finish line. The complaints I've heard; they just don't rhyme with the ninety-eight to one that we considered just a few days ago. The next four years is almost identical to what we passed out of this chamber ninety-eight to one.

I'll go through it one more time for you. The Senate amendment remains the House position that all these employees get 2% in the first year beginning July 1, 2018 and the House position that the State employees and school service personnel get 3% over two years and the House position that the teachers get 4% over four years and the House position extending teacher pay increases to nurses and counselors. That is a cost of ... in the first year, \$27.24 million from the State taxpayers and guaranteed funding for pay increases. In year two, that's \$40.85 million from the State taxpayers and guaranteed funding for pay increases if we agree with this. In year three, that's \$50.95 million and guaranteed funding for pay increases for teachers, service personnel, troopers, counselors, nurses, right at the finish line.

In year number four, this proposal to concur in the Senate amendment is another \$50.95 million and guaranteed funding in pay increases for service personnel, troopers, teachers, counselors, nurses. Do you really want to punt that back to the Senate? Mr. Speaker, I support increased pay for teachers, sorely needed pay increases for many of our people. It has been a long time. We are near the finish line. Mr. Speaker, we should indeed concur on the Senate amendment. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I'm going to be voting against this bill. I am very concerned that the teachers, the school service personnel, State Police, I'm very concerned they believe this is not enough. I wanted to keep the bill in motion. I wanted to keep the bill going in hopes that everybody could come around to offer more to some very deserving people in West Virginia. You know, my friend from the 55<sup>th</sup>, who I rarely disagree with, said we're

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throwing kerosene on this fire. I think we're throwing gasoline on this fire. I think it's going to get worse. I think this is just going to infuriate the people that we're trying to do our best for and let me tell you something about strikes.

Probably nobody has been on strike in this chamber more than me, maybe the exception of my friends from District 12 and District 13 and strikes are not fun. When we make a decision to withhold our labor, it is a very tough decision to make and it is always and I repeat always, the last resort. I don't think this is going to change their minds. I think this may cause the strike to be longer. I think this may cause the strike to be more widespread and I think our teachers, quite frankly aren't buying into any of the rhetoric that I heard from the other side. You know, promises are fine. I heard the gentleman say, you know, maybe next year things will be better and we can do more. Well, you know, we have a saying in the labor movement: A promise is fine, but a contract is better. Anybody can make a promise. Until you solidify that in writing, promises are made to be broken, quite frankly, ladies and gentlemen. I think we had some real options here and I don't think the options that I've heard from the other side today is ... well, we're mostly in line with what left here.

We can have a fresh look at this next year and maybe things will be better and we can give them 5%. Heck, I hope we can give them 15%. Those are words. Those are words and I don't think they're meaningful to the people that are out there in the dire straits that they feel they're in right now and let me tell you why I think this strike is even harder than any strike I've ever been involved in, because I believe, truly believe, that our teachers and our school service personnel care more about the children, that they go, that they drive to school, that they teach in the classrooms, that they take care of when they're sick, that they feed them when they're hungry. This was a tough decision. This was not taken lightly by those folks who are going to be down here Thursday and Friday, because if they were a bunch of crazies and a bunch of radicals, they wouldn't have given a five or six-day notice to tell you, to tell the Governor, to tell us, that we're coming down here and we're not happy.

They would have just walked out and they wouldn't have worried about who was going to feed those children and how they were going to get to school if they were standing at the bus stop when the bus just happened to not show up. So, they're compassionate people and I just don't feel that we're returning that compassion. Now there's been a lot of tense moments here today, Mr. Speaker and I've seen that over my time here and you have too and glad the waters have calmed, but sometimes that's what happens when you run bills at 8:30 at night and everybody's wondering what kind of deals are being cut across the hall and, you know, who's making the sausage.

Tensions rise when you're living on a slice of pizza and a Diet Coke and you're just sitting around waiting on a bill that everybody is trying to hurry through. Tensions rise. To my friend from Cabell, I think you were just poking a little joke that all of us do from time to time and I think some people got offended by it and I think it's because the tensions are high. Tensions are high because we don't want nothing but the best for our teachers and our service personnel and our State Police and there's a lot of us on this side who just feel that's not happening.

I think the strike is here. I hate to say I told you so, but I think I told you so, that this was going to happen and like I say, nobody's been on more strikes in this room than me. Nobody's gone to jail more than me for civil acts of disobedience, stand up for things I believe in and I think those days are coming, too. I think they're coming to and you know, as my friend from Boone County said, I'm one of them. I'm one of them, because if you don't stand up, Mr. Speaker, if you don't stand up for what you believe in, people will roll over top of you. If we didn't stand up for what we believed in back in the early 1900s, we'd still be buying from the company store and listening to the company preacher and still be getting shot at and beaten up by the coal and iron police.

But sometimes you've got to take a stand and they feel they have been pushed into the preverbal corner and they have no choice but to withhold their labor. It's a tough call. It's a gut-wrenching call and I'm sure some of them are very upset over it. If you're a praying man or woman, I'm sure many of



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them are praying over it, but it's tough and I don't want anybody to think it's not. These are the greatest people West Virginia has to offer and they're going on strike because they're not being treated fairly and quite frankly, I get it. I totally get it and I'm going to stand here and act like this is not the right thing to do. I think their options have been exhausted, Mr. Speaker. I've been that position many times in my career and in my working life when your options are exhausted and you have no other choice.

So, for the teachers out there listening, I want you to know that there are many here, from both sides of the aisle, that tried to do better, that tried to do better and there are many here that think this is going to satisfy you. I'm not one of them. I know the majority of those folks listening are not one of them. So, as I told them before, I'll stand with you. Many of my colleagues will stand with you. We'll be here today. We'll be here tomorrow and if we need to walk that picket line with you we'll walk that picket line with you because I believe you deserve better. Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I stand as the one that everyone's been talking about tonight, that opposed this bill last week and will again oppose it this week, because only in West Virginia do we take something that's bad and make it worse. You had a week, a week to make it better. But it's clear what we're doing now. We're horrible bosses, we're clearly horrible negotiators and we're horrible listeners. Now I can't help but take some offense and I agree with the Speaker, there have been some offensive things said when it comes to this situation in West Virginia. Like when our Governor stood in front of a bunch of teachers and said, "Why don't you be smart for once." That's where it started. Then we have Senators and members of this body standing up and say, "Stay in your classroom! Do your job!"

I think our educators are offended by that and they should be. I think they're tired of being talked down to by members of the Legislature. Do your job and you throw kids into it. I hate to let you know, guys, educators are paid to be educators, not babysitters. How about we start paying them like real professionals instead of just babysitters and

maybe they won't be coming here on Thursday and Friday. Maybe they wouldn't have to rally 10,000 deep on the front line of the Governor's Mansion. But that's what they have been driven to do, by a Legislature that has been complacent and a State Senate today, that says, basically, go back, stand down.

Well, it's day 42. We're only here for 60. They've been waiting long enough. They're tired of playing that waiting game. So, we were told today that this is satisfactory, that we're satisfied. Sure, if you're satisfied, if you're satisfied for hanging out our public employees, if you're satisfied for a pittance of a raise, if you're satisfied with strikes, if you're satisfied for not representing the true people of West Virginia, then hit the green button, because then you are truly satisfied.

But I've been listening. I listened for a long time on Saturday when they were here. I didn't see many people from leadership. So, I disagree that this is the best we can do, that maybe we're going to punt the issue if we vote no. No, if you vote for this, you're folding. In West Virginia we don't do that. I'm a no vote. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. Seven days ago, we had enough money for a 5% raise over three years. Right now, we only have enough money for 4% and it is a math issue. I just find it hard to believe that people think that teachers won't notice that last 1%. They're going to notice and not only that, I mean, it's very different from what we normally do with bills. Normally the deadline is the last day of the session and when there is a disagreement between the houses, we set up a Conference Committee and I've been here a long time. I remember the first time I was chair of a Conference Committee and I had three pages of single spaced instructions and the number one instruction was, do not back down from the House position. You do not have authority to back down from the House position and what we would do is we would ... we would ... over a couple of days, we would meet.

We would meet with the Senators. We would go back and forth. We would schedule

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meetings at five o'clock in the back corner of the hall or in the Senate conference room and we would go until midnight, or until nine o'clock. We changed our rules and we would work out a compromise then. We don't have a deadline tonight.

Maybe if you wanted to resolve the strike by tomorrow night, we ... but we're not even doing that. We have a day. We have two days that we could work at and get a better deal without backing down from the House position. So, I'm sorry, I really think teachers will notice that this is 1% less than we were able to afford a week ago. I think they'll notice and so will service personnel, that it's 1% less and that we weren't willing to fight hard to maintain our position. So, I think I'm a no vote and I'm a fan of Tom Petty and I say "don't back down."

DELEGATE ISNER. Thank you, Mr. Speaker. I just can't do it. I just can't press the green button tonight. A couple of years ago I drove around and I saw a bunch of billboards that said "Tired of Being 50<sup>th</sup>" and as I stand here tonight, I'm tired of being 48<sup>th</sup>. This nominal raise we're talking about will not send us skyrocketing up that chart. This is not going to prevent a strike; it will only fan the flames. This is not going to attract new teachers to our state and it will certainly not keep our young teachers here. I reluctantly pressed the green button when we voted a few weeks ago for the two, one, one, one raise, because I thought ... not that it was enough. I just thought ... not that it was the best we could do, but it was the best we were going to be allowed to do during this session and now we want to go backwards. I can't do it. I can't force my finger, again, to press that green button.

A couple of years ago I walked into countless fireholes and libraries and community centers and gave some speeches and at every one of those I talked about how low our teacher pay was. At every one of those I said we needed a teacher pay raise and now I've got to sit here and think, can I walk back into those same buildings? Can I walk back out there and talk to those folks who stood in the rain on Saturday and say that I voted for this? It's embarrassing and I can't do it. I can't force myself to press that green button tonight and I hope all of you will join with me in voting no.

DELEGATE BOGGS. Thank you, Mr. Speaker. I rise to oppose this bill and I will be a no vote and I say so so reluctantly, but very proudly. Because ... well, first, let me say this and then ... and I don't see my friend, the Majority Leader. Maybe he stepped out of the chamber, or maybe he's here someplace. But he mentioned something a few minutes ago, asking us to put all the static aside. I hope he didn't mean that. I hope he didn't mean that anything that comes from this side of the aisle, somehow is static, which I understand to be meaningless noise. Maybe he did mean that. I'm offended by that, but I didn't jump up and make a big deal about it. I just, surely didn't think he meant how it sounded, because I don't think anything anyone says in here is static.

I think it's important. I think everybody has a different viewpoint. I just don't agree with everyone and we're never going to agree with everything and also, I want to say that this is not a Democrat or Republican issue. It's not. It's an issue because we are not doing what's right by our teachers by voting for this bill and that's why I can't vote for it. I heard earlier that this evening that this is a substantial effort. I heard that we need to be done with it. I also heard that we need to get this across the finish line. This is not a race and we've had time this week. We still have time to avert a train wreck.

Now I know a little bit about train wrecks. I've seen train wrecks. I've been on trains that have wrecked and courtesy of the Senate, they sent a train wreck right down the hallway and we had the opportunity to get out of the way or do something to prevent it, but apparently a lot of people are willing to just get on board with the train wreck. I can't do that. You know something that the gentleman from the 63<sup>rd</sup> ... he mentioned about, his job and it's a safety-sensitive position and it is. Being a pilot is a safety-sensitive position. Being a locomotive engineer is a safety-sensitive position because you're handling hundreds of thousands of tons of equipment, multimillion worth of equipment and you're going through, more than anything else, you're going through people's communities, their backyards, usually when they're asleep, hauling things that literally could wipe out communities.

But people are asleep and people don't know what's happening, but they're just

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happy that when they wake up and the goods and services that they have are all delivered. Well, you know, our teachers and our service personnel and our State Police and all of our state employees, they're out there doing that. They're traveling silently, doing their job. They're educating our kids. They're not grandstanding. They're educating our kids. They're picking our kids up at the bus stop. They're looking out for the kids in the cafeteria. They know who's hungry and who's not. They know when some of these kids need a hug and we talk about concern over the vacancies in the classroom.

I think 700 is the figure that I've heard. You know something? As we debate this bill there will be teachers that will make their final decision to leave this state. There will be teachers that will make the final decision, "I've had enough! I can't pay my student loans on what I'm making," and sadly there will be kids in school that would be outstanding teachers for our state and when they see this and they hear this and they see how little they're valued, they'll make the decision not to go into teaching and not to go into education and not go into something that truly they probably have a calling to do.

So, you know something I ... we owe such a debt of gratitude to our educators and we passed something that went out of this chamber that I had a lot of heartburn over. But I thought, "Okay, let's try to get something. But we've got time to work on it. We've got time to make it better." We just threw that time to make it better out the window. We decided to settle. We decided to cave. Well, not me, because I think they're better than that. I think we're better than that. I think our teachers deserve better than that and I'm concerned that once ... if this bill would pass, suddenly there's going to be money that's going to appear for a lot of different things come budget time, because suddenly things are going to appear.

Today we don't have the money, but in a couple of weeks it might be a different story. So, what are we going to go home and what are we going to tell the teachers then? What are we going to tell the service personnel? We need to reject this bill. We need to do something. Three, three, three

was not grandstanding. If you want to grandstand it, it'd been 10, 10, 10. That would have been. Three, three, three wasn't. But this, to take a step backwards and accept ... and it's almost like I'm hearing that we should be happy to settle for the reduced bill that they're sending back to us. Well, ladies and gentlemen, I don't work for the Senate. I work for the people in my district. This is not the way we need to go and I would urge rejection of this bill. Let's do something that's meaningful for the people that do so much for us day in and day out. Thank you, Mr. Speaker.

DELEGATE FERRO. Thank you, Mr. Speaker. I urge rejection as well and I stand here again as a proud, unionized schoolteacher. Thirty-five years in the classroom, I joined on my first day in the classroom and when I retired 35 years later, I became a lifetime member, because that union did a lot for me and I suggest that not only this pay raise is what's upsetting these people, I suggest it's a culmination of all the anti-public education, anti-teacher and anti-service personnel bill that have been introduced by leadership in the last ... or introduced or voted on in the last four years. I've been going back after every session and telling these people your rights are being stripped away and finally ... finally they've listened. Certain things this year actually kicked in. They finally listened. Let me go through some of these bills. I'll save that for later.

DELEGATE COWLES. Thank you very much, Mr. Speaker. Mr. Speaker, I won't go on very long. I just think it is near the finish line and it is again a multi-year, guaranteed 4%, three year pay increase for service personnel and troopers, counselors, nurses, teachers. I believe that teachers need a pay raise. I believe our service personnel workers, our troopers, counselors and nurses are all deserving of the pay increase that's in this package. It is \$27 million in the first year, 40 in the second, \$50.95 million in year three and four. It's sorely needed pay increases. It's what we can do, what we should do and I urge its passage. Thank you, Mr. Speaker.

**COM. SUB. FOR H. B. 4625**

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### REMARKS

of

### MEMBERS

*February 21, 2018*

DELEGATE MILEY. Thank you, Mr. Speaker. What this amendment does is provides that 100% of any surplus we have going forward be put into the PEIA Stability Fund up to a maximum of \$75 and after that ... I'm sorry, \$75 million, excuse me. Yeah, but it would take any surplus we have as a state and roll it into, pour it into, I should say, the PEIA stability fund until it reaches \$75 million, after which it would no longer pour in there and every other term of the bill that was originated in Finance would remain the same and the reason why we think this is important and I think this is important, is, number one, it shows a commitment to fix, if you can say that, fix the PEIA issue. Because we do know, after having spoken to Ted Cheatham and other members of the administration, that annually there is a \$50 to \$70 million need for PEIA.

If we can fill this stability fund on the \$75 million, we know that, for at least a year, if we have some short-fall elsewhere, we can pay for that \$50 to \$70 million need every year of PEIA. And just to be clear, currently, as I understand the State of affairs, we have 15% in our Rainy Day Fund even by using the \$29 million that we're putting into PEIA Stability Fund this year to freeze the increases in premiums and reduction of benefits. But this bill, as you know, would place a stopgap floor at 13%. So, in other words, if for some reason we're having to dip into the ... we have a bad year, we'd dip into the Rainy Day Fund. If it's at 13% or below, we stop pouring money into this Stability Fund. So, there's appropriate precautions in the bill, already in there that some ... that was placed there by the Finance Committee Chairman when he originated the bill. But we just think that this is a reflection of our level of commitment and priority, to putting substantial amounts of money into PEIA so that we're not here every year, having the same problem. Mr. Speaker, I thank you for that and ask for the yeas and nays and reserve the right to close.

DELEGATE NELSON. Thank you, Mr. Speaker and as we've gotten to this point by

doing all we can, because of what we've heard of the needs of our public employees, which include our teachers, we've made some steps already with a particular bill that took \$29 million from our Rainy Day and, at least put that to the PEIA Stabilization Fund for this coming year and then the bill in front of us is one form of continuing to put some assurances to our public employees that moneys will be there on a regular basis.

I think first we need to understand the budget process and we have had ... I guess we've worked under the modern budget amendment for quite a few years, that we cannot have a deficit at year end and because of that, we have had a surplus every single year. Last year we had a \$76 million surplus. In the back part of our budget, we have language that we can spend excess moneys, should they be there, on certain items. And so, last year, \$38 million of that \$76 million, \$8 million went to our dome, that we could not cover in our regular budget and \$30 million went into Medicaid to cover some of the needs that they had and what we took earlier in budget cutting process. If we took 100% of that, the first thing is some of these extraordinary items would not be able to be touched. Secondly, the way that this process is now, half of a surplus remains in general revenue, the other half goes to our Rainy Day Fund. That started in 1994 and through that process, along with some other additions ... gosh, our Rainy Day Fund went up to roughly nine hundred and some million. I cannot believe it was 2014. It's currently \$714 million, or roughly 15%. This is the backdrop to the ups and downs of our economy.

If we were to make a move away from what is proposed even in this bill, rating agencies would look at our state, in our lack of maybe putting some stable funds as a backdrop when our economy goes up and down, unless we could be at risk for a downgrade. Which we issue a lot of debt and, in fact, we would be issuing \$800 million in new road debt here shortly. I think what the bill has currently is very prudent. We do want to do more. We have put money in place for the PEIA, but we've also got to allow the board to do things and come back and work together on ways to fix this problem long term. Throwing certain dollars at it without a real plan is a difficult step to make.

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Mr. Speaker, we would love to do much more and again, the way this is structured right now, 40% would stay in general revenue, 40% goes to the Rainy Day, but the first 20% goes to PEIA, of any surplus dollars. Over the last eight years, should we have had this in place, that fund would have had \$138 million in it, \$138 million. And just off of last year, that 20%, \$76 million. So, we would have had \$15 million more and realize in our budget this year, the Stabilization Fund that these moneys are going into has \$15 million going into it in our regular budget, over and above some of the actions we've taken ... taken. This started, this stabilization fund started, two years ago and of that \$15 million, ten goes to regular members of PEIA and five to our retirees. So, we have some good solid foundations in place and we do want to do more, but I would say that this is a little bit of an overextension at this time and I would urge rejection of the Gentleman's amendment.

DELEGATE BOGGS. Thank you, Mr. Speaker. I rise in support of the amendment and for a number of reasons. First of all, is there anybody in this body that doesn't think that we have an emergency here, with PEIA? I think we do. If you don't think ... if anybody doesn't think it's an emergency, please let the public know, because I think that we all pretty much are in agreement on that from the discussions we've been having. But, I think the amendment is reasonable. I think it demonstrates a commitment. We're still not going to see that \$75 million cap. We're just going to, hopefully, get there more quickly and I think that's going to go a long way in making sure that one of the big issues, not the only issue, but one of the big issues, that we've heard from, from teachers, service personnel, state employees and retirees is the PEIA issue.

You know, we ... I'll say this side of the aisle; we've supported this bill in Finance. We were not sponsors of the bill, but we certainly supported the bill. But I think that we've taken a bill that is a piece of the puzzle and we've made it much better. I don't think that this is going to endanger our finances. We're not touching the Rainy Day Fund per se. We're not going in and dipping into the Rainy Day. We're just going to say that first portion is going to go toward this.

So, I hope that you all will be supportive of this, because there's a number of different things. The \$29 million that was mentioned, the Senate has said no. I mean, we saw what happened yesterday. So, I'm not really sure that the Senate is going to capitulate on \$29 million. If they've said no, they're not going to take it out of Rainy Day. So, there's one piece of the puzzle that's not going to happen. Obviously, it'll have to come from someplace in the budget. We've heard talk about sports betting. That all depends on the U. S. Supreme Court and what this body may or may not do. So, that's just something out in the future that may or may not be a part of it and then, I agree with my friend, the Chairman, that some years have more in surplus than others. But, I think that if we looked very seriously and we really wanted to do more than just a small Band-Aid, maybe a larger Band-Aid, something that would really be meaningful, this 100%, until we reach that \$75 million threshold, would I believe, send a very clear message of how serious that we are. It also, I think, would calm a lot of fears and concerns that are out there. I think it's a ... I don't see this as being anything that's going to damage our credit rating. The 13% is built into the bill and I'm assuming when that was built into the originating bill, that took that into consideration to not damage our bond ratings.

So, I would hope that everyone would join in supporting this and send a very clear message that we're, not only serious, but we're real serious about doing something meaningful to fix the ... go toward fixing this problem. One piece of the puzzle, but this would be a much bigger and more meaningful piece and I urge your vote on this ... a yes vote on this amendment. Thank you.

DELEGATE GEARHEART. Thank you, Mr. Speaker. Could I ask the Minority Leader to yield, please? We haven't had the opportunity to talk on the floor this year. This is a good time for it.

DELEGATE MILEY. It was only a matter of time.

DELEGATE GEARHEART. It had to happen, didn't it? I listened to your presentation. It was very well stated and you indicated that you felt like the appropriate amount, or the

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appropriate percentage of the surplus to commit, was 100%.

DELEGATE MILEY. Correct.

DELEGATE GEARHEART. But is it fair to say that you were somewhat uncertain about that percentage?

DELEGATE MILEY. No.

DELEGATE GEARHEART. Is it ... are you in the habit of offering amendments that you are not certain about the percentage?

DELEGATE MILEY. I'm not following your question. This amendment provides 100% of ...

DELEGATE GEARHEART. You did ask for unanimous consent to remove three other amendments, correct?

DELEGATE MILEY. Correct.

DELEGATE GEARHEART. So, you're saying that you are 100% certain that 100% and there was no equitation?

DELEGATE MILEY. That's why I withdrew the other amendments.

DELEGATE GEARHEART. Okay and I'm assuming that my prior question is out of order, that you might offer an amendment that did not reflect your true commitment.

DELEGATE MILEY. This amendment here reflects what I'm pursuing in advancing on the floor right now.

DELEGATE GEARHEART. Okay, thank you very much, sir. Speak to the amendment? You know, I would be willing to bet quite frequently that the Finance Chair goes home at night and fusses to his wife and when he fusses to his wife about a Republican, that Gearheart immediately follows that fuss. During our time as he is Finance Chair and me serving on the Finance Committee, we have sparred with regard to more than one issue. However, when this committee, this bill originated in the committee, I thought that it was a brilliant idea because it is a responsible circumstance that still commits dollars to the General Revenue Fund that we

need. It maintains, or gives us the ability to maintain a decent balance in our Rainy Day Fund and stay above the appropriate levels necessary to borrow money at a legitimate rate and it does create an additional funding stream for PEIA that we have all been looking for. With the money already in the budget committed to this fund, plus this, we should be able to get to that \$75 million very quickly and very responsibly. I have no problem, Mr. Minority Leader, as you ... I just stated and you probably know, arguing on occasion with the Finance Chair with regard to some of the thoughts or ideas that we deal with in Finance Committee. On this particular circumstance, I am 100% committed to the fact that he has found a sweet spot to fund PEIA and to be responsible to our budget and to be responsible to our bond rating. I would suggest that we would reject the amendment. Thank you.

DELEGATE WALTERS. Thank you, Mr. Speaker. I rise in opposition to the Gentleman's amendment and I'm going to do a little bit of history analysis on things that we know. In the year 2010, we had \$102 million surplus. In the year 2011, we had a \$338 million surplus. In '12, we had \$101 thousand surplus, '13 we had \$11 million surplus and '14 we had an \$18 million surplus. We were not in charge at that point. We were in the minority. No one during that time put a dime in PEIA. What they made them do was spend down the reserve during that time period so that, when we came in and took over, there was no reserve left. We were faced with a hole.

Did we create that hole? We didn't create it. It was created for us. Now you want to take 100%. Why didn't you do that back then? We had over a half billion dollars in that segment of the Financial Stability Fund. To do this today is not responsible. Had we done just 20% over the last seven years, we would have had \$138 million go towards PEIA. We didn't do that. You didn't do that. We didn't do it.

This is an appropriate approach. We have the opportunity to take portions of our surplus, dedicate it to this system, which no one has ever done before. We are showing a tremendous commitment, not only to our bond rating, not only to the teachers of the State of West Virginia, not only to our own

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budget, but we're showing the leadership that needed to come, not just now, but years ago. I urge rejection of the Gentleman's amendment. Thank you very much.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. There's lies, damn lies and statistics and that's what we've sat in here and listened to. I have heard the Chairman say that if we'd done this over the last seven years, we would have \$138 million in the PEIA fund. You know what we would have over the last five years? Twenty-nine and a half million, at 20%, which is what the bill's been offered here.

In 2017, we have percent ... showing right now, a surplus of \$76 million. 20% of that is \$15 million. 2016, we had a surplus of \$28 million, 20% of that is \$5.76 million. 2015, a little under \$13 million, 20% of that is \$2.5 million. 2014, \$18 million, 20% of that is \$2.37 million. We need ... we need between \$50 and \$70 million just to keep up with PEIA funding to what ... at least on our side, believes, means fully funding PEIA and what's being presented and trying to be sold on here is, you're kicking out a nickel for a dollar problem and then trying to claim victory. It doesn't work.

Now, I will give the Finance Chairman credit. I do like the idea. But if you're going to make it a priority, you need to fund 100% of the surpluses. Now, it gets capped at \$75 million, therein fully funded PEIA and after that \$75 million is capped, then half of it goes to the Rainy Day Fund, the other half goes to the Governor's "Slush Fund," which is what the current law is now, but you all are wanting to preserve the Governor's "Slush Fund," 50%. That's his expenditures he gets to go out and spend at the end of the year. That's how it works. You all continue to do that, but PEIA will be a priority first. We're not dipping into the Rainy Day Fund. We're just saying that it's over \$700 million, the fourth best in the United States and there's trigger mechanisms in there that if it drops to a certain point it affects our bond rating, PEIA money gets overrun. But, we're going to build this up to \$75 million. We are going to attempt to fully fund PEIA and that's what the Minority Leader's amendment does. Now, if you go with the bill the way it's drafted, a little under \$6 million, \$2 ½ million, \$3.6 million and \$2.4 million isn't going to do a heck of a lot when you need \$50

to \$70 million a year. That's just simple math. Now, the argument being made to get \$138 million, that you go all the way back to 2012. I'm not going to get into an argument about who was in charge back then, but if you go back to the 2012, you had \$100 million surplus. In 2011, you had a \$340 million surplus and in 2010 you had a \$102 million surplus. So, if you done ... and even if you had done the 20% on any of those years, only when you had a \$340 million surplus does that get you the \$67.76 million, which gets you in the range between \$50 and \$70 million needed for PEIA. The only time, if you use that 20%. Once it hits that \$75 million, it goes back to going ... to doing what it's doing now, 50% Rainy Day, 50% Governors "Slush Fund." You all can have anything you want in here, but it's just a priority. This may not be the greatest way in the world, because of the volatility. I'm sitting here arguing, going back to 2011, \$340 million in surplus. Go to 2013, we have less than \$12 million in surplus. So, it jumps up and down a lot. That's why a lot of us would like to see a dedicated revenue stream that has some stability. There doesn't seem to be any effort to go that route on various options, but this is certainly an option, as long as you kick that \$75 million. But you're not going to get it throwing nickels out here every year. When you go to try to reach a dollar, you're going to be here forever. So, I think it's a great amendment by the Minority Leader and I certainly hope we get some bipartisan support on this and show the people of the great State of West Virginia and all public employees, all public employees, this isn't just teachers, school service personnel and state troopers, who we've been attempting to fight for on this last bill this week. But this is for everybody; state road workers, retirees, DHHR workers, Department of Corrections-everybody on down the line. They've all got a problem with PEIA. So, let's fix it. Let's fix it with this amendment, it's a good amendment. Let's do it.

DELEGATE ROBINSON. Thank you, Mr. Speaker. Over the last couple of days, we've seen a lot here in this body and we've heard a lot of arguments over why we should or shouldn't increase the pay increase and those kinds of things and the argument that we've been given is, "Well, if that's a good idea, we'll just do it next year, or maybe the year after, or the year after, or maybe four or five years after that." Well, if this idea is such a

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bad idea and it doesn't work out after this year, maybe we'll fix it next year, or the year after that, or the year after that. Now, the amendment makes this bill substantive. It makes a substantive of bill. Members in this body have been critical of the pace in reaching solutions. However, when they have a chance to advance a substantive bill that will provide such a long-term solution, they refuse to work in a bipartisan manner to adopt these solutions in a timely fashion. I hope we think about that as we vote and support this amendment. Thank you.

DELEGATE BATES. Thank you, Mr. Speaker. Will the Chairman yield for just ...? Let me start by saying I do appreciate the originating bill and the effort you made to devise the solution. It's quite elegant and I think it is part of the fix that we're going to need to work towards through the remainder of this year. So, in terms of the mechanism itself, I think it's excellent. You're to be commended for that in originating this bill and I would have been pleased to join with you as I'm sure the majority ... the Chairman would have been as well as all the Democrats on Finance ... cosponsoring this bill with you. But we were not given that opportunity. So and we advanced this bill, I think yesterday, so that we could maybe try to take care of this problem ahead of an impending teacher strike. This is really our last opportunity to send a very strong message that this is our number one priority and I appreciate the chart that was handed out and I think the Gentleman was referring to that showed the surplus amounts. I just wanted to focus on the last three years. I think you probably have your chart with you and had we been able to have this bill and include the Minority Leader's amendment at 100%, would you agree that we would have had \$58 million over the last three years available to fund PELA? Would you agree that at 100%, that would be available?

DELEGATE NELSON. Yes, and we would have not had moneys go into our dome replacement, which is already underway. We would've not had moneys going into Medicaid nor ... I think in a couple of those years, we had excess going into our volunteer fire departments' unemployment.

DELEGATE BATES. So, within the bill itself, it does have a failsafe in the event the Rainy Day Fund drops below the 13%, these

transfers into the Stabilization Fund are discontinued? So, that is in the bill?

DELEGATE NELSON. That's unchanged.

DELEGATE BATES. Yes, that's unchanged with the amendment. Nothing in the Delegate's amendment changes that. What's the current percentage of our existing Rainy Day Fund? Before, it's thirteen. What do we have now?

DELEGATE NELSON. We're roughly at 15.7, when you put both A and B together, but let me maybe step in and say one thing. You know, we've had very difficult fiscal years these past three years and we've had to go into our Rainy Day Fund and I've been in a number of meetings with the agencies, rating agencies, as we've issued debt. And what they've said, they expect at times, or they understand at times, that states have to go into their Rainy Day Funds. But they also expect, when times are better, that you replenish those moneys and we're in a little more positive trend now. So, I don't think now was the time to also take some of those moneys away that is replenishing ... would be replenishing, if you will, our savings account.

DELEGATE BATES. So, I think you would agree that we're facing ... and the Chairman of the Minority Finance Committee just used the word crisis and when you ... you know, we're looking at a statewide two-day stoppage in our educational system. Would ... from my perspective, that would be a crisis. Would you ...?

DELEGATE NELSON. Yes. You know what, I think that this body has done a tremendous move forward with addressing a pay raise, addressing what we've heard from our public employees as it relates to their concerns of the ever increasing healthcare cost that we all have and we've done it in an extremely timely manner, hopefully to address those and maybe avoid any walkout.

DELEGATE BATES. Thank you, Mr. Speaker, if I can ... I'm pleased to join with the Minority Leader and the Finance Chair and the other leaders of the Democratic Minority to advance this amendment and to the Gentleman from Mercer, part of the reason there were multiple amendments in



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the system, was that we were faced with the originating bill, less than 24 hours to prepare and we had not, as a caucus, had the opportunity to sit and consider what was the best approach to this.

So, what we did, as I suspect you did, was look at the bill itself and the amendments pending and see which of those solutions were most likely to prevent this impending crisis which is this statewide action and our decision was that we needed to be all in. We need to send to send the strongest signal that we could, that we're 100% behind making this our number one priority.

A vote for the amendment sends that message. It sends the message that we are all in. This is the number one issue for us. It does no harm to the existing Rainy Day Fund, it does no harm to the State's finances. Those are built into the bill, to the Chairman's credit. If you're all in, in fixing this problem, you support the amendment. If you're less than half in, if you're less than a quarter in, you reject the amendment. Thank you, Mr. Speaker.

DELEGATE WILSON. Thank you, Mr. Speaker. A few minutes ago, my friend, the Gentleman from the 34<sup>th</sup>, asked if the current state of PEIA is an emergency. Of course, it is. We all recognize that. Certainly, it is. I've spent the preponderance of my life responding to emergencies of all sorts. In the business of emergency response, there are some important guidelines. I won't bore you with the litany of rules, but I would like to highlight a couple of them. Actually it's a few. It's more than two, it's three: 1) Maintain a level head to facilitate problem solving. Emotionalism will get you killed. 2) Respond with appropriate force, exactly the force that's required. No more, no less. 3) Maintain a dedicated reserve. You never, ever, ever, ever commit everything you have in the first five minutes of a battle. You always maintain a dedicated reserve. This allows you to maintain the capacity to respond to further emergencies, to changes in the situation. You never know what's going to happen. None of us has a crystal ball. You always maintain a dedicated reserve. You never commit everything you have in the first few minutes.

This bill, as written, meets all of those criteria for effective emergency management. In amending it to commit our reserves, 100% of the surplus, we would surrender the flexibility necessary to effectively respond to other needs and other priorities. Public education is absolutely a priority. It's one of our many priorities. We have a large number of priorities. Yesterday I spoke about a dilapidated house that was falling down. We have to address all of the load-bearing walls in this house so that we can rebuild it, so we can restructure it. We cannot focus every single thing we have on one load bearing wall and allow the others to collapse on our heads. We must maintain flexibility. We must maintain a dedicated reserve. In committing 20% of the surplus, we retain the flexibility to manage other emergencies and priorities. This bill represents a measured and effective response. I recommend rejection of the Gentleman's amendment. Thank you, Mr. Speaker.

DELEGATE MILEY. Thank you, Mr. Speaker and I will try to address some of what I've heard here over the past 15 minutes or so, perhaps starting with the last one. I don't understand someone's claimed concern about maintaining reserves. This bill does that. This bill does that at 13%, but we're at 15%. So, that's easily rejected as far as anyone suggesting that we're trying to tap into our reserves. We have plenty of reserves. If we ever get close to affect our bond rating, as the Finance Chair says, we stop pouring money into this Stability Fund. This is his bill and that's the failsafe.

I appreciate the history given by my friend from the, you know, Kanawha over there. I forget your district number, especially going back through the years where we were in the majority and we had substantial sums of money in surplus. But that's how we got to where we are with our Rainy Day Fund and as we said, two years ago, when we had the same argument on the floor about the PEIA issue, that we had a reserve fund for it as well and yes, we spent it down because we had other needs, because we could foresee our revenues going down. But you certainly had two years to prepare for this night. You had two years. We have the video to show that we got up here two years ago talking about this issue and here we are. We've arrived and had we done something two years ago, with the

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\$76 million surplus, we'd be there. We wouldn't be talking about this. We wouldn't be having this conversation. We would be there, but we are here.

Let me address a few things that the Finance Chairman said, I couldn't quite follow. He was complaining about how we had to pay back Medicaid with a supplemental because we borrowed ahead on it. We stole from Peter to pay Paul, but then we get to this session and we find \$160 million in the Medicaid fund and DHHR and so, I reject that argument that we need to worry about how we're going to handle Medicaid funding, because somehow, we missed \$160 million last year. But the point is, as you budget, you can put money in various accounts and you wouldn't have a surplus.

If you can foresee the revenues being higher than what they were the prior year, you can fund various programs. You could fund the Governor's Contingency Fund. You can fund Medicaid fully. You won't have to borrow from Peter to pay Paul. You fund those things, such that, you have a balanced budget and you may or may not have much of a surplus. No one is suggesting you create a surplus while leaving yourself short in any of these other areas. We're just talking about if you have a surplus, that you put 100% of it and commit it and go all in on addressing the PEIA issue. I just don't think it's that hard. I think if happy days are indeed here again ... I was sitting in this very seat not 40-some days ago and I was given a DVD by the Governor claiming that happy days are here. So, if the revenues are going to increase like he says they are, if all the policies that we've passed the past three years are so beneficial to our state that our revenues are going to increase, like many people in here believe they are, this should not be a hard decision to make. It's a function of dedicating an amount of money and our efforts to putting the money in PEIA's Stability Fund, where we won't be back here this time next year addressing the same problems.

If there is another mechanism that we come up with between now and next year, through whatever task force or committee or whatever ... select committee or whatever is formed, we can come back in here and change this. That's the right we have as legislators. We can come back and change it.

But if there's a \$50 to \$70 million need every year for PEIA's increased medical inflation costs and even if we have a \$76 million surplus every year, we're still not meeting that need. 20% is only \$15 million. We still have to come up with another \$35 - \$45 million. We're still not meeting the need and so I don't know where and how this body is going to come up with the money that's needed year in and year out for PEIA. We certainly haven't come up with that fix yet, to date.

I know there's a sports betting bill that's been talked about on this floor and there's some mechanism to have some of that money pour into the PEIA Stability Fund, but how much money is that going to be? No one really knows how much that's going to be. We don't even know if it's going to be legal. I think there's a foregone conclusion in many people's minds that it will be, but we have no idea if it's ... even if it becomes legal, how much money that's going to bring in.

So, to suggest that we are really making much of a dent in the PEIA problem, I think is misleading at best and so Mr. Speaker, I ask you and all of the members of your caucus to support this amendment. I think it shows a commitment to fixing the current problems we have with PEIA that we wouldn't have had if we had done this two years ago. At some point this body needs to make bold decisions and take bold steps to fix an immediate problem and I think it's here. Thank you, Mr. Speaker.

### COM. SUB. FOR H. B. 4001

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REMARKS  
of  
MEMBERS  
*February 21, 2018*

DELEGATE LOVEJOY. Thank you, Mr. Speaker. I want to speak today in opposition of this bill but, perhaps, strangely by noting just how effective it is. Not effective in its stated purpose, because we have a nine county pilot project, including my county, that showed that the best data indicated the program has not had a significant impact on employment. It had about a 1.9% success rate. But, where the pilot program was highly effective was in crippling our community

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feeding programs. One of those programs is the Huntington City Mission. That's a nondenominational gospel rescue mission in my home town that I've served on the board for several years. The philosophy of the Huntington City Mission is to minister to the temporal needs of the community; the hungry, the poor and the homeless, in order to have the opportunity to share with them the good news. We'd been pretty effective. In 2017, we served 120,226 meals. In that year, we provided 49,311 nights of shelter in our community.

Now, you'll see on your desk a chart and it's a, I guess, a bar graph that shows you the SNAP recipients and it also shows you the number of our meals served. Now, I'll ask you, if you would, to take a look at that and you'll note a couple of important dates. On the left side of the page, it looks pretty static, pretty normal. The pilot program, the nine county pilot program, went into effect in April and 90 days later would be July. Look at the yellow line starting in July of 2016.

Now, I will tell you one of the things I've learned about food security is that supply does not rise symmetrically with demand. It is asymmetric. That is to say that people show up to eat; you don't have the same amount of food show up in your storage and you'll notice here, that the greatly increased demand and it's about 30% every month since then, has hit a real run on our food banks as it has all the food banks in many of your communities.

Now, in September of 2017, there was a board meeting on 7<sup>th</sup> Ave. there in Huntington, about 25 of us, men and women, community leaders, business people, that try to keep that mission running. We had to make what was really a gut-wrenching decision. What are we going to do about our program? The supply is almost out. Well, we had to go from three meals a day to two and I say gut-wrenching because we knew that this meant that people would show up for food and we'd have to turn them away. We knew that some of them would go without food. We knew that some would say, "Well those folks there at that mission, they said they'd always be there for us and now they're not," and we knew that may have a more lasting effect on our spiritual mission. I'll tell you, there was not massive influx of population in July of 2016 in Huntington, no loss of a major

employer. I believe in my heart that it was the implementation of the pilot program of this bill that nearly broke our back, when all we were trying to do is to feed the hungry.

You know, feeding the hungry is not just one of the seven corporal works of mercy. It is the very first. Now, I submit to you, my colleagues, who I know to be good and decent people, that we go down a bad road once we start drawing lines that this group of our neighbors that suffer from hunger or poverty are unworthy of our help or undeserving of our assistance. So, this is the time for you to make your election. If you leave the coordination of this federal program within the hands and discretion of our DHHR, there will likely be people who abuse and take advantage of this system and unfortunately that's so in every system man has designed and it is wrong.

On the other hand, if you act to close the door and tie the hands of our DHHR, you should also know that some of your neighbors will suffer. As much as this bill attempts harm reduction and great work was done to the credit of our Chairman in Judiciary to make this better, life is rarely so cut and dry. In this Capitol, food is abundant. Friends are close and there's not one of us here who really has a fear that we're not going to eat today. But, out there the reality is much, much different. Not all people who are sick seek treatment. Not all people who seek treatment are properly diagnosed and not all people who are diagnosed get their papers in order. If not, their access to food is taken away by this bill. Maybe they suffer from chronic homelessness. Their access to food is taken by this bill. Maybe they're a victim of domestic violence and they're trying to put the pieces of their life back together. Their access to food is taken by this bill and my friends, that is wrong.

I'm reminded of an old author who wrote, "Be kind. This man beside us also has a hard fight with an unfavorable world, with strong temptations, with doubts and fears, with wounds of the past, which may have skinned over, but which smart when they are touched." In the balance, in deciding which of the two wrongs to permit, I'm going to choose to err on the side of continuing to feed the hungry and I hope that you will too.

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DELEGATE PUSHKIN. Thank you, Mr. Speaker. I did just want to clear that up, because I've heard, you know, from several members that this only affects the able-bodied adults who are without dependents and there is a difference between without dependents and without children. There is a difference. But I briefly wanted to first talk about the last part of the bill that allows for the department to enter into this contract, which they could already do with a third-party vendor.

We learned ... I was on two committees that this bill went through. We learned that right now they're already in a contract with this company that does the ... some of their IT work in this regard. I believe the company is called Optum and the contract is worth, I believe it was like \$380 million through a ten-year period and the added part that this bill would add, I think was an extra million or so to that yearly contract that we have with this company called Optum, that would help us, I guess, to eliminate waste, fraud and abuse. We're going to enter into this contract worth millions of dollars to help us eliminate more waste, fraud and abuse.

And, briefly, about the part that's getting most of the attention of this bill, is the part that would not allow the department to grant waivers in certain counties. Of course, they now grant waivers in-states like West Virginia and in our poorest counties, where it's harder to find employment, where it's harder to get to a volunteer program, where it's harder to get to a food bank. They're allowed to grant waivers that would go around the federal requirement, that has been in place since the '90s.

We started this several years ago and we had a pilot program in nine counties and I have the report that was given, I believe to the Health and Human Resources Committee, because I was there when they presented this report. In fact, it wasn't that long ago. It was less than a year ago where the department reported back that our best data does not indicate that the program has had a significant impact on employment figures, for the AVOD population, in the nine issuance-limited counties. It says it didn't have an impact.

So, I would imagine the purpose of the bill is not to get people back to work, because if that was, it doesn't do that. We have the information from the department that says it doesn't do that. It hasn't put anybody back to work. It hasn't lowered unemployment; it hasn't increased work force participation in those nine counties. What it did do ... and like the Gentleman from the 17<sup>th</sup> pointed out, it has put a strain on food banks in those counties. It has put a strain on charitable organizations and churches in those nine counties. That's what it did do and also it ... you know, SNAP is a federal program and it took ... let me get the number here, almost \$18 million of federal money out of local economies. Now, you can say, "Well that's tax dollars, too." I understand that. That federal money does come from somewhere. It's also tax money.

However, if you look at the SNAP program in regards to the federal budget, I believe it's less than 2% of the federal budget. If you cut down just to that program that they're allowed to ... that they ... just as it relates to able-bodied adults without dependents, I don't believe that would register on any kind of scale in regards to the federal budget.

So, if you think by passing this you're going to save tax dollars money, you're mistaken. This will not cause anybody's federal income tax to go down. I believe the money would be spent in other areas. So, I don't believe this is about protecting tax payers. I don't believe this is about getting people back to work. Unfortunately, I believe it's about ... there's a reason why this bill is 4001. Why this is the first bill out of the gate. I believe it plays well. I believe it polls well and I think we're going to crack down on waste, fraud and abuse and where are we going to go after it? Poor people. That's who we're going to eliminate ... that's where we're going to go to eliminate waste, fraud and abuse, with poor people. And I would just ... I think if we really want to go after waste, fraud and abuse, if we're really serious about eliminating waste, fraud and abuse and being good stewards of the tax payers' money, well, I think we should take up House Resolution 4 that would make inquiries and an investigation into the former ... the former Chief Justice of the Supreme Court.

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Well, I think if the purpose of the bill is to eliminate waste, fraud and abuse, I think that's where we should be ... and I think we should be looking up instead of down. Too often we look at people who are less fortunate than us and think, well they're getting something for nothing. Well, there's a lot of people in this country that are getting something for nothing and I think that's where we should be looking and I've yet to meet a poor person with a \$32,000 couch.

DELEGATE ROWE. Thank you, Mr. Speaker. I'd like to speak in opposition to this bill. The bill is going to create hunger. It's a food bill. Now, this bill, I think, has been dressed up a little bit and we've thrown in some fraud and some other things to make it enticing because nobody really wants to vote to take food away from people. That's what this bill is about. It's the purpose of the bill and it's going to be very successful in achieving that goal.

Now, I want to say right off that this is an example, Mr. Speaker, but I want to speak about Snicker bars and Marilyn Monroe. I'm told that there's an important dictionary that has added a new word and it's called hangry and what it means is when you're angry because you're hungry. You know, all of us get a little snappy and if you're really hungry, sometimes you do things that you're sorry you do. What we're doing is we're saying to the poorest of the poor, that we're going to let you be hangry.

Now, I'm reminded of the Snickers commercial that we see, whenever there's a seemingly older male actor standing in a dress that looks like Marilyn Monroe's and he's being very uncooperative and low and behold somebody gives him a Snickers bar and all of a sudden, there's Marilyn Monroe and how nice and she's on that subway grate that is an iconic movie moment. When you look at this bar graph, this is ... these are people. These aren't numbers, these are people. People who had ... where these benefits were cut ... it's food stamps, it's food. Where we said, "Look, you don't get your food stamps if you can't somehow prove that you're getting up in the morning, that you're dressing, that you're going to volunteer, to work or whatever."

You know, the population that we're taking food away from, are the folks who don't have clothes, who don't have clean clothes, because they can't clean them, who need haircuts. Sometimes they need a lot of dental work. They don't have cars and they don't even have an address. Now let me ask you in your heart of hearts, if you want those folks to come and volunteer at your church, to take care of your children?

Now the reality is, is that I go to St. John's Episcopal Church in Charleston and they've had the ... probably the largest soup kitchen in the State. I don't know that that's a verifiable number, but they serve over 500 meals every day, seven days a week, breakfast and lunch. And what they've had to do is to employ a city policeman to be at the soup kitchen because the ... of the violent new kind of folks that are coming in causing trouble. Now, that soup kitchen has been there since the 1980s and I was a volunteer for six years at that soup kitchen and we never had trouble. It was almost like it was a hallowed place. Homeless people would come in, they'd have their meals, they'd be respectful of other people and they'd leave. And we had a director that was remarkable who was able to deal with someone who came in intoxicated or who was being aggressive.

We now have a city policeman on the premises, just ready. Because these folks are hangry. Now what this bill is going to do is to encourage hangriness and aggressiveness in the very population that we don't want to be aggressive or hangry. It's a terrible bill. It's a bill that is going to take food out of the mouths of people and ladies and gentlemen, they're people. And if you're homeless or very poor, you don't have a car. You can't be driving off to someplace to volunteer or to work. You have to have an address to get a job. You have to look like you're ready to work. Who in here who hires people ever hire somebody who has dirty clothes? It's not going to happen. So, the reality is, is that this is a bill that's target to those folks who are in the worst need and what are we doing? We're taking food away from them and completely silent on the reality.

We talk about jobs. This bill doesn't create jobs. The first bill of the session is to take food away from people, not to create jobs. Not to create jobs that these people

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could go to. You've got to have a county that's over 10% unemployment before you get a waiver off of this. We defeated an amendment yesterday that would have allowed us to get waivers for particular different folks. That got defeated. So, what we're stuck with today is a vote on, either we're going to give people food, or we're not going to give people food. We're not going to give them jobs. There's no guarantee of a job if the DHHR had to employ these folks, maybe that would be different. They don't. In fact, a lot of the employees at DHHR perhaps qualify for food stamps.

So, this bill, you need to take and ask yourself very carefully, in my heart of hearts, do I want to take food away from these people? Who are these people? They're the poorest and most downtrodden in our society and we're going to give them the basis for getting hungry and getting angry and getting dangerous. I wish that we could require, as a part of this bill, that we have the police determine if a person had food stamps or didn't have food stamps, or if they've lost them. I wish we could have some kind of hangry index that would tell us what these folks have done and why they did it and I would like to know how many times hunger is a part of it and I think if we admit to ourselves, it's pretty obvious that so many times that we, in our own lives, get a little too hungry and don't have a pack of ... may dad always carried a pack of crackers and a bag of peanuts with him, always and if I ... I apologize to folks if I get hungry in here, because I'm not the same personality that I am when I'm well fed. So, I ask people to think about this, understand who it is that we're going after in this bill, why we're doing it and then the last thing is ... let's talk a little economics.

This is going to cost us millions and millions of dollars to the retail food industry in West Virginia and you say, "Well, but that's ...", I can't understand why we would do it. There's a lot of people who are employed in the retail food industry in West Virginia. We're cutting millions and millions of dollars out of that industry. Why are we doing that? We're doing it to cut off food stamps to people who need them. It's food, folks. It's not money. It's food. Please vote against this bill.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker and I appreciate the body in advance for listening to a couple of these remarks. I feel that the Gentleman from the 36<sup>th</sup> laid out some very good points and a couple of different things from the economic side that I hadn't taken into account today. But, more importantly, my colleague and good friend from the 17<sup>th</sup> talked about our district. He talked about our district and some of the stress that it's caused on the City Mission and for anybody in this body who is truly on the fence, this is a big bill. It's a good debate. I appreciate that, but you also need to think about this and put a face on that.

I know personally in my district, I've got to think about the kids in Hamlin and Guyandotte, Belton, Culloden, Fairfield West, even out of my district down in Westmoreland and at that City Mission, what he's saying is absolutely true. I've got a basketball team, a travel basketball team and for me it's much more than sports. So, on top of having a grade requirement for those kids, we do a lot of civic things. We do a lot of community involvement and over the past few months we've served dinners at the City Mission about three times. And I know some of you all in here have served in a soup kitchen, or maybe at your city mission or something of the sort and when they're going through that line ... and the most recent time was Christmas and they have two different segments. They've got families that come in first for a meal and then they have the men that come in second and those families that come in and they get that hot meal and then ... and in this particular instance, if there's enough, they come back for seconds and when I was there, when they came back for seconds, they took it back to their tables and gave it to their children and to see just the joy on their face when they were making sure that those kids were able to eat. But then very quickly, some of them, not all of them, some of them came back for thirds and that thirds wasn't for their children. It was for them because they were making sure they put their kids before them. The only problem was, as the Delegate from the 17<sup>th</sup> pointed out, with the pantries and everyone running low, there wasn't enough for thirds and that develops what the Gentleman from the 36<sup>th</sup> talked about as hangry, that hangry sentiment. And we have enough folks here that are able to put together a better piece of legislation, because I think we can all agree and I've said it,

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actually, I remember it vividly. Back in around 2011, I had a sit-down with Joe Manchin at Flapjack's Tenampa in Huntington and I was angry about some of the social programs that we have. I was talking about how, often times, it rewards people who don't do as much as others and sometimes people who have fallen on hard times, it doesn't do what it should do for them.

So, I think that it is prudent for us to be thinking about this. But the way that we're doing it is just so unfair and so wrong and the other part of that hangry, it's not just being aggressive at the soup kitchen, at the line. That quickly turns into crime. That turns into robbing from folks, stealing from folks. Maybe selling things that you otherwise would never even think about, because it's also called survival of the fittest and when you and your family, those children can't eat, I can tell you right now, I don't care who's listening, I'm going to do anything and while I fundamentally disagree that everybody's been born with the same opportunity, we have to make sure that we're doing our best. Our best, that we put people on a solid footing.

And in closing here today, on that basketball team that I coach, I had one of the parents, that she sets that up for me and she's so close to it because when she was a kid, she grew up in Beckley, her mom fell on hard times and they had to bounce around and get those meals from city mission. Then when she moved to Huntington and went to Huntington High and ended up growing up into a young adult, she fell upon hard times and had to go to the City Mission. But the thing that kept her strong was that while she was working and she was grinding every day to make better for her family. She had that food portion taken care of and she was able to, with various jobs, to find better money, to get better attire for that better interview for a better job, to actually be able to pull herself up by her bootstraps, because of that food that she was afforded. So, when you think about this today, for the folks that are truly on the fence, put a face with it. Think about your district. I know I'll be thinking about my kids again in Hamlin, Guyandotte, Milton, Culloden, Guyandotte, Altizer, Fairfield West, because it's important to them. I think we can do this a better way. I don't think it's dead. But for today, for this bill, I don't think

it's good for us. I don't think it's good for West Virginians. I don't think it's good for your district. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. There are a lot of people that have spoken very eloquently today and I really appreciate that. But, I'm going to go back and talk about taxes. We are going to spend a half a bill ... nearly a half a billion dollars of taxpayer money to make sure that not a single poor person is cheating in order to get food stamps, nearly half a billion dollars and it's our number one priority of the session, to make sure that no person is getting food that shouldn't be getting it. In my opinion, we should put that money in Tax and Revenue and go after the millionaires and the billionaires that are really cheating on their taxes and that are really depriving West Virginia of the money that we need to run our state. We are putting this into a program that DHHR has said is not worth the money. It does not achieve its intended objective. We're spending nearly a half a billion dollars, putting great minds to work, figuring out algorithms to make sure poor people are not getting food they don't deserve. I think there is a better use of taxpayer money and I'm voting no on this bill.

DELEGATE E. EVANS. Thank you, Mr. Speaker. Yesterday I gave you a data-driven, I guess, case for SNAP. I believe in data. I've been a scientist my whole life. I do everything data. All the years that I was a teacher, everything was data driven. It's hard to take emotion out of this formula because there are real food insecurities in West Virginia. Tonight, one in six kids in West Virginia can very well go to bed hungry. There are able-bodied men that need to be working, we know that. I agree with that, but if the jobs aren't there, that makes a difference. Those kids will still go hungry tonight. If there are programs that we lose because of this then, you know, that'll add to those numbers.

There are some smart people in this room that serve on the committees that draft these bills and I think that they can do a better job than what they've done with this one. I don't know if you've ever been food-insecure. I appreciate the Gentleman from the 60<sup>th</sup>'s testimony. Thank you, sir. I've been there also, been there also, as a kid. I was one of those kids that went to bed hungry on

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numerous occasions. Mason Evans had polio. Every nickel my parents got went into his treatments. Betty Jane Evans was a waitress on the turnpike, there in Beckley, at the old Glass House, they called it. A lot of times, she'd bring us one of those big ole suckers, if you ever had one of those from the Glass House, those big ole round suckers. We'd break that sucker in pieces and sometimes that was dinner.

When I was teaching in McDowell County schools and I was privileged to be named America's top science teacher and they rang my phone off the hook, "Come work for me. Come work for me. Come work for me," I turned everyone down because I felt the kids in McDowell County deserved a world-class education, not some other school, or not some other state. The point is I stayed because I made a difference to those kids because I've walked in their shoes. When they say they're hungry, I can say, I've been there, too. There's no data in that, I apologize, but the truth is the truth. All the able-bodied men in my area that would like to have a job, I've seen them stand in those lines and looking for them. I've served as references for many, many of them.

There's Five Loaves and Fishes foodbank that operates in my district. They used to feed people from Tazewell County, Mercer County, Wyoming County, McDowell County. Now they can only serve those with I.D. from McDowell County because the resources just aren't there anymore. We used to have a huge tie to the Methodist Church, to that food bank and of course, we've lost that also. But I'm just going to tell you, there's a reason we have after school programs. Trust me, it's not for the basketball. It's not for the cool crafts they do. It's not for the cool science experiments we do with them. It's to feed them. That's the truth and you know it. Food insecurity is no joke.

With all due respect to the Gentleman from Kanawha County, it's not a commercial with Marilyn Monroe. It's not a Snickers bar, it's way more than that. Food insecurities are real. In our church, First Church in Welch, the Methodist Church there, we have PB and J every day, PB and J: Peanut Butter and Jesus. We teach them skills about how to manage their money so that they can have things. This morning the tv asked me about

the box, or whatever, that the Governor ... or the national government's proposed to send to homes with shelf-stable type things. There are no fresh fruits and vegetables in those boxes, I'm sure and we all know that's what they need.

We have a hydroponics farmer down our way who's teaching people how to do that and grow their own food. That's huge. That's called giving someone a hand up, no handouts, just a hand up. I appreciate all of the comments here today, but if you've not been hungry, you don't know what a lot of our children are going through tonight. I will vote no. Thank you very much, Mr. Speaker.

DELEGATE LOVE. Thank you, Mr. Speaker. I can remember back when I was a boy in the late '30s and early '40s. I lived in a rural area and I could remember people coming by and knocking on my mother's door and saying, "Do you have anything to eat? I'm hungry," and I don't know how many of you can remember this when you were a youngster, but she always had something. It was ... even if it was leftover biscuits and she made a mighty good biscuit, but there was always something to eat for someone who came by, and this happened ... this didn't happen just once a month. This happened several times a month and there was others just like my mother, that they knocked on their doors and they shared what food they had with that person that was hungry that day.

Maybe our population has gotten so large that you can't do that now, because there's just too many people possibly. But now, too, if that happens, someone knocked on your door, you'd either have a .38 stuck in your pocket, or a double-barrel shot gun in the corner, because you don't know what's going to happen to ... when you let that person in your house. But, it's just how the situation has changed in today's world. I mean, the poverty and how we go about distributing the food and making the laws to do it and whether it's right or whether it's wrong.

But those were, I don't know, those days, in the '30s, in the early war days of the '40s, there was good people. It was a different world to live in, really. Much more so than today and you know, you've got to feel sorry for these people that ... I don't know whether



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I'm more fortunate than them, or how it is, but you can't let them go hungry. Sometimes my wife and I ... in fact we do this quite frequently. We'll go to the store. We have a couple of folks who live in our community near us and one lady in particular, she gets about, maybe five or six hundred dollars, SSI, Social Security and she very seldom has enough to pay for her power bill because she has a mobile home and the electric is very high and sometimes I wonder if she takes her medicine or if she even has enough money to do it.

But, my wife and I, we always throw in an extra pound of bacon or a 12-ounce package of bacon and a piece of ham and we take it over to her and it helps her. How many days she eats on it, I don't know, but we try to get a piece of ham that would maybe last her for a week or two. Bacon, at least she can fry bacon and we even buy a box of flour. Not a box of flour, but a bag of flour, if she can make some biscuits and you can always make gravy with the bacon grease, pretty good stuff if you know how to do it.

But, we try to help our neighbor because I remember back, those days that I was telling you about. A lot of you would probably remember them too and you know, we should think about that more and try to help our neighbors more. Maybe they wouldn't be as dependent on those food stamps, commodities as they've been called and what have you. That's about all I have to say on that, Mr. Speaker. Thank you very much.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I'm fortunate enough to represent the City of Wheeling in Ohio County and the City of Wheeling is known as the friendly city and I can't help but think that this bill is not so friendly and the reason it's known as the friendly city is we have a lot of charities and, in particular, we have the Wheeling Soup Kitchen, where I see the line outside the door regularly as I go to work and I can ... I have no doubt that under this bill the line will only become longer and this will put a strain on the soup kitchen and many local charities in Wheeling.

So, the Gentleman reminded me, when he was talking about a conversation he had, of one that I had with somebody who I respect back in Wheeling and that's Sister Kathleen

Durkin from the Sisters of St. Joseph's and she sent me an email when, this bill was pending, with her concerns about it and she ended that email with a profound statement that I wanted to make sure I share with the body. She said that the church teaches that food is a human right and the scandal of hunger affects, not just a number or statistic, but a human person. And I think what happens with our conversations here in this body is that we tend to devalue people, dehumanize people. Many times, we wonder if something is germane to a bill and I'm starting to wonder whether our bills are humane because we refuse to actually look at people anymore. You know, in committee, what really frustrated me on this bill, we took a break. There was another committee meeting and I'm on Judiciary. We took it up and we took a break from five to six and this is on the SNAP bill and as the break was taking place, we had an hour. During that hour, there was a reception going on at the Cultural Center, of which legislators could walk over to the Cultural Center, while we're pending a bill that deals with poor people being able to get food. We could walk over to the Cultural Center and we could feast. We could have caviar. We could have shrimp. We could have all kinds of food for free and then we walked right back over. I didn't participate, but people walked back over and I heard how great the spread was in committee. How fantastic that spread was at the Cultural Center while we're taking up a bill on SNAP.

How about some self-awareness in this body? How about some empathy for others in this body? And as we devalue people, dehumanize them and turn them into statistics and numbers, there's no justification in this bill when you start looking at the statistics and numbers. There's no success rate, less than 2%. My God! People aren't getting jobs. In many areas, this volunteerism simply isn't available. The transportation to and from is probably not readily available as the Gentleman mentioned yesterday.

So, I just don't get where we're going. I know it sounds good. It's something that will play well. It may make a great mailer, but deep down it's just not the right thing to do and I don't know why we're doubling down on something that has clearly failed in our pilot program, other than the fact that maybe

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it does sound good. So, I'll be voting no and I'll be joining many of you from the friendly city in doing so. Thank you.

### H. B. 4625

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REMARKS  
of  
**HON. BILL ANDERSON**  
*February 22, 2018*

DELEGATE ANDERSON. Thank you, Mr. Speaker. My remarks today, I would like to say that I rise definitely in support of this legislation. I would like us to instantly fix the problem. I've been a member of this body for quite a few years. Believe it or not I walked in an informational picket line in Wood County in 1990, calling attention to the sad plight of the Teachers' Retirement System. The Legislature finally began to respond and in 1994 we created, after I became a member of this body, I was not a member in 1990, we created a solution to the problem that had been created by a lack of appropriation of money to the Teachers' Retirement System and since 1994, we created, in that year, a 40-year payout program.

The Delegate from Raleigh pointed out solving this PELA problem is a heavy lift. Well, ladies and gentlemen of this body, this Legislature, this House of Delegates, this Senate, both Democrats and Republicans, began in 1994 and passed legislation that began, not a heavy lift, but almost a Herculean lift. For 24 years, through appropriations in the general revenue budget, we have met what the State actuary tells us we need to put into the Teachers' Retirement System to have it solvent into 2034. We have never missed a payment.

For those who say the bill coming from the House Finance Committee is not enough, it doesn't cure it immediately, that is true. But it is, as the Gentleman from Raleigh pointed out, it is a heavy lift. But it's not as heavy as the Teachers' Retirement System, but it is a heavy lift and I have every confidence that the Chairman of Finance, the members of this body on both sides of the aisle, will step up to the task and either through appropriations by supplemental appropriations, having the Governor increase the recommended appropriation in the budget proposed and this

body accepting that recommendation and passing it, or dedicating portions of any surplus to a permanent funding mechanism or any other mechanisms we can put together, we can, as the Gentleman from Raleigh pointed out, deal with this heavy lift.

I sit on the Finance Committee and I would share with you, we have other priorities. Teachers, I'm proud as an educator to have been an educator. I'm retired now, but I can assure you, we have 1,400 people sitting, waiting on the age and disabled list, to get home healthcare. We have cut higher education funding and that results in higher tuition for the students. The Chairman of Finance assigned me to a subcommittee on Higher Education and, in good conscious, two or three years ago, I said I cannot in good conscious recommend cutting higher education anymore and I refuse to make any recommendations, but we still ... before it was over with, we still had to cut and kids tuition went up.

It is a balancing act in putting together the budget. Sometimes I wish I weren't upstairs, especially in times where this state has been knocked to its knees. One hundred fifty million tons of coal mined a few years ago, down to \$80 million tons. In 2016, we've crept back to ninety-two million tons. The severance tax from that helps to fund our budget. I share with the gentlemen from Mingo the concern. I watched the numbers of coal miners in the southern part of the State losing their jobs.

In my part of the State, we've been informed that the Pleasants Power Station will probably shut down January 1 next year, a coal burning plant. I understand, not only the ramifications for the families in my area, but, ladies and gentlemen, the ramifications of, that's X number of millions of tons of coal not being burned. I share my concern for Southern West Virginia, I share my concern for my neighbors back home. But by sitting on the Finance Committee, that translates into less income tax coming, that translates into less sales tax when people that don't have money.

This Legislature, both Democrats and Republicans, quite frankly, we have been knocked to our knees by economic forces which we could not have dreamed was going

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to impact us. We have struggled and struggled mightily, both Democrats and Republicans. I opposed the amendment to dedicate 100% of any surplus just to PEIA. There are a multitude of needs in this state. Twenty percent some would say is not enough. I say it's a beginning.

Twenty-four years ago, we began moving the Teachers' Retirement System from being 9% funded to where it is approximately 70% funded today. It can't be done overnight, but there are a lot of good minds in this body on both sides of the aisle that, in my judgment, will craft a solution and that makes me, right now, see us emerging, ladies and gentlemen of the House, to a better day. We can work together. We will work together. We've worked together on teachers' retirement; we'll work together on PEIA. To have granted that, means we may not have money ... that which was proposed by this amendment means we may not have money to deal with the raises for all of the other state employees who are maintaining our highways, child protective service workers, you name it. We have to treat and care for all of the people in our state within the means of our state at this time. I compliment the Gentleman from the Finance Committee, the Chair of Finance, for originating this bill. It is a beginning. It is not the final solution.

Twenty-four years ago, we began solving the problem, the Teachers' Retirement System. Sixteen more years, it'll be after I'm no longer a member of this body, it'll be actuarially funded. That burden will be lifted from us and then we have the potential to use that money to address other problems. I enthusiastically support the bill before us and I think it will lead us to solving another of the many problems facing this state. Thank you, Mr. Speaker.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS *February 22, 2018*

DELEGATE ZATEZALO. Mr. Speaker, I've got a couple of things here. First of all, I am happy and really pleased to announce that an

\$884 million natural gas electric generating plant has gotten approval from the State regulators to go for funding in Brooke County, West Virginia and I say that on behalf of my good friend, Delegate Diserio and Pat McGeehan. We represent the district and Phil, I know, has been working on this pretty diligently. So, this is a start of the plan to produce gas in West Virginia and use it here. It will be the first, really, stand-alone gas power plant that I know of to come in this new wave. It's also one of the projects that was put out for the Chinese investment money and I think that's significant because it really ... nothing that I know of is going to China for any reason whatsoever and I know that's a concern to a lot of people. So, I think that's good news and I'm happy to report it to this body.

The second thing I want to do and I hope you bear with me a little bit. I had the honor today to accept an award for a hero of history. The man's name is Robert Kelly and Robert Kelly was a personal hero of mine when I was eight years old. He was a running back for the Weir High Red Riders and he was one of the best running backs I think I've ever seen and, as I told him in later years when I saw him about four years ago, I don't know how many arguments you started and he looked at me kind of funny. I said, "Well, when we went out into the back yard, the big argument was who was Kelly and who was Tucker," and Bill Tucker was the other running back and he ended up playing for the San Francisco 49ers. It was such a thrill for me to meet Robert Kelly, but what I have to tell you is even more important. Robert Kelly is a fellow who went and played in the junior college Rose Bowl, back in the day and his team won. Cameron Junior College won that game. But he went out and became an IT expert and lives now in the State of Washington, but the thing that's significant is, Robert Kelly loves to come back to Weirton. He makes several trips every year and the reason he's a hero of history for West Virginia ... and it's particularly significant in February, because it's Black History Month and what he did, almost single handedly, was fill in all the blanks of how Weirton ... how it coped with the integration of all the schools in the area and as I love to tell people, it wasn't easy for Weirton when integration occurred in the mid '50s. On the other hand, from '57 to '61 we won three state championships in football and one in

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baseball and I submit to you that was not necessarily a coincidence and so, for my friend and hero, Robert Kelly, I'd just like to bring that to the body's attention and just say once again what a great honor it was for me to be able to receive the award for it. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. "We've got to give ourselves to this struggle until the end. Nothing would be more tragic than to stop at this point in Memphis. We've got to see it through." Those were the famous words of Dr. Martin Luther King 50 years ago, when there was a sanitation strike in Memphis, when the City of Memphis was taking advantage of their garbage collectors and two garbage collectors got killed by a faulty piece of equipment and the city still did not want to give in to their demands even after 700 people voted unanimously to go on strike. They wouldn't even recognize the union. What a struggle it was. What a struggle it was. But they stayed strong and they won because they didn't quit. You can't lose if you don't quit and that's the message I think needs said to my friends in the gallery today. You know, it was 41 years ago on this day, February 22, that I became a member of the United Mine Workers of America and there was two things you always remember when you're a coal miner. You remember the day you were hired and you remember your check number and I remember joining that union and getting sworn in and how proud I was to be a part of, what I believe to be, the greatest labor union in America. and I've been through several strikes, not only as a union member, but as a child.

You know, my brother and I were raised in a union household and we knew ... we knew that if it wasn't for the union we would have had nothing and I'll venture to bet if it wasn't for the union, nobody in this room would have anything. You may be successful businessmen and women today and you may have a great life, but it's because the American Labor Movement built the middle class. So, that entailed a great life for you and others. But the difference is in my union and the union household my brother and I grew up in, we had collective bargaining. We could sit down at the table, as equals, with the company and try to come to an agreement that both sides could live with. The folks in these galleries have collective begging.

They're at the mercy of the Legislature and they're at the mercy of the Governor. So, they're down here today to show you there is another side to that table and they want their voices heard and many of us in this room stand with them in their efforts.

If you look at these ribbons we're wearing, sets the point of view. Now there's a few people who in this room wearing these ribbons, I would suggest you check their voting record and don't take the ribbon for granted. Now this morning, Mr. Speaker, ladies and gentlemen, I got out of bed and I knew there was a struggle and I knew my brothers and sisters were on the picket line and they were gathering at the Capitol, so I did what every good union man does, I got in my car and I went and found me a picket line and I was able to walk the picket line with the folks over at Horace Mann Middle School in Kanawha City and you know, I saw something that on the picket lines that I get to walk, never happens. The principal and the vice principal was there with their teachers and their school service personnel and they had coffee for them, because it's rare that management ever supports the workers in a struggle. But they know that these folks deserve better and even though they're their bosses, so to speak, they walked that line with their workers and that meant more to me than you can ever imagine, because usually when I'm walking on a picket line, I've got security guards with a camera in my face, or I've got a trooper putting handcuffs on me, one or the other. But you know what? There is no better feeling, no better feeling, than standing up for something that you truly believe in your heart. I was never ashamed to get arrested and put in jail for acts of civil disobedience, because I thought the cause was worthy of it and it was going to make a better life for those behind me. So, that never bothered me. That never bothered me. I was never ashamed of that. So, my message to you folks is you've got to stay strong. Now, you percolated this movement from the bottom up. This is not a union bosses' thing like some people want to refer to it as. This is a grassroots movement. But you also elected leaders and I suggest to you, you listen to those leaders now in your time of struggle, because we've got to be together. We've got to be more solidified. We've got to be more unified than we ever have been if we want to win and we're going to win because if you don't quit, you keep

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going, you've got to win! So, do not quit. Do not quit.

But, Mr. Speaker, there's something else that's on my mind today and I want you to listen to me, please. When I got to the Capitol today and you and I have had this discussion to your credit and you're looking at ways to improve access to this Capitol. I give you credit for that. I got to the Capitol today, long lines again, two entrances, no port-o-potties for our citizens to use and I understand that, you know, we're working on this and we're trying to rectify this problem, because I think it really needs rectified, but Mr. Speaker, I'm going to ask you to look into something. Someone said, "Hey! Hey mate, come here. I've got to show you something." They showed me a video of a high-powered lobbyist, who walked in through the AG's entrance with a swipe card and let himself into this Capitol. Now that's wrong! I don't care what side of the aisle you're from, that is wrong. When my friends have got to wait in line two hours, in the rain, to get in this building and a lobbyist has a swipe card. You know what I call that? I'm not going to tell you because you'll rule me out of order, but you know what I call that! And if somebody in this room gave that lobbyist their swipe card, shame on you. That is wrong.

I walked in the door and one of the security guys was there, been here a long time. I said, "I'm going to ask you a question and I don't want you to lie to me."

He said, "I'd never lie to you, mate."

I said, "Did a lobbyist just come through this door with a swipe card?"

"Yes sir, he did."

"How'd he get a swipe card?"

"I don't know, but I'm going to check that out."

That's wrong. That's wrong, Mr. Speaker. I know you agree with me. I know this body agrees with me and I call on you to check that out and we can find out the exact time of that and I'll be happy to show you the video. I'll be happy to do that and I've heard other lobbyists have been doing it today, as well. So that is wrong. Mr. Speaker, I appreciate

the time and I appreciate the courtesy you gave my guests when they clapped a little bit. We do have rules of the House that we have to abide by because we have to conduct business here, but I want you to know you've got some great friends in this House. You've got some great friends in this House and I said last week, don't buy the lovey dovey introductions. Don't look at the ribbons and assume. Look at our voting records. You'll find out who your friends are. God bless you, I'll be with you until the end.

DELEGATE FERRO. Thank you, Mr. Speaker and I want everybody to know that, like some of my colleagues here, I'm not a union boss. But what I am is a proud 35-year retired schoolteacher who is a union member and a lifetime union member of that organization. I couldn't be prouder today of folks in my profession; teaching profession, service personnel, state employees; especially my folks who are here from Marshall County that braved the weather down here, because there's big-time adverse flooding up in our area tonight. I just suggest that this is a culmination, what's going on today, all you people here, of all the anti-public education, anti-teacher, anti-service personnel bills that have been introduced or voted on these last four years. I've been telling teachers this. I've been telling service personnel this, every time I go back to Marshall County after session, that their profession is being stripped of the rights that we helped fight for, several of us in this body. Finally, finally that message has gotten through and you all have risen up and you're the ones that are making this boil over. You're the ones that understand now, that your rights are being abused.

Let me just go through some of these bills that have either been passed, introduced, died in committee or whatever. But they have been introduced as part of the anti-education agenda that would all harm public schools and public schoolteachers and service personnel. I'm not going to get into them in detail, I'm just going to read them to you; charter schools, vouchers, education savings plans, alternative certification, the Tim Tebow Act. Well there's one, raising the retirement age to age 62, for those of you who were hired after July 1, 2015, meaning you can't use your sick days toward retirement.

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With regard to home schooling, there was a bill introduced in here a few years ago where you didn't even have to have a high school diploma or a GED to teach your home-schooled child. They eliminated ... there was elimination of the Secretary of Arts this year. We're still hoping that we have the Governor's School for the Arts and the Energy Express and all of the programs that go along with that.

Let's go back a little further to Right-to-Work. You might not think that that's important, but it's a union-busting thing and that's what they're trying to do to you in here, as well. We repealed prevailing wage for construction workers, I think it was last year and again you probably didn't recognize this, but there was a bill to eliminate people that were non-classified employees at WVU or Marshall. In other words, they didn't have recall rights if they were laid off. It didn't matter how many years they had, we used the word flexibility.

Somebody could drive a Kubota tractor and make \$15 an hour, the Kubota broke down, we get a John Deere, you're not capable of driving that. We're going to hire somebody at \$10 an hour. And that's just the prelude to the seniority bill that was introduced this year and believe me, they wanted it to be brought up. If seniority would eliminate for you all in rift or transfer, which means, basically, you become an at-will employee, will and pleasure at the discretion of your building principal. With regard to PEIA, there have been ... we've talked about this many, many times and this was a priority a couple of years ago for us and I know I spoke several times on that on the floor. But there were bills introduced to reduce ... we now have 80/20. One was to reduce the premiums to 60/40. There was one to take off the caps on the PEIA bill. There was one that actually eliminated entirely and privatized it. We also, this year and I think it's still going, in the Senate, I believe they passed out payroll protection, again, another union busting activity. Now, these and many others, ladies and gentlemen, have been boiling here. These are things that they have been doing to you. Just taking a little bit every day, paring it like an apple. I hope now you understand what we've been going through, what we've been fighting for, for you and I've been fighting it for that too, because, as I said, a

whole lot of us have fought for those rights that you have right now.

So, I just want you to know, ladies and gentlemen of the body, that these folks up in these galleries, they're serious. They're absolutely serious and we hope that we take their word ... or they take us at their word that we're going to help fix PEIA and not put a freeze on it and not put a Band-Aid on it. Thank you, very much.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I just want to make some comments on some things that I think have been said tonight. As far as bills introduced, or they've never made it to committee, I've always learned they have a chance until the last night. So, don't give up on your bills. Amend it into something if you can. That's the process. I'm talking about the gentlemen from the 28<sup>th</sup>, I believe, mentioned about bills that never make it to the ... out of the committee.

I'm saying I've learned over the years that the ... your bills have a chance until the last night. You can always amend it into another bill if you find the ... all the right stuff. I know my friend from the 1<sup>st</sup> here said that it was a gas power plant coming to ... that's fantastic. I don't know the significance of ... everybody realizes the significance of that. That is huge. Would you yield to a question? Thank you, sir. What's the ... five years? Two years, that you're wanting to have this bill?

DELEGATE ZATEZALO. I think the ... probably the schedule would probably be more like three.

DELEGATE ELDRIDGE. Three years, that's fantastic. With this you see a lot of jobs?

DELEGATE ZATEZALO. It's about 400 construction jobs. After that it's about 50 jobs to run the plant, not counting the support of the people around.

DELEGATE ELDRIDGE. And would that plant be able to produce enough energy to keep the power plants from going out of the State of West Virginia to buy power?

DELEGATE ZATEZALO. I would imagine ... well, it's going to be about an 800

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megawatt plant. Which is a fairly good sized one, but certainly nothing like the coal plants we have in the State of West Virginia.

DELEGATE ELDRIDGE. Thank you. My point of the question is, hopefully we can buy our own power. That should drive our cost down. I've heard a lot of power bills, a lot. I don't know how your all's power bills have been, but it's been pretty high, I'm sure. Mine has too. My friend from the 28<sup>th</sup> talked about how great you all are and you are. I taught school for four years and the kids do come up and give you big hugs. I've got two little ones. It's hard to get them to school, but once they get there, they have a great time. It's hard to get them dressed in the morning, but once you get them to school, they have a good time and they always come running with smiles on their faces at the end of the day. That's worth something.

Where's your bonus at? It's okay for us Legislators to get in the right place to give you bonuses, too. We just don't have to give you pay raises, we can give you bonuses for a good job. Get our scores to the 35<sup>th</sup>. Get our scores to the 40<sup>th</sup>. Work hard. We have bills in committee that would take care of your PEIA. The Gentleman from the 20<sup>th</sup> here, has got a bill, 4341. That would take care of your PEIA. You'd never have to worry about it again, ever. That would encourage people to come to work in West Virginia. Retain good workers, people that show up. The kind of teachers and school service personnel that the kids got smiles on their faces to see them of a morning, like my friend from the 28<sup>th</sup> said.

I don't know if everybody understands the significance of what's getting ready to happen in West Virginia in the next 10 years. There's going to be over \$100 billion spent in West Virginia. Just what little bit I've seen, I'm sure there's a lot more and we don't know what's going to spin off of that. West Virginia is not going to be the West Virginia of the past. You know why? Because we're sitting on the largest reserve of natural gas there is in the world and why are we hiding it for? Why are we not taking care of our people from West Virginia? Again, that would encourage people to come back to West Virginia.

Alaska can do it. Alaska gives a check away to every one of their people. Everybody

says, "Well, Alaska's got only 400,000 people." Who cares? They've rode coal. We've rode coal hard, for years and they made billions off of West Virginia from the coal and I'm glad they have. Coal helped build West Virginia that it is today and we say, "Well, we've got a lot of work to do. We're here to clean stuff up." I heard that today, too. Let's clean ... like a ... clean some mess up. Maybe we didn't do everything right. I've always tried to come here and do what's right, whether it be on that side of the aisle or this side of the aisle. It doesn't matter. If it's good legislation, let's do the right thing and treat our people right. It's not that hard.

My friend from the 22<sup>nd</sup> over here serves with me. He's got to be able to help PEIA and teachers. We rode coal hard for years. Hundreds and hundreds of years, we rode it hard. Now it's struggling. We should get off from it. It doesn't matter who's in charge in this beautiful building. The natural gas is here and if you've got it, they're going to come and get it. Let's make it worth something. Let's take care of our people.

I'm not coming back, but you all ... a lot of you all will. Do the right thing. It's the largest reserve in the world. Take care of the PEIA. Put in a bonus, that bill we passed out the other day is two, one, one. If we were in really good faith and really wanted to do the right thing, knowing the economy is going to be better in the next five, six years, why don't we throw a big five or 6% on the end of it? We're going to have the money. We've got it here to clean it up, he said. Clean it up. Well, you know, over the years I've learned a lot being here and I try to see things at face value and I know we built one heck of a reserve in our Rainy Day Funds to take care of this state when every other state is struggling. I think California is wanting to break up into about five states, from what I've been told because they can't manage it all. They're getting the money from the stimulus money that came down to the State to plug their payroll. West Virginia took it. I believe we painted their bridges, didn't have to pay that money back. Do the right thing. Thank you, Mr. Speaker.

DELEGATE E. EVANS. Thank you, Mr. Speaker. This morning I was ... actually last night, but this morning I was invited to walk the picket line over at Riverside

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School, here in Kanawha County. I was invited by a member of the AFT. As people down my way know, I've been a life member of WVEA all my life and will be, I guess. But, I just wanted to thank all you guys for inviting me this morning. You know, AFT sponsors a program in McDowell County called Reconnecting McDowell and as a result of that we've seen dropout rates in our county decline and we've seen attendance rates go up. Things have been better because of them. My good friend, Randi Weingarten was here. They also have my son in one of their programs called Broader Horizons. Brandon is autistic and he had an opportunity to, as a result of being in that program, be in Charleston, be exposed to a mentor. Brandon wants to be a Methodist minister and he's making great strides in that. So, just, you know, take a moment to say thank you to everybody that's part of that ... both organizations, wonderful. You teachers up here in both organizations, the greatest profession in the world. For 35 years, it put food on my table. I never once regretted the choice I made, but I just wanted to take an opportunity to say thank you to AFT and, on behalf of my son and my wife, thank you so much.

DELEGATE PETHTEL. Thank you very much, Mr. Speaker. You know, I don't speak often on this floor, but I really feel compelled this evening to say a few words. You know, the teachers and school service personnel and pretty much everyone in Wetzel County, they know that I was a teacher for 40 years, retired in 2013 and I'm still actually substituting. So, I get out pretty much in all of the schools, you know and I know how important the PEIA issue and also the pay issue is to them and I certainly don't want to downplay that, because it is very important. But they also want respect for their profession.

You know and I listened to my good friend from the 4<sup>th</sup> talk about some of the other bills that have been introduced here, the last four years. Yes, maybe those bills, they didn't become law, but they were introduced. Some of them were on agendas in various committees. Some of them ended up in the Rules Committee. You know, when the

teachers and school service personnel and public employees that I talk with, when they learn about those bills, believe me, they are just astounded. When they say, you know, why would those bills they introduced are on agendas? Because we feel like those are disrespectful to our profession and not only is the pay issue and PEIA very important, but believe me, respect is also important to them. So, I hope that we can work together and that we can solve a lot of these problems so that they can continue to get respect in their profession. Thank you.

DELEGATE MILEY. I rise in support of the Gentleman's motion. At some point, we need to restore civility in this body. We can oppose each other on ideology. We can oppose each other on political philosophy. We can oppose each other on educational issues. But I've known that gentleman for a number of years. He's a good man. He misspoke. If he misspoke and didn't mean it, that's ... I take him at his word. It's on video. If someone wants to use it against him for an election video ... I mean, come on. I just think at some point, let's move on, take care of business and I support the Gentleman's motion to remove the comments from the Appendix. I don't think anyone ever goes back and reads the Appendix anyway. They won't be prepared for another year or more because of all the requests. So, I just ask that we give some ... restore some degree of decorum and civility in this body. We can disagree on issues, but I think we need to reach a point where we, at least, like serving with each other, even if we agree to disagree. Thank you, Mr. Speaker.

### DEATH OF THE FATHER OF DELEGATE WHITE

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REMARKS  
of

HON. JEFF ELDRIDGE  
*February 23, 2018*

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I'd like to ask for a moment of silence, but before we do that, Mr. Speaker, I'd like to read



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something from Delegate White, if that would be alright.

As we lay my father to rest today, I want to thank a great friend and Delegate, Steve Westfall, for requesting a moment of silence for my father on Monday. He would never have dreamed of that happening. I also want to thank each member that stood in his remembrance, from the bottom of my heart. Since my father was a registered Democrat, I only felt this should be read by a great friend and Democrat, Jeff Eldridge. I had asked my dad hundreds of times to move from Beckley, West Virginia to Charleston, West Virginia. He would not because he always said he had friends in Beckley. My brother and I couldn't figure out who his friends could be since all of his siblings had passed and he had outlived all of his friends.

But, about nine years ago he had started going to therapy after back surgery, at a facility in Beckley. Little did our family realize how important this was to my father and sister, but a strong and vital friendship was built with the owner and staff. Even after he was wheelchair bound, he kept going to see his friends there and talk railroading. So, it's not often that I get to cross the aisle and thank someone for going above and beyond. Our family truly appreciates you, Mick Bates and your staff at Bodyworks. My dad loved you guys and would want me to publicly thank you. God bless.

### REMARKS MADE DURING THE XIV ORDER OF BUSINESS

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#### REMARKS of MEMBERS

*February 23, 2018*

DELEGATE BOGGS. Thank you, Mr. Speaker. I want to just take a moment. Some of you may remember a few ... a few months ago I took to the floor and expressed some concern over the Division of Highways and holding up a development over an 1,800-square foot piece of property that kept a

Dollar General store from coming to Burnsville, one of our Class 4 municipalities and I just wanted to just follow up on that. I had a conversation with the Speaker. At a time when, throughout this session, we've talked about lots of different things, for a lot of different folks.

The Development Office has proposed things that cost in the hundreds of millions of dollars. I had had some conversations with the Governor's Office who seemed to want to help; with Senator Joe Manchin, who seemed to want to help; and with Secretary Smith, who also wants to help and I think that's all been resolved, but the problem is getting them back to the table. And, to just refresh your memory, this is a community that's situated right on I-79, a wonderful location, the center of the State. But, they don't have a grocery store. They've got two convenience stores and they desperately need something to boost their economy.

It's only eight or ten jobs, but that's enough to move the needle in a small community and it could be ... and this could be any of your communities. But, I had a conversation with folks here with the State Development Office, on a couple of different occasions and here's what I was told, asking if they would be willing to intervene to help try to get them back to the table now that these other things with highways had been resolved. I was told, "Well we really don't like picking winners and losers." Really? Really, we don't like picking winners and losers? That's their job. That's part of their proposal that they made for this inventory and business tax and I appreciate everything they do, but, I think maybe one of the hang-ups that I've had is the fact that I see a lot of things on the macro scale, but, not down where the people live, where people would have to drive 20 or 30 minutes in three different directions to get a roll of paper towels.

This is not a matter ... there's not competition in the community for that. Mr. Speaker, I know that you have great knowledge and great ... you grew up in the area and I appreciate your willingness and I want to publicly call upon ... thank you, for listening to me. And, I want to call upon you to assist in trying to get our Development Office to realize that development is more than just Proctor & Gamble, Macy's and

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huge industries. We passed a bill today dealing with ... and nothing personal with those. They're great. I love them, but we've got communities that don't have them and are never going to have them.

We've got to be doing something for our small communities. We passed a bill today to help our Class 3 municipalities. It's wonderful. That's wonderful. I'm glad we did, but each and every person in here has got a small community and a rural community somewhere, with the exception of maybe the Delegate from the 37<sup>th</sup>, that has places that are in need. We're not looking for a handout. We're looking for a hand up. We're looking for some assistance and when I hear things like ... that we don't want to pick winners and losers. Tell people ... I can't tell people in Burnsville that or Gassaway or Sutton or Glenville or Sand Fork or Flatwoods or any of your communities and I don't imagine you'd want to go home and tell them that either. I'm not going ... I'm going to just ... I'm just telling them how it is, that that's the answer that I got and I think it was way out of line. We have great small business development across the State, but sometimes we need a little bit of help from the higher levels and that's all the people in Burnsville are asking for. Because, make no mistake, in a small rural community we don't have places that are going to get 100, 200, 300 jobs, but eight or ten or twelve jobs is going to move the needle on our unemployment and it's going to make a difference in the quality of life for people who've got ability to go get some staple goods, things that they need without having to drive 30, 40, 50 minutes in both directions.

So, Mr. Speaker, I appreciate your help. I appreciate all of you in here because I know we're all in the same boat together. So, again, this is not a Democrat issue, this is not a Republican issue, this is a West Virginia issue. So, let's put some pressure on the folks that are supposed to be helping develop our communities, large and small and maybe we can see some good things happen all across West Virginia. Thank you, Mr. Speaker.

DELEGATE BREWER. Thank you, Mr. Speaker. Over the last couple of days, we have seen an overwhelming request for help from our public employees. Now, up until now my experience has always been with private negotiations when it comes to labor

issues, but ... and I've always been in their position, these folks. I've always been on labor's side and what labor is required to do is sit down with management and both sides are required to negotiate in good faith. That means everybody is honest and everybody works towards what's best for the industry and we have always agreed that a race to the bottom for the sake of saving the dollar is not what's best for our industry because we can't maintain quality in our industry. We simply can't do it. We've maintained a healthy relationship because we routinely meet.

Labor and management meets on a monthly basis if not more frequent to figure out what the issues are between the two sides and hopefully have them ironed out so that we don't reach a boiling point. Well folks, I think we've reached a boiling point. In this case we are management and these folks are labor and we need to do something about it and they're here to meet and I can hear them. They want to meet with management. So, all I'm suggesting is that we negotiate in good faith with labor. As management, we negotiate in good faith with them and we find some sort of a dedicated funding source for their insurance and we don't risk that race to the bottom so that we can maintain our quality labor force. Thank you.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. Over the past few weeks we've seen some real leadership. We've seen leadership in the gallery, on the boulevard, out in the halls and, Mr. Speaker, surprisingly to you, I'm going to give you some credit. Because I believe, although I disagree with a lot of policies that come out of this House, that you've shown leadership because you haven't played hide-and-go-seek with constituents like your counterpart over in the Senate. So, I want to thank you for that and that ... that leads me to our Governor, because, you know, at times like this when our state's history is literally being written as I stand here today, our Governor has been absent, nowhere to be found.

As thousands of West Virginians come to Charleston, walk our hallways, wanting their voices heard, our Governor, who has never shied away from a camera or a prop, seems to be missing in action. I just don't know where he's at. You know, when it was time to help fix the budget, he turned to you and said we need money from you. When it was

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time for a road bond, he turned to you and said we need money from you. But when it's time to answer the call for those who answered the call before, he says there's no money. He said we can't even think or talk about a severance tax increase.

I think it's time that out-of-state interests start paying to help West Virginians instead of always looking at West Virginians. I think it's time we treat our people as good as we treat our roads. Roads are meaningless if nobody is driving on them and you know, what has happened in the past 42, 78 hours really ... I keep going back and forth between pride and anger and sadness. Our Attorney General comes out and says there's a lot of illegal activity going on and he's going to step up and do whatever it takes. You're all criminals. Then less than 24 hours later, when he realized it wasn't very popular, what he said. He said how great you were. That's politics.

So, through this whole process I think we've forgotten what this is really all about. You know, this is not about us down here, it's about who got us here. To me it's Mrs. Greathouse, Mrs. Clark, Mr. Marple who taught me history. Sometimes we repeat it, sometimes you make it. I think we've got a lot of that going on right now. Mr. Cusky who basically said, "Shawn, if you would just shut up every now and then you could go places."

But, you know ... and also, I'd be remiss if I didn't mention who really got me here and that's my mother, who is on a picket line today in Marshall County. She's been in the special ed field for 30 years and that's why I get up and fight for her and fight for everybody else up north and this whole state. So, that's what we need to remember is, who got us here and let's finish with that. Thank you, Mr. Speaker.

DELEGATE HARSHBARGER. Thank you, Mr. Speaker. I just want to rise and give a few thoughts. There's been a lot of discussion about severance tax earlier this session and I know a lot of the people up in the gallery has ... have that on their signs out here as they demonstrate to us as Legislators and you know, I just want to put out a few thoughts here on severance tax before we take a reaction on severance tax. Our state is an

energy producing state, which we are blessed. For years the coal industry has supported the State and with regulations that's actually hurt us, with the regulations and policies on Capitol Hill.

So, I just want to throw a few thoughts out there on severance tax and give you guys some numbers. For West Virginia in 2014, we had \$229 million in severance tax. Last year, in 2017, \$124 million. We saw a 46% drop in severance tax. It's a commodity. It is driven by supply/demand fluctuation in the market and I struggle personally to base a budget off something that's going to fluctuate almost 50%. We don't know what the future holds. We don't know what the politics on Capitol Hill is going to be in three years when there's a new presidential election. They could shut down the fracking industry as they actually hurt our coal industry. So, we can't depend on that revenue as a solid source to budget our balance ... or our budget.

Something else I want to point out is ... I went up and spoke with my teachers for about two, two and a half hours and this question came up about severance tax and I went through it. After that meeting, a couple of days later I received several emails from those teachers. They said, "Do not increase severance tax." and I started to ask them why. A lot of people in my area, I live in a mineral producing county of natural gas. They have a contractual lease agreement that says their royalty check has the right to deduct severance tax. So, if we increase severance tax, that's going to be less money in my mineral owners' pocket, which are my teachers, my constituents of Ritchie County and the surrounding counties.

So, that's just some food for thought and we look at these other states as we classified a world-class shale play and you look at Texas and Oklahoma and you look at their budget. Oklahoma has a budget of ... I've got it here, \$6.7 billion. Their severance tax accounts for about 2% of their total budget. Texas has a budget of \$217 billion. Their severance tax account for 2% of their budget. West Virginia has a \$4.3-billion budget as of last year. Our severance tax currently, at the low market rate, is 3% of our budget. So, if we go increase our severance tax, that's going to put more emphasis on our budget ... a higher percentage on our budget for a

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budget that is actually smaller than any of the other mineral producing states. So, 2% of \$217 billion, you have a little bit of noise in there. You could swallow that and deal with it and budget cuts and handle that. In a \$4.3 billion budget, when you have 3% or more and you have a fluctuation in that severance tax, it's going to impact our budget significantly. So that's one thing, as we go forward on this, we need to be very cautious of, how we look at this severance tax.

We do have a bright future in our state with the oil and gas and the shale play in the northern central part of the State. With that we're going to have a lot of industries that'll want to invest in this state, the chemical industries, the fractionation industries, the downstream products of this natural gas and oil development. Things are going to come, but with that, something I want to get back to is, we've also talked about the equipment and inventory tax. There's been a lot of negative publicity out there about that, but over the last 20 years there's been multiple studies that indicates the equipment inventory tax is the number one job inhibitor. Just last week, we had a business leave Raleigh County and go across to Virginia. They don't have a business inventory tax. These are long-term, stable jobs that we need to bring to West Virginia on the manufacturing side. They provide jobs. They provide taxes for our state and local economy. They increase our student enrollment in schools, which my county is struggling with. We have no manufacturing and we are losing students left and right because there's no jobs in our county.

So, that's something I want to bring up is this business an inventory tax is a deal breaker for the State of West Virginia. We've lost \$50 million on the business inventory tax in the last five years because businesses are leaving this state. They're going across state lines because none of the bordering states around us has a business and inventory tax. So, I just want to leave you with a few thoughts to see how this all plays out with severance tax. I have no problem with looking at it, but we need to do it in a very methodical method to basically balance our budget and to keep the highs and lows from impacting our budget from year to year so we're not back to making cuts and, also possibly to take care of our public employees down the road. Thank you, Mr. Speaker.

DELEGATE SPONAUGLE. Mr. Speaker, I'm frustrated and I'm tired. We're on the 45<sup>th</sup> day of a 60-day legislative session and since the very first day of the State of the State address by our Governor, where he insulted teachers, school service personnel, state troopers, every public employee in the State, by offering a Christmas ham. Go365, I think was the straw that broke the camel's back among the premium hikes and the ridiculous deductibles that are going up.

The anger has been bubbling up across all 55 counties ... 55 counties strong. Every public employee in the State of West Virginia is fed up. We haven't done anything meaningful. I have teachers, school service personnel are one of the few public employees that have the right to organize in this state or have a strong type of union. So, they can get collectively together with their voices and try to make an impact and that's what you guys are down here today ... you walked out yesterday, you walked out today and you're trying to make an impact.

You know, in my district of East Hardy High School Wednesday, the high school kids walked out of the high school. They walked around in protest of the high school, supporting their educators. They had signs such as, "We Love Our Teachers" and "Invest in Public Education" and, my favorite, "Having to Deal with Us, They Deserve Better Pay." That certainly could have been said with me when I was going up through school.

So, you ... everybody has asked us for help. You've asked us for help, something more than 5%, to fix and fully fund PEIA, not freeze it. We gave you Christmas hams. Then you yelled for help. You started yelling, saying, "We're going to start walking out if you don't listen to us." We took the Christmas ham away, gave you 4% for getting too loud. The pay raise you got, schoolteachers, you're 48<sup>th</sup> in the country in pay, after this magnificent pay raise offered by the majority, you are still 48<sup>th</sup> in pay. Then you yell. They didn't listen. Now you march. You marched yesterday, you marched today. The place is packed. It's falling on deaf ears again, deaf ears. You weren't the priorities in here, you just heard them right ... right before here.

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We've got to cut taxes for coal, oil and gas, manufacturing in the tune of \$140 million because that's 3% of the State's general revenue budget and if we do that, none of you are going to get any type of pay raises in the immediate future. I can assure you, because there's no money.

We have attempted to look for a permanent funding string for PEIA, raise the severance tax, legalize marijuana, bring back the food tax, the soda pop, every tax that's under the sun. They don't want to touch any of that. So, we don't have a permanent solution, there's no consensus how to do it, so we sit here, running around in circles with 15 days left to go in session and I am frustrated that you all are not being heard.

You are talking, you are yelling, you are marching, you are doing everything in your ability to get the 83<sup>rd</sup> Legislature to reprioritize what they think is important in the State of West Virginia and it's falling on deaf ears. If we do not react, then I am going to suggest highly to you that when the 84<sup>th</sup> Legislature comes back in January, it be made up with entirely new members that might actually put their ear out there and listen when you're yelling. Thank you, Mr. Speaker.

DELEGATE ROWE. Thank you, Mr. Speaker. We heard some thoughtful comments from our friend from Ritchie County concerning both the gas tax and also the inventory tax and I think it really points to the problem that we have and that is that the leadership here and in the Senate refuses to take pay raises and PEIA benefits out of the General Revenue budget as long as it stays in the General Revenue budget. The pay raises and the PEIA benefits are always going to be in jeopardy because there is no steady, reliable, dedicated revenue stream to pay for raises this year, next year and on into the future without such a reliable special dedicated revenue stream.

Now, it is the ... whether you're talking about PEIA or about pay raises, you know, we're not talking about this year, but that's the way the leadership here has approached this issue, is that we will not dedicate a reliable revenue source to either PEIA or to pay raises. We'll have it stay in the General Revenue budget. It'll always be the last dollar

out. That's the problem that we've got. That's how we've gotten where we are and so I think that, when we look at possible revenue streams, one of the best ones is natural gas, because that ought to be paid by the ultimate end user.

Now, if the leases say that perhaps they'll have to pay some of the tax, I hope that's not the case. But let me point out that we reduced the natural gas tax two years ago that produced \$62 million. Now, \$62 million, if dedicated, if that tax were reinstated and dedicated to ... just to PEIA, it would fix PEIA and when I say fix PEIA, I mean that we would not have to increase the premium cost. We do not have to fix the premium cost and we do not have to reduce benefits and that amount of money will grow from year to year.

We have to have a revenue stream that will grow with the economy and natural gas, we hear every single day, we're told that it's the dream come true for West Virginia, that this is what we've got. This is what we offer to the world. This is how we'll power the world. Well, I say we ought to be paid a little bit for doing all that for the rest of the country. What better revenue stream than natural gas, this production tax that we had there just two years ago? \$62 million and it will grow. How will it grow? Well, we've got the forced pooling bill that's going over to the Senate, but most of all we've got pipelines that are, as they say, in the pipeline. Natural gas production is going to grow and West Virginia, its teachers, its public employees, its school service personnel, troopers, all of those folks deserve decent wages and fair benefits. We can fix PEIA just by reinstating a gas tax we dropped two years ago. And you say, "What about pay raises?" That's more money than PEIA. That's true, but we can approach the same sort of issue with pay raises, because until we take that out of the General Revenue budget, where it has to fight for the inventory tax break or other business tax breaks, we're always going to have a problem in finding sufficient to pay decent wages and we hear over and over and over, "We just don't have the money. We don't have the money." Of course, we've got the money. It's a question of whether we prioritize the people who work for us sufficiently to give them a decent wage. We have the money. We just have to spend it that-a-way and there's an absolute refusal by

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this leadership to do that and we've got to do it. Now we heard yesterday a bunch of history lessons about, "Oh gee. Whenever the other party had control of the body, we didn't have dedicated special, dependable revenue streams to pay either for PEIA or for pay raises." Well, we certainly didn't for pay raises, but there were funds that were put away for PEIA. Those funds were spent down and the reason that those funds were there and were used for PEIA and that fund depleted, was because we kept pumping the money into the Rainy Day Fund, knowing that it would be available when it rained. Well, ladies and gentlemen, it's raining on our employees. It's time to spend some money to make sure that we take care of our employees.

Now, if we do the tax dedicated to PEIA, that will go so far to helping all of our employees, an incredible benefit to them. It will put money in their pocket. So, ladies and gentlemen, I would ask us to look very deeply into our revenue streams, what we can do in order to make sure that we are valuing our employees, whether they're teachers or troopers or public employees or public school service personnel. Thank you, Mr. Speaker.

DELEGATE CAPUTO. Thank you, Mr. Speaker. Day two, day two, Mr. Speaker. Ladies and gentlemen, day two of a 55 county walkout that I think could have easily been averted. If we would have just shown some respect to the people that take care of our children and our roads and educate our kids every day, it could have been averted. The Minority party offered amendments that could have prevented all this. We offered fair pay raises that could have been paid for and we offered a solution to PEIA that would have worked.

Today, under Executive Messages, the Governor signed into law Senate Bill 267. I don't know if the folks in the gallery heard that, but that's the Christmas ham my friend from the 55<sup>th</sup> has been referring to. He signed that into law. There's an old labor song and it says which side are you on? Which side are you on? There are no neutrals here. I think we've clearly demonstrated who is on the side of teachers and who is on the side of school service personnel and who is on the side of workers. We demonstrated that, not with our words only, but with our actions as

well. I believe you all have been disrespected by the people you elected as your representatives in some areas of this state.

One of the labor leaders outside today said, "I'm going to refer to you all as educators and I never thought about this, but even if you're not in the classroom and you're driving those children to school on that school bus, you lend a hand to that child when that child needs a hand and you try to steer that child in the right direction and you look out after that child."

I have a sister-in-law who is a custodian in a middle school in Marion County and I know she cares as much about those kids as anybody in that school and she brings them little treats and looks out for them and those who are less fortunate get a little Christmas gift from her. She's an educator, as well, because she cares about those children. I don't know what else we can do. I don't know how long this strike is going to last, but don't think for a second that something still can't be done. I've seen things move through this House, across the hall to the Senate and on the Governor's desk in a day, in a day. So, don't let anybody tell you it can't be done, because we already passed that bill, because that is bunk! That is bunk.

The business and inventory tax, which we heard about a little while ago, that everybody thinks is going to be the salvation for West Virginia, I'm willing to talk about that. I'll talk about that after and only after we take care of the educators in the State of West Virginia. That's when I'll talk about that. Our priorities are wrong here, ladies and gentlemen. Those who set the agenda and steer the ship, their priorities are wrong and only you can change that.

Under our rules, today is the last day that we'll be allowed Remarks by Members like you're hearing from this floor today. So, we won't be able to get up and address this issue as often as we have been throughout this session because of a House rule. But we will address you on the picket line. We will address you in the halls. We will address you anywhere you want us to address you and I also want to caution you once again. Under Remarks by Members you heard a lot of nice things said about you by a lot of people in this

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House. I encourage each and every one of you. Go home, see how your Delegate voted on your issues, because I've seen some remarks come from over there and some folks in the gallery stood up and it felt real good and clapped. They didn't vote with you. They didn't vote with you, but your smart people. Your educators and I know you're going to do your homework and you're going to see how your Delegate voted on your issues. So even though this is the last day for Remarks by Members of the House, I want you to know you've got a lot of friends here. You've got a lot of friends here. The only problem is you don't have 51. God bless you, keep up the fight.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. The labor movement is alive and well in West Virginia. We have two weeks left. What are we going to do with it? The next two weeks could define the next 20 years of our state. West Virginia's public employees are sick and tired of being sick and tired. These people know what hard times are all about. We have public employees in West Virginia on food stamps. We can do better than this and we must do better than this. They don't need to be told to get a second job. Most already have second and third jobs. They're not looking for a handout. All they want is a fair, competitive wage. This is a grassroots campaign that started in Southern West Virginia and referring to Dale Lee and Christine Campbell as union bosses, is comical. There are some people who would have you think Dale and Christine were John L. Lewis and Mother Jones and if you know who they are, thank a teacher. Now, some people may think this is funny, but there's nothing funny when we're messing with people's lives.

One of my favorite parts of our floor sessions is how we meet here before starting and talk like friends. There are some Delegates across the aisle that I know will be friends of mine long after our service here ends. The labor issues in our state shouldn't be political. We need to stop focusing on that one letter at the end of our name and start focusing on the two letters of our state, WV. We must find solutions now, because if you think the crowds here over the last two days are

big, just wait. There's more. Thank you, Mr. Speaker.

DELEGATE ROBINSON. Thank you, Mr. Speaker. I was sitting here enjoying my friend, the Gentleman from the 3<sup>rd</sup>'s comments about, you know, we haven't seen the Governor a whole lot lately, but I also read a report earlier that the Governor is doing some media interviews today and I thought I'd read you a quote. Now, he says, "The teachers should just go home. Trust me, I'll fix it." Now I'm going to go back to my friend, the Gentleman from the 3<sup>rd</sup>. He just says, "Just trust us. We'll fix everything, alright?" I don't think that's right. Now it doesn't do us a whole ... I like you all being here. It puts a little pressure on all of us in the building, but in regards to the Governor, it doesn't do a whole lot of good to picket here when the Governor is not here a whole lot. So, I would introduce you to your home. This is your home and I welcome you to come back next week and the week after until people realize this is your home. Thank you, Mr. Speaker.

### DEATH OF COACH WAYNE JAMISON

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#### REMARKS of

HON. RICHARD IAQUINTA  
*February 26, 2018*

DELEGATE IAQUINTA. Thank you, Mr. Speaker. I'd like all of my fellow Delegates and people in the gallery to please stand. I'd like a moment of silence for a man by the name of Wayne "Smiley" Jamison, a former teacher and coach, at Bridgeport High School. Coach Jamison taught for over 40 years at the Bridgeport High School. He coached baseball, football and basketball. He was a West Virginia coach of the year in football. He also won four state championships during his tenure at the high school. But most of all, he was a beloved leader and a dedicated public servant. He will be sadly missed by all who knew him and his wonderful family. Thank you, Mr. Speaker.

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### DEATH OF DELEGATE VERNON BARLEY

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REMARKS  
of  
**DELEGATE JEFFREY PACK**  
*February 28, 2018*

DELEGATE PACK. Thank you, Mr. Speaker. On behalf of the Delegates representing Raleigh County and especially the Delegates from the 32<sup>nd</sup> District, Delegates Fast, Kessinger and Love.

Mr. Speaker, I arise today with a heavy heart to announce the passing of a former member of this body. My good friend Vernon Barley, from down on Maple Fork in Raleigh County, went home to Glory last night, at about 10:20.

He was a member of the House of Delegates. He was also a member of the Raleigh County Commission for many years and I would ask that the House please join me in a moment of silence.

MR. SPEAKER, MR. ARMSTEAD. If all members and guests, please rise for a moment of silence ... Members and guests may be seated.

### COM. SUB. FOR H. B. 4145

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REMARKS  
of  
**MEMBERS**  
*February 28, 2018*

DELEGATE SPONAUGLE. Mr. Speaker. I'm gonna rise in support of this bill, but I want to say several things before we get to that. The State of the State, the Governor came in to this body and insulted every public employee in the State of West Virginia, while offering you all a Christmas amp. A 1% Christmas amp. And, he kicked it out over several years. And, that spread like wildfire throughout the State, that and the PEIA issue.

A lot of people were angry about that, continued on, we had public displays of protests in the body and that original proposal of 5% got cut down to 4% and was sent down

to the Governor for his signature and he signed it.

And as a result, we've had a strike in the State of West Virginia for the first time since 1990. That was a 2%, 1, 1, for teachers. And because you all fought and clawed and scraped, you're getting a 5% raise, down here on the floor today. You're getting a 5% raise for school service personnel, you're getting a 5% raise for our State Troopers and you have, at least right now, we're hoping to do more on this side, you've got a 3% raise for every public employee in the State of West Virginia. Because you stood up and you fought!

And, we're going to hope to do more down here, because if the priorities had been the public employees to begin with, we wouldn't have had this strike. This would have been taken care of a month ago. And it took ... it took our Governor showing up to work, which rarely occurs down here, but it took him ... going out into the public ...

I understand that. I understand that, Mr. Speaker. I'm just trying to be accurate, facts. He went up to the northern portion of the State to town hall meetings. And, he didn't like what was said to him. So, the next day he comes back to this body, adjusts his revenue numbers that show an incredible growth and I'll take the man for his word. When does he ever mislead us down here? That we're going to have \$58 million more in new revenue to do things. That was yesterday and now, we're passing out a 5% pay raise.

If people in this state, if our public employees, our schoolteachers and our school service personnel, our State Troopers, our highway workers had not stood up, none of this would be happening right now. It would not. And you showed a pure determination that we, this body, can reprioritize things. And we've got more to do, but I don't know how much more we're going to get done in this session, to be frank with you. And, I know a lot of you are upset that a freeze is not a fix for PEIA and I agree. But, I think you have proved your point to many of the members down here, but ...

With the emphasis placed on PEIA that this body, I do believe, will somehow, come to a fix. And, if not, they will understand



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exactly. The Delegate from Fayette County, if we don't fix it, they are going to hold you accountable. To various other members in here, if we don't fix it, we're going to be held accountable. So, because of that and because of the strength of the general people in the galleries, out there in the streets and all 55 counties strong, we're getting somewhere.

So, with that, Chairman of Finance, I applaud you for working on this and getting this out and hopefully ending this strike. Thank you, Mr. Speaker.

DELEGATE CAPUTO. Thank you, Mr. Speaker. I appreciate the opportunity to say a few words today and ... we came here 50 days ago ... 50 days ago we knew we had a problem that everyone refused to address. So these folks in the galleries, 50 days ago was in the back of the bus. 50 days later they moved up about half way because they're not there yet. Because this bill does nothing to address the problems in PEIA insurance. But we're moving in the right direction.

I stood up here, February the 2<sup>nd</sup> and I called on you Mr. Speaker and your leadership team to act. We knew things were brewing out there. We knew the teachers deserved more. We knew things were percolating on February 2<sup>nd</sup>. No one act.

Day 2 of the strike, I held up a newspaper, headlines, "Statewide Strike." Still no action. No action to satisfy the people that educate our children every day. And today, the Finance Chairman said this bill cost \$67.35 million, Mr. Speaker. I submit to you that's a cheap price to pay to keep quality people in our classrooms to educate the future of West Virginia. You know I believe you either pay me now or pay me later, because if we lose these quality educators across West Virginia and we can't recruit new ones, what kind of future are we providing for our children and our grandchildren?

My colleague shared with us yesterday, a newspaper ad, where teachers can drive across the border in the Eastern Panhandle and start out at about \$50,000 dollars a year, some having less than a 15-minute drive. And I submit to you, our teachers

are worth more than that. I submit to you that we've got to continue working on this problem.

It just amazes me that while these folks were in the back of the bus we had no money to do anything. The State was broke. One percent was the best we could do. Miraculously, a rock gets turned over and we find \$53 million. Now I don't know where everybody from, but I can't find \$53 million under any rock in Marion County, Mr. Speaker. Maybe Greenbrier County there's some that you can find that kind of money, but not in Marion County. But everybody knows why we're at this point we're here today, it's because democracy in action works. These folks come down here in masses and exercised their right to protest against their government, for a better way of life for themselves and their families. That's why we're here today. Make absolutely no mistake about it. It's because of these brave folks who walked out of the class room, put their jobs on the line, did something that none of them wanted to do. Leave those children that they love so much, but it meant that much to them. And if it weren't for that, ladies and gentleman, we wouldn't be where we're at today.

Make no mistake about it. It is because of these folks ... it's because of these folks, Mr. Speaker, that we're here, doing what we're doing. But, we can't quit. We can't quit. PEIA is a crisis in West Virginia. We have offered solutions from this side of the aisle, that we believe will work, but they were shot down. They were shot down. But I will give you my commitment. I will give you the commitment from my friends on this side of the aisle, that we're not going to let up. And we're going to make this PEIA pastors, do their job. We're going to make them come back with recommendations that will fully fund this problem that you have, because I know what's going to happen if we don't, we're going to see ya'll next year, again. We're going to see ya'll next year again, because you proved, Mr. Speaker, they proved ...

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DELEGATE CAPUTO. How'd you like that ... Mr. Speaker, I'm gonna suggest to you that they have proved that their solidarity worked. I've never seen a body of individuals, in this state more unified than I have seen in this legislative session. God bless each and every one of you. Thank you very much for taking care of our children each and every day. From the bottom of my heart, we love ya.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. What I would like to discuss with you tonight is how we have heard the voices of women. One of the things that I have noticed about the people who have been in the halls and in our committee rooms and standing outside, is that a large majority of them are women. And they are people who are doing very, very, very important work for all of us.

Part of what we do is provide a free education to our children. What a blessing that is that all of us have that. That's one of the reasons we separated from the State of Virginia was to provide free education. But nothing is really free and you get what you pay for. And I'm so thrilled that woman have realized they need to stand up for themselves, along with all the other men that have been here also. That they realize that in order to be part of a democracy you have to participate in that democracy.

I personally would like to see a whole lot more women in these seats. We have a tiny number of women compared to our population, so I hope that some of you have been ... some of the people that have been here, Mr. Speaker, will be inspired and some of their children that they have brought with them will be inspired to run for office. It is an honor and a privilege for us to represent you.

And, lastly, I just want to mention that obviously the work is not done, but I don't think we have talked enough about retirees. We have people in our communities who worked in cafeterias in the sixties and the seventies and they have very tiny pensions. Their costs for healthcare have gotten to the point ...

Thank you, Mr. Speaker, but I think our point is, I'm in favor of this bill but our work is not done. And one of the most important things ... some people are not eligible for a raise. Some of them have retired many decades ago and are having a very difficult time. And it would not responsible to just vote in favor of this bill if we don't remember that there are other people that are very dependent on the work that we do. So I am voting in favor of this bill, but I want to make sure that those of us who hope to be retirees one day, all of us in this room, that we remember those who taught us and fed us and drove us to school and their position in life which is very, very difficult right now, so, thank you, Mr. Speaker. I urge a yes vote.

DELEGATE MILEY. Thank you Mr. Speaker. I'm certainly not going to repeat what's been spoken already, but I too have been watching what's been happening over the first 50 days and most notably over the past week and I was watching the Governor's press conference last night where he came up with the new revenue numbers. And, while the people who were down here for the last week, making their voices heard, certainly had some impact, they didn't have enough impact on the Governor.

If you heard him, you know who made an impact on the Governor? It was a 12-year-old, 6<sup>th</sup> grader, not a 5<sup>th</sup> grader but a 6<sup>th</sup> grader, from Ohio County. And, and, and the concern I have about where the Governor was coming from and others who were opposing higher raises, before today, were that they were viewing education as an expense as opposed to an investment.

That young man, despite all the people who have come down here for the past week and I applaud them for their dedication and commitment in doing so, it took a 6<sup>th</sup> grader to make our Governor to understand that education is an investment to be made, every year, not just this year. My colleagues, I hope that we never make that mistake again and that we never allow any Governor and the Senate to make that mistake. If we don't view it as an investment, our state isn't going to move ahead at all. So, I hope that most, if not all of us, will vote for this bill. I thought we'd all vote to suspend the rule, but there was a ... not everybody decided to do that, but I hope we can all get behind this pay raise because it is sorely deserved and it's just the

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beginning of what needs to be done, to completely satisfy the people who do so much for the young people in our state and the future of our state. Thank you, Mr. Speaker.

DELEGATE ROWE. Thank you, Mr. Speaker. I've been trying to run some numbers here and it, it causes me great pause, because the voices I heard said something very different than what's in this bill. The voices I heard said that we need a dedicated revenue stream for pay raises and PEIA health benefits. Because as long as we're going to keep those, those two matters in the general revenue budget, so that a pay raise has to fight against Corrections, the Broadcasting Authority, Humanities, Child Welfare, Higher Education, we're going to be in the same fix we've always done. Now, this may be a historic night because we're doing something. Year after year we don't do anything and it took special activity in the last several weeks to cause us to come to this point, obviously, after having passed a bill with a front load that had a 2% for some of the employees and 1% for public employees.

In looking at the numbers, the troopers would be about \$180 a month. Teachers are about \$168 a month. School service personnel are \$91 a month and public employees, which are not in the bill, but their amounts which we were told in Finance, would be somewhere around \$108 a month. Because their payout would be 12 ... as I have it, \$1,296 dollars. What we were told also, was that the total pay raise bill is \$86.9 million when you add in public employees. What we have is a failure to change the structure whereby we review and pay, pay raises and whereby we have PEIA benefits provided.

Please understand that with these numbers and there was a school service personnel secretary, in a rally, who said my PEIA went up \$79 dollars a month. Now, if that were true, then State Troopers who are going to be getting somewhere around \$180 and teachers at \$168, you've got about two years' worth of PEIA payments being paid to you in this salary increase. School service personnel, at \$91 dollars a month, on \$79 dollars' increase in PEIA, they're not getting 20 bucks a month out of this. Public employees at \$108, would give us a ... at \$79 dollars would give us ... I can't do the math ... would give us

\$30 or \$40 a month more. The point is that that's one years' worth. And it that PEIA increase is \$79 dollars this year, which has been frozen, but we're going to have to make it up next year probably, when we unfreeze, we're going to have less owed in PEIA we're going to have more owed. You know, how much are these pay raises going to be worth if we don't change the structure of how we establish pay raises and take this out of the general revenue budget. We'll be confronted with this every year. We'll be dead last in salaries for public employees, for troopers and for teachers and probably school service personnel. We're going to be dead last because of the way we do it. We can't leave this in the general revenue budget.

So when we vote for this and I'm gonna vote for it, I think we have to understand that while this is a first step, it's a very teeny one, it takes care of ... it just kinda buys us off for a year, but we're going to be right back here facing the same problems next year and the year after that. And I ... I understand the Governor is going to appoint a task force, I'm not sure what that's for. What we need to do to fix PEIA is to pay for it. Now if ... if ... if we want to tinker about the details of PEIA and what benefit we have and everything, you know and we're not happy with the board that's there, we then ok, let's have a task force. The issue is, just pay for it. You don't need a task force to calculate that. What you need is a different structure in the budget and its simple. A dedicated revenue stream to pay for PEIA. A dedicated revenue stream to pay for pay raises. Not just this year, but on a continuing basis. Now that's what the commitment should be. Those are the voices that I heard and I'm not sure that this bill addresses any of those concerns, because we are going to be right back here in a year or two with ... with healthcare costs that we cannot manage. Mr. Speaker, I'm in favor of the bill, but I have great concerns about it.

DELEGATE FERRO. Thank you, Mr. Speaker. And as a 35 year retired teacher, I couldn't be prouder of my colleagues, the teachers, the service personnel, the public employees and all of our union brothers who stood out in the rain, who lead the prayer vigil, who were out in the halls every day, who are in the galleries, who were on the picket lines, they realize that there is strength in numbers. And with those numbers, there's unity and there's solidarity. They let the State,

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the country and the world know that they wouldn't back down.

The only thing again that I would caution, is the PEIA dilemma. Obviously, the Governor called for a task force. We have to make sure, Mr. Speaker, that the Governor doesn't back down from that promise. Please, for these people that are out there, we have to urge the Governor and the Legislature to make sure they are diligent because we have about 16 months, I'd say, to fix this problem. But, it's still a problem. We have to find a funding source. We have to fix PEIA. Thank you very much.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. And I will, out of respect for you and your family, I will try to keep it as quick as possible. I just have a few things I want to say in regards to this bill. First of all, I just want to ... I'd like to admit where I've been wrong. And I have ... can admit where I've been wrong. We've discussed Senate Bill 267 ... the first pay raise that we voted on and it was signed. I stated that it was not the best that we could do. I wasn't wrong about that. It was not the best that we could do. I stated that it wasn't enough to avert a strike and I was not wrong about that. It was not enough to avert a strike. What I was wrong about, I said it was the best you were going to do. Ok, to your credit, we're going to do a little bit better. We're going to do a little bit better, we're all going to vote for this. And we're all going to do a little bit better because the Governor raised the revenue estimates and we're now able to do a little bit better. I would suggest that he would continue to raise the revenue estimates and fully fund PEIA. Because from what I am hearing is that's the real issue. It's not the pay raise, it's PEIA. Now, it concerns me. I'm concerned that ... I want to help the Governor keep his word and work together to find a permanent funding source for PEIA, but I'm concerned about ...

I do understand the difference in what we are discussing now and the task force that has been proposed. I'm just concerned that the task force is not going to work fast enough to address this issue. I'm also concerned that the Senate has adjourned for the day and the folks that are here watching tonight, the folks that are watching at home are not going to get resolution on this. They're not going to know what's happening tonight. They're still going to be uncertain about this tonight, because ...

what I understand about this, the Senate has adjourned and will not be able to receive the message, tonight.

I'm concerned that ... you know if you don't address these issues, we are going to be back here next year with the same concerns and I would just make the suggestion to the body that if we are back here next year maybe we should move the girls' basketball tournament up a few weeks, so the Governor will show up for work.

DELEGATE PETHTEL. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I also want to stand in support of this bill this evening. As a 40-year educator in the Wetzel County school system, the people there have been great supporters of public education. I'm so proud of people that have come here the last week and a half. The teachers, school service personnel and the public employees that have stood up and worked hard to get to where we are this evening. And, make no mistake, they're the big reason that we are where we are this evening. But also I want to say that I received great support from them and they have also received great support from the general public of the 5<sup>th</sup> District, especially Wetzel County. We have passed bonds to build community schools and we have had 100% school access levy for several years. So I want to thank the people for that and, I'm proud to stand in support of this bill. Thank you.

DELEGATE C. MILLER. Thank you, Mr. Speaker. And, I apologize if I start to cough. People teach because they want to teach. Social workers reach out to help people. Our school service personnel may be the only steady adults that our children see. You may say a kind word, you may touch them on a cheek when they walk by, you might give them an at-a-boy. We know you love what you do. We thank our troopers, for all the support that they give us, sometimes on a dark night, sometimes in terrible situations. We've known for quite a while that you all are underpaid and we thank you, we thank you, for what you do.

For the last four years, our economic situation, in our state been extremely dire. Last year we were starting out with a half a billion dollars in the hole, wondering how we

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were going to work on our budget and make ends meet. I've served on the Finance Committee, at least six years. You all elected us to be stewards of your money. To take care of your tax dollars and we have worked very hard to do just that.

When our Governor suggested a 1% raise, we knew that wasn't enough and we juggled ... we worked those numbers hard and we came up with the 2% followed by the one, one, one. We are a bicameral government. So what we sent to the Senate didn't come back to us the way we sent it. But, we were trying hard to make that raise happen and to work together, both sides of the aisle. This isn't a Republican or a Democrat issue. This is an issue for all of us, in this room. Yes, we've wanted to give you pay raises and we've listened and we've tried. The theatrics don't work from one side to the other. But what works are the figures and the diligent work that we've done here.

Our Governor came up with a new revenue estimate yesterday evening. I hope to goodness he is right, because you know at the end of the day, you have to balance your checkbooks and you can't just do it on hope. You know what money is in there and you know what you want to spend. So, we are putting our faith in what the revenue estimates are going to be for this pay raise. And I want you to know that we're all behind you and we support you and we appreciate what's been done here. Thank you, Mr. Speaker.

### MARSHALL UNIVERSITY

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REMARKS  
of  
**HON. CHUCK ROMINE**  
*March 2, 2018*

DELEGATE ROMINE. Thank you, Mr. Speaker. It's a special day, today, for an institution that I am close to and is located in my district. And, on behalf of all the Delegates from Cabell County, I would like to wish Marshall University a Happy Anniversary. On this day in 1961, we became a University. And, that was three years after I graduated from

Marshall College. Let's give Marshall a big rah rah!

### COM. SUB. FOR S. J. R. 12

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REMARKS  
of  
**MEMBERS**  
*March 3, 2018*

DELEGATE MOYE. Thank you, Mr. Speaker. I am going to try my best to rein in my anger that I have, sitting over here listening to this conversation. Anger from comments made from everywhere in here. We're talking about little babies here. Little bitty human lives. And, Mr. Speaker, I've got to relate to these people.

A vote I made many years ago in this chamber, on a discharge motion, that you made ... I woke up the next morning and I could not stand the person I saw. I was sick to my stomach. I pleaded and begged with my God to forgive me. I do not forget that. I haven't forgot that. I can't forget that.

I don't know what your motives are for this bill, but I've gotta think that a lot of it is because of your faith in God and his word. I've got to think that. Those are where mine come from. And, for us to sit here and quibble over babies' lives is sickening, to me.

We all know that ... if we pass this, there is possibilities of saving little lives. No guarantee, but a possibility. I don't know about you, but I don't want to stand in front of my God and explain to him what little reasons I had not to support this. I've got to answer to him the same as each and every one of you do and I'm gonna tell ya, look in your hearts, put all this political nonsense aside. I'm talking about both sides. Both sides, I'm not happy with right now. Little bitty babies, God will ferret your heart out. No matter what your reasons are, in the morning, you'll know it.

Now, we hear the cost of this election. Will you tell me what the price of a little baby is. \$3 million, if we save one. We can't guarantee we will save any. But I'm willing to risk \$3 million for the chance to save one. Just the chance. \$6 million, it don't matter. It

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could be the next person that sits in this room ... we don't know what that person will be.

Are you prolife? For what reason? If it's based in God ... you need to search your hearts. We talk about this maybe not being passed in July. My friend from Fayette, I agree with you most all the time, but I want to tell you what, I trust my God with my salvation. My God created every single thing that you see, in six days. Do you not think he can touch the hearts of his people and have them vote for this in July? I give him credit that he can do that. My God is big enough to do that.

I'm ashamed. I'm ashamed. If we care about little babies ... if that's what we care about, this vote will separate the wheat from the chaff. Thank you, Mr. Speaker.

DELEGATE CANESTRARO. Thank you, Mr. Speaker. I can't do it as well as my friend from the 29<sup>th</sup> did it. There is a lot of finger pointing ... pointing to motives on this floor for what this amendment was brought by me to the floor. It was brought by me because this is a serious issue, ladies and gentlemen.

Serious issues deserve serious action. You know, I'm not comfortable talking about my faith. I try to separate it from my service, as best I can and look at the issues and how they affect each and every citizen of my district, each and every citizen of this state and what's best for this state.

My faith teaches me that life begins at conception and with that belief, it also teaches me that all life, regardless of race, creed, religion is important. No person is lesser important or more important than any other person on the face of this earth. It also teaches me to believe in eternal life. That there's life after we pass from this sphere. That there is life beyond what we live here, that is better than what we live here.

My motive is clear in offering this amendment. I agree with my friend from the 29<sup>th</sup>, cost should mean nothing in this. If we can save one life, one person, one child, it's worth it. When people bring up costs, it sickens me. It sickens me to my stomach to think that there are people that can spend over \$3 million on a road bond, but won't spend \$3 million on children's lives. It sickens me

because, myself, as a child, I was sick. I had cancer, as a child. I had birth defects, as a child that I had to have numerous operations on. What this body needs to do is put politics aside and look in your heart and realize that the right thing to do is to care about life and move this up and pass the amendment.

## COM. SUB. FOR H. B. 4145

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 REMARKS  
 of  
 MEMBERS  
 March 5, 2018

DELEGATE ESPINOSA. Thank you, Mr. Speaker. On behalf of your conferees for H. B. 4145, I wanted to briefly, provide an update this morning. But, before I do so, I just want to make it very clear to not only members of the House, but all those that are here today and are watching our proceedings, that the House clearly understands that the ... this is not business as usual today. We understand the urgency of the matter before us and that's to primarily get our students back to the classrooms and ensure that our teachers, our school service personnel and our other state employees will have a wage that will certainly support their livelihoods. So, again, just wanted to emphasize this morning that we, as your conferees, understand the urgency. We have made it very clear to the Senate that we are prepared to meet, at the soonest opportunity. And, I do believe there have been some fruitful discussions. I have been in touch with Senator Ferns, who is the co-chair of the conferees. We have scheduled a meeting for 4:00 p.m. this afternoon in the Senate Finance room.

But, I want to make it very clear to all members of this house and again, to all folks that may be watching that if, if events unfold and allow us to proceed sooner than that, with a resolution, we, as your conferees, are certainly prepared to break-in, at any time, proceed with a meeting of that conference committee and, obviously, get a resolution that can end this impasse. So, again, wanted to share that with you this morning, to just assure you that all of us understand the urgency and we are prepared to act at the soonest opportunity in order to successfully resolve this issue.

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I would also report that myself and the Speaker and some other members of our staff, did meet with the Governor's Office this morning, he's certainly very engaged in this process, has pledged his willingness to assist in any way possible, to again, bridge the differences between the House and the Senate. You know, we've certainly made it very clear to our Senate conferees, or myself through Senator Ferns, that we feel very strongly that the proposal that we passed over to the Senate, initially is the proposal that we believe is the opportunity to get our students back in the classroom and we are doing everything we can to have the information at hand so that when we do meet with our Senate conferees, that we can make, what I hope will be a very clear case that the proposal that was contained in our version of 4145, does represent the best opportunity to resolve this issue. Thank you, Mr. Speaker.

DELEGATE BARRETT. Thank you, Mr. Chairman. You mentioned the urgency and the importance of this conference committee. Was the committee able to meet yesterday?

DELEGATE ESPINOSA. It was not and for a variety of reasons, to my colleague from Berkeley. First, while we made very clear to the Senate that we were prepared to meet at the earliest opportunity, the Senate did express some concerns about meeting before we'd be able to make some necessary preparations. And, so, we've been working in that regard. I think there is also the case of our House Rules. While the Joint Rules of the House seem to suggest a conference committee can be called simply at the request of the conference chairs, in reviewing the actual House Rules, it does appear that it does reference a conference committee, just as any other committee of the House. It does require that those meetings be announced from the floor, which obviously, is our intent here, today.

And, as I indicated, while we have a plan, a meeting for 4:00 o'clock, if developments warrant and if it appears that we can move forward prior to that time, we certainly are a mind to announce an earlier meeting and proceed to that business, immediately.

DELEGATE BARRETT. Yes. You mentioned necessary preparation. Does those necessary preparations include informal talks with members of the conference committee?

DELEGATE ESPINOSA. We have had meetings or conversations between our conferees, however, we've certainly tried to be very careful not to violate open meeting laws. We've certainly been trying to ... the communications between myself and Senator Ferns, as cochair of that conference committee. What I've tried to do is based on conversations, understanding ... tried to fully understand the Senate's reservations. You know trying to share those with our conferees so that they can again, help in developing what we believe will be a winning argument, in as far as maintaining a House position.

DELEGATE BARRETT. I appreciate that. Just to the folks watching, not only here in the gallery, but at home as well, can you tell me about the time frame by which a conference committee ... the time frame that they have to get their decision made?

DELEGATE ESPINOSA. As I understand it, the House Rules ... and I'm certainly subject to correction, but I believe we have three days from appointment, not including the day of appointment. So, it would include Sunday, Monday and Tuesday. It can be extended by Joint Resolution of both the House and the Senate. And, that's taken place in the past. Again, our preference would be to resolve this issue prior to that time.

DELEGATE BARRETT. Thank you, Mr. Chairman. Just one last question. Is it your intent ... and/or, the intention of the conference committee to hold firm of the House's position of 5%?

DELEGATE ESPINOSA. Yes, it is. We've made very clear, I've made very clear in all my conversations with my Senate counterpart, that I think the vote in the House makes it very clear that we believe that 5% is the figure that will get our students back in the classroom.

DELEGATE BARRETT. Thank you, Mr. Chairman. Thank you, Mr. Speaker.

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## COM. SUB. FOR S. B. 7

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REMARKS  
of  
**DELEGATE TOM FAST**  
*March 6, 2018*

DELEGATE FAST. Thank you, Mr. Speaker. I would just like to simply explain why I'm going to vote against this bill. I am not against the concept of this bill, but I have to agree with the Gentlelady from the 51<sup>st</sup>, that it's a very poorly written bill. We mulled over this thing in Judiciary and basically it would have taken ... I think, just a rewrite to try to get the concept down as to what was intended.

One subsection of the bill, starts out talking about fringe benefits, but as counsel explained to us, the provisos switched over to wages. And so, you have a concept all under what is supposed to be fringe benefits.

The Wage Payment and Collection Act, has generally been a simple process. And, I'm afraid what we're doing is taking a simple process and making it complicated. And, I said it the other day on a bill ... I would predict and you can mark my word, that we are going to be back working on this again because magistrates, who will often deal with these types of cases, because ... chances are they are going to be less than the \$10,000 threshold, magistrates are not attorneys and they are going to read this and "Huh?" And, I would venture to say, that circuit judges are going to read this and say "What?"

So again, I am not against the concept of what I think was the intent. This was drafted in the Senate and the only thing I can say is "Bless their hearts." But here we are. And frankly, I know we can amend on second reading, but I didn't have time to do a complete rewrite of this. Whether you are for or against it, I just wanted to explain my position and as to why I am just compelled to vote no on this bill.

## S. B. 584

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REMARKS  
of  
**DELEGATE JOHN KELLY**  
*March 7, 2018*

DELEGATE KELLY. Thank you, Mr. Speaker. Court of Claims is an important part of the State government. It gives our citizens an ability to come back and file claims that they believe the State owes them, for one reason or another.

The Court of Claims bill says that the Court of Claims is required to determine a just and moral finding in every case. In Wood County, I have a case, up there, that's been denied twice, the payment has been denied twice. Yet, the Court of Claims made a finding in favor of my constituent for a total of \$266,000 plus dollars. This gentleman still has a problem and I believe that this body has a responsibility to see to it, that that claim is paid.

I urge this body to look at that. It is apparent it is not going to be paid again this year, but I would strongly encourage that next year we take this up again and let's do the right thing for my constituent. And, let's pay the claims that have been awarded to him through the Court of Claims. I will not vote against this bill today. However, let's be fair and let's be honest and let's be moral to the people that filed these claims against the State. Thank you, Mr. Speaker.

## COM. SUB. FOR S. B. 590

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REMARKS  
of  
**MEMBERS**  
*March 7, 2018*

DELEGATE SUMMERS. Thank you, Mr. Speaker. Providing specialized license plates for curing childhood cancer matters to my constituents. It matters to the families of Gavin Morris, Sam Ward, Jackson Webber and Joey Grindles and all the other families fighting childhood cancer and I urge passage.

DELEGATE WHITE. Thank you, Mr. Speaker. As I stand here today, I just want to



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read out a couple of facts. I was lucky enough to walk out with my children. Being on the floors with severe Encephalitis and MCAD with my daughters. Unfortunately, one in five children that I came in contact with at Women's and Children's hospital, did not walk out of the hospital.

So, getting to know these families and the families in crisis that come here, to Women's and Children's hospital and they have nothing and they are infected with pediatric cancer and they have to come here with no support system ... this is near and dear to me.

And, I just wanted to read a couple of facts: one in 300 boys, one in 333 girls are affected with pediatric cancer; 46 kids will be told they have cancer in the U. S. today; fifty thousand in the United States.

And, as I stated, one in five kids will not come home from the hospital from pediatric cancer. It is the number one killer of our children in the United States. And out of the cancer budget that is allotted, only 4% goes to pediatric cancer.

So, as we press the button today and we pass this for personal license plates, I just wanted to say, thank you. I also wanted to thank the West Virginia's kid's cancer crusaders ... we recognized the lady today and her daughter, who had survived cancer. Like I said, this is just a small token and I thank each and every one of you, for pushing green today. Thank you.

### COM. SUB. FOR S. B. 500

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REMARKS  
of  
**HON. JEFF CAMPBELL**  
*March 7, 2018*

DELEGATE CAMPBELL. Thank you, Mr. Speaker. Today I rise to support a bill that knows no party boundaries. This bill costs nothing to the taxpayers of West Virginia. This bill only does one thing, to allow a small town in my district to continue to rebuild after the devastating floods of 2016. I'm talking about where I grew up, White Sulphur Springs.

On the morning after the historic flood of June 23, 2016, Hoppy Kercheval called me and ask if I could get to White Sulphur. I said I didn't know because the night before, people could neither get in or get out.

When I got there, I saw my hometown destroyed. I was the first guest on Talk Line and had to describe how Memorial Park, where I was a White Sulphur Green Devil, had bleachers destroyed, fencing torn down and was covered in rocks.

Mr. Speaker, I remember you and your chief of staff and also the Finance Chairman, visiting White Sulphur after the flood to witness its destruction. Greenbrier County lost 111 homes, 14 businesses, along with 16 lives, including five people who died on one street in White Sulphur Springs.

However, there is a ray of light that has been sitting in a bank for 33 years. Back in 1984, White Sulphur Springs sold an airport for \$1 million, to CSX. A legislative act was passed that restricted White Sulphur Springs to use only the interest from that sale. S. B. 500 simply allows White Sulphur Springs to use the principal and the interest for capital improvements and infrastructure maintenance.

On behalf of my hometown, White Sulphur Springs, I'd like to thank you, Mr. Speaker, the Majority Leader and the Finance Chair, for the support of this bill. New homes, businesses and parks have risen from the ashes and rubble. Residents are excited about the future. Let's allow White Sulphur Springs to use its own money. I urge passage of the bill.

### COM. SUB. FOR S. J. R. 3 HFA SPONAUGLE 3-8 #2

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REMARKS  
of  
**DELEGATE JOHN SHOTT**  
*March 8, 2018*

DELEGATE SHOTT. Thank you, Mr. Speaker. As much as it pains me to say so, the Gentleman is correct and I ... both gentlemen are correct and I urge adoption of the amendment.

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## COM. SUB. FOR H. B. 4019

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REMARKS  
of  
**Members**  
*March 8, 2018*

DELEGATE ZATEZALO. Mr. Speaker, I think we should vote against this amendment, however, however, to the Gentlemen, right behind me, my friend, if it's that important and \$8,000 is what we are talking about, I pledge \$200. I say we raise the money and we can do this and everything will be okay. The State won't have to pay for something once, for once in our life. So, the 200 is on the table and we'll see what we can do. Thank you.

DELEGATE LOVE. Thank you, Mr. Speaker. I worked at a tv station in Oak Hill, West Virginia. I've had the opportunity, actually to hear some of those talented people that the Delegate from Lincoln was talking about. The Morris Brothers, for example, from Clay County. They have entertained Southern West Virginia, on our station, many, many, many times in the past. Great musicians, it's the kind of music that you don't just pick up in any state, in the United States of America. It's good ole country music and it's music ... well it's music that's a tradition and it's been here with us since the immigrants came over from the old countries. But, the Delegate's talking about \$8,000, the music hall of fame was held here in Kanawha County and I would say on that particular night, the hotels were probably quite full and the State of West Virginia got some kind of tax benefit from that. And, I'd say the restaurants were pretty busy fixing extra food for those folks who came to that music hall of fame. And, that added some tax dollars to the coffers and they bought gasoline and they stayed in motels and whatever. They might have bought a few trinkets to take back home with them, who knows. So, Delegate, if I had \$8,000, I'd give it to you, but I don't have \$8,000. I wish I had a foundation, like the Gentleman was talking about there, but I'd kick in \$100 bucks, that's about the best I can do. After taxes, I don't make much in this job, so I've got to be careful how I spend it.

But, Mr. Speaker, there was benefit from the music hall of fame, here in Kanawha County. And, it did benefit the State of West

Virginia. And, those talented people ... we want to keep the memory out there for the Clay Countians, as example, for the Morris Brothers and the other talented folks that the Gentleman mentioned, that displayed their talents for West Virginians and I thank you, Mr. Speaker.

## COM. SUB. FOR S. B. 244

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REMARKS  
of  
**MEMBERS**  
*March 9, 2018*

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Will the Gentlemen from the 60<sup>th</sup>, Delegate Wilson please yield?

DELEGATE WILSON. Yes, sir.

DELEGATE PUSHKIN. Thank you. I appreciate you yielding, I know you didn't present the bill, but I wanted to speak to ... I know you spoke to a ... against the amendment yesterday and said some things that kinda sparked my interest, so, I just wanted to ask a couple of questions and maybe try to clarify some problems that I have with this bill. So, I appreciate you yielding.

DELEGATE WILSON. My pleasure, sir.

DELEGATE PUSHKIN. First of ... last week during debate, you talked about the need to protect, what you termed as tiny mountaineers. Correct?

DELEGATE WILSON. Yes, sir.

DELEGATE PUSHKIN. Remember when you coined that phrase?

DELEGATE WILSON. Yes, sir. Absolutely.

DELEGATE PUSHKIN. Ok. I liked the phrase and I was thinking about it and would you be surprised if I told you that I have a lot of tiny mountaineers that I represent too?

DELEGATE WILSON. No sir. I'm sure there are a lot of them.

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DELEGATE PUSHKIN. Ok. Would it surprise you if I told you that a lot of these tiny mountaineers are not from wealthy families?

DELEGATE WILSON. Absolutely.

DELEGATE PUSHKIN. Ok. Would you be surprised if I tell you that some of their parents work two jobs, just to make ends meet?

DELEGATE WILSON. Much like my parents and myself, yes sir.

DELEGATE PUSHKIN. Ok, well, I'm getting to the point here. Are you ... would you be surprised if I told you that a lot of their parents rely on the free services provided in our rec centers, here in Charleston and a lot of these tiny mountaineers are in after school programs or in preschool programs at our rec centers, here in Charleston?

DELEGATE WILSON. Yes sir, I'm sure they do.

DELEGATE PUSHKIN. Ok. Well, I also feel the need to protect these tiny mountaineers, the ones that live in my district and are in these rec centers. Now, I heard you mention that they were currently gun free zones and we're going to ... do you agree that this bill would now, would now ... it ends the probations on carrying firearms in these municipality owned rec centers?

DELEGATE WILSON. My understanding is, that what this bill does is specifically, it specifies the areas that are addressed as being an extension of a school, for school events.

DELEGATE PUSHKIN. It's a response to the ... it's a response to the, it's an order to the Chairman of Judiciary was talking about, was a Stucky order, here in Kanawha County, which was really in response so we could still make our own rules for our rec centers here in Charleston. And, that's what that was in response to.

Would you agree that if this passes, we would not be able to prohibit people from bringing guns into our rec centers where we have preschool programs and after school programs?

DELEGATE WILSON. That is my understanding.

DELEGATE PUSHKIN. Ok. Do you feel that our tiny mountaineers would be safer if we didn't have gun free zones?

DELEGATE WILSON. Yes, sir. Absolutely.

DELEGATE PUSHKIN. Are you aware that we are in a gun free zone, right now?

DELEGATE WILSON. I am sir. Are you aware that I've actually proposed a bill, last session, to make this a, a non-gun free zone?

DELEGATE PUSHKIN. Ok. Well I'll tell you what sir, will you join me, before we pass ... if we're both fortunate enough to gain enough votes to return here next year, would you join me in demanding that ... before we pass another gun bill, out of this body, that we remove the metal detectors from this building? And, if we're going to make ... and not allow for any other gun free zones in the State, we shouldn't be in one right now. Will you join me in that sir?

DELEGATE WILSON. I will not join you in that. Let me address it please, if I may. I agree that this should not be a gun free zone. I agree with you. I actually proposed a bill, you can go back and look at it, I'm sure you will, I proposed a bill last session, that was not taken up, that would make the capitol building, capitol grounds, a carry area.

The reason I can't agree to that stipulation that you just made is, I can't agree to put other people's right to carry, in other areas, on hold until I can convince all of you that this area needs to be free for our friends to carry, as well.

So, I agree that this area needs to be open, but I also agree that other areas need to be open. I will not stipulate that I will deny other people their rights in other areas until we can ... until we can allow them to have their rights here. I agree that they should be allowed to have their rights in both places.

DELEGATE PUSHKIN. Well, I appreciate your consistency in your principles, sir. And I also share your ... I also want to protect the tiny mountaineers in my district and that's why I oppose this bill. Thank you, sir.

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DELEGATE WILSON. I'm honored that you took the time to talk with me.

DELEGATE PUSHKIN. At the appropriate time, I'd like to briefly address the House.

MR. SPEAKER, MR. ARMSTEAD. Gentleman may proceed.

DELEGATE PUSHKIN. Ok. This bill is not ... I said this yesterday, I think it bears repeating. This bill is not brought to the Legislature by a national organization. It was not brought here by the National Rifle Association; it was not brought by the Citizens Defense League. I believe they are backing it now, because it is a gun bill. And, I believe they are backing it now. But, it doesn't apply to other states. It's in response to an order in Kanawha County that was put in place to basically to allow Charleston to protect its own municipally owned recreation centers.

And, I agree that if someone has the intent to do harm and they are going with evil intent to one of our rec centers, a posted sign or rule, I realize, is not going to stop them. But, my fear is what could happen. Accidents do happen, especially when you're around toddlers. And, we don't have lockers in our municipal rec centers.

We have a lot of municipal rec centers. A lot of them are in lower income neighborhoods. One of our most utilized rec centers is the MLK Center, over there behind Washington Manor. It's not a wealthy neighborhood, there are no lockers there. What I could foresee happening is for people to go there just to work out, an adult going there to work out, they are not prohibited from carrying a gun, they put their gun down while they're working out and one of the children, who is in one of the preschool programs, might be harmed due to an accident. And, that's what we are trying to prevent.

And, last night we heard about the budget and I didn't hear anything in there about money for gun lockers for municipal rec centers. So, I believe this is an unfunded mandate and it's gonna put ... I hope we're going to keep our rec centers open. I really do, because a lot of poor kids rely on this for a place to go after school. A place to go

before they're old enough to be in school and I hope we're able to keep our rec centers open and still be able to purchase gun lockers for all of them.

I know that some of the members of this body made some very generous pledges last night, to help keep the West Virginia Music Hall of Fame going. I hope that whoever supports this bill will also contribute to Charleston to buy some gun lockers for our municipal rec centers so we will be able to keep them open.

And, I would just end by saying, you know, at some point ... first of all, I'd be willing to go ... a lot of you, a lot of the members of this body, Mr. Speaker, disagree with me on this. I know that this is a forgone conclusion, this is going to pass, it's going to pass overwhelmingly. I'm sure a lot of people in here, vehemently, disagree with me. But, I'm willing to bet that a lot of people that vote in favor of this, don't disagree with me. I'll bet that a lot of people who are going to vote for it anyway. And, I'll just remind them, at some point, there's going to be a bridge too far. At some point, the NRA and the CDL is going to ask for something that just really, that goes too far. At some point ... at some point, if you continue to serve here, you're going to have to tell them no, at some point. And, I say, no better day than today. Tell them no, vote red.

DELEGATE ROWE. Would the Gentlemen from Mercer, the Chair of Judiciary yield for a few questions?

DELEGATE SHOTT. Yes.

DELEGATE ROWE. I think I heard you say sir, that students, in no event, could have guns at the school functions, on campus or off campus. Is that right?

DELEGATE SHOTT. What we did yesterday was approve an amendment to clarify a provision in the bill to basically exempt it from the prohibition. Those programs that are sponsored by the education facilities, or the Board of Education and there was basically, as is else in this bill lack of clarity as to whether or not a student who participates in one of those programs would also be exempted from the ban. And, we fixed that by basically saying they're not exempted.

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So, yes that would ... long way to say yes, that's how we addressed that specific provision, but my understanding is they are all included in the overall ban, They're not part of that exception.

DELEGATE ROWE. Now can you point me to that in the bill? I assume I've got the right version up, but I just didn't see something that made that clarification.

DELEGATE SHOTT. Sure. Just give me a second.

DELEGATE ROWE. Thank you.

DELEGATE SHOTT. On ... this would be under section d, wait a minute, do you see the section that starts with number 2? My version is on line 30, it says this section ...

DELEGATE ROWE. What page, I'm sorry.

DELEGATE SHOTT. On page 2.

DELEGATE ROWE. 2, thank you.

DELEGATE SHOTT. And, what I have, that I'm looking at, to the Gentleman, is the strike and insert amendment, I don't know if it's been engrossed into the bill, but there's a subsection 2 that begins ... this subsection ... this subsection does not apply to ... do you see that?

DELEGATE ROWE. Yes, I do sir, line 29. Alright, you've got a, b, c ... if you go to d, it starts out; a person ... I'm on page 3, line 48, 4d ...

DELEGATE SHOTT. Yes. And, what we inserted in there, after a person was; other than a student ... I think it's ... and I'm looking at ... other than a primary or secondary facility specifically authorized by the Board of Education ... and that's the change we made yesterday to clarify, in that type of situation, then the student would not be excepted from the prohibition.

DELEGATE ROWE. Mine's not in here.

DELEGATE SHOTT. The amendment may not be ... the amendment may not have been engrossed into the bill because we just

adopted it yesterday. But, it was a separate amendment to that subsection.

DELEGATE ROWE. Page 2 ... I'm still looking, sir. I don't see it in my version, but in the ... let me ask you this; in another section where we say that guns can be kept in the glove box and that sort of thing, does that ... wouldn't that override that? Wouldn't that allow a student, because it doesn't exclude a student in that section from being able to keep a weapon in a locked car?

DELEGATE SHOTT. I assume if a student was over 21, because that's a requirement of that subdivision. So, in most cases, a high school student would not be over 21. But, in order for that provision to operate, the student, the person, has to be over 21, or older ... 21, or older.

DELEGATE ROWE. Now this is for a valid concealed weapon, with a permit. What if there's no permit, does that matter?

DELEGATE SHOTT. Well, it wouldn't qualify under that particular exemption.

DELEGATE ROWE. In other words, I need some help. For concealed carry, without a permit, are under 21 year olds allowed to do that, sir?

DELEGATE SHOTT. No.

DELEGATE ROWE. Ok. And ... but with a permit they can get a provisional permit and be 18 and carry a concealed weapon.

DELEGATE SHOTT. No. They still have to be 21 or older.

DELEGATE ROWE. Alright, thank you, sir.

DELEGATE LANE. Thank you, Mr. Speaker. I know that this is a futile speech, but I feel compelled to at least stand for the record and say that obviously, people in this body are obsessed with guns. And, will pass anything, even when the bill itself, is internally inconsistent.

This bill prohibits guns at school related activities when the school related activities are anywhere in the State. But, at the same time, we refused yesterday, to exempt out rec

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centers, which cater to poor children. So, we're going to keep guns out of school activities, but these little two and three and four year olds, that go to rec centers are going to be unprotected. Now tell me, does this make sense to you?

When this bill left Judiciary, it exempted out rec centers. And when we pulled the amendment yesterday, that the House Judiciary passed, we took out rec centers. So, we threw out the baby with the bath water. And I just don't understand why we want to subject the children of this state, when we protect them in the schools, but we are not going to protect them in the rec centers where there are day care centers, etc. So please, I mean I'm ... I'm just advocating that we reject the bill. And, I think we should reject the bill. And, this is a vote ... would be a vote for the safety for the children of West Virginia. Thank you.

DELEGATE WILSON. Thank you, Mr. Speaker. Forgive me for raising to speak again. It wasn't my intent, this time, however, I've been accused of something and I feel I need to respond to that.

I am not obsessed with guns. And, I don't believe that anyone else in this room is obsessed with guns. What I am obsessed with is, the fact that the government exists to defend the individual rights of each citizen of this state. That's the only reason we exist. I'm also obsessed with the idea of safety. My friend mentioned the safety of these poor children. It's for the children. You know what, it absolutely is for the children.

You want to talk about protecting them in the schools, let's talk about protecting them in the schools. If you want to protect them in the schools, you will ensure that there are good people, adults, prepared to protect them in the case that they need protected. You will not put a sign on the door that is absolutely and completely ineffectual to protect them. What you will do is, you will allow people who are capable and prepared to protect them. That's what I'm obsessed with. Thank you, Mr. Speaker.

DELEGATE PHILLIPS. Thank you, Mr. Speaker. Ladies and gentlemen, I wasn't going to speak today on this, but I feel a little compelled to come up and speak. You know

a few years ago against ... or spoke for, a piece of gun legislation, just a few aisles down. And, I spoke about a little town in Georgia, that so happens that our House photographer, Perry is from, Kennesaw Georgia. And, the other day, I came across this article, by accident, on social media, CNN, trust me, I never watch CNN. You know ... but they did a story on Kennesaw Georgia, one day ago. And, I believe this is the first time that they have reported something truthful and not fake news.

Kennesaw, today, has about 33 thousand people in it. In the past six years they haven't had one murder and violent crime rate is below 2%. I encourage everybody to go look at this. And you know why, because Kennesaw Georgia has a law, on the books, that every household has to have a gun and ammunition in it. You don't get bullied around. A bully will only pick on someone that they know they can beat up. Violent criminals will not come at you, if you have a gun. It's protection.

Ladies and gentlemen, I encourage everyone to vote green on this piece of legislation. Thank you.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. One more time ... one more time, I want to remind the body that we're talking about what these rec centers are like and where they are. Now, if you belong to a country club, your country club can make any rule they want. It's a private club. But, if you belong to a gym, you pay your gym dues, a gym is a private business and they can make any rule that they want. But now, with our municipal rec centers ... and this will effect poor kids, their parents may not be able to afford to get them a gym membership. They may not be able to join a country club. These programs are for poor kids, ok. And they're in some of our more challenged neighborhoods. And, I often hear this argument about the best protection is a good guy with a gun. Well, I don't see too many CDL members or NRA members running around in our neighborhood protecting people. The good guys with guns in the neighborhoods that I'm talking about, usually look like these guys up here in the galleries. So, I'm gonna vote no.

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DELEGATE LONGSTRETH. Thank you, Mr. Speaker. Would the Chairman from Judiciary yield for a question?

DELEGATE SHOTT. Yes.

DELEGATE LONGSTRETH. I guess the more we talk about this bill, a little bit more confusing it seems to be. Very quickly, just explain that if the school signs a form, or agrees, like the Superintendent of Schools or a particular school in a county, says that you can carry a gun, is that correct in this bill?

There is an underlined section where they have to have ... say that you either ... this is not an arena or a sports event that you can carry a gun. And, they have to announce that, or am I wrong?

DELEGATE SHOTT. I'm not sure I would apply the bill exactly that way. I think what the bill does is seek to clarify what areas that aren't part of a school facility, are affected by the ban. So, if the school conducts a facility outside of the school through some arrangement with that facility, ... let's just say, we used the Marriott earlier, then during the time of that function and within the area that function encompasses, it basically becomes a prohibited zone. You can't carry a firearm.

What the bill does is basically make it clear that once that function ends and beyond the boundary, let's say, of that function, prohibition doesn't apply. It doesn't have anything to do with the superintendent issuing a license or permission slip. It basically just limits the provision of this bill to that specific area for that specific time.

DELEGATE LONGSTRETH. But as soon as they leave that sports arena, or whatever it may be, then it is ... they can have their gun.

DELEGATE SHOTT. Well, if they are otherwise allowed to have the gun, doesn't basically say ... for instance, a convicted felon now can come in with a gun. But if other provisions of the law give you the right to carry your hand gun, then the provisions of this law do not trump that ... do not overcome that right. So, you have to look at the other provisions of the law, but if you're authorized elsewhere to carry a gun, then this

bill does not operate to prohibit you from carrying that hand ... that firearm.

DELEGATE LONGSTRETH. So they could carry it into a sports game or ... am I wrong?

DELEGATE SHOTT. If you're otherwise entitled to carry, yes you would. As long as there is not a school function ... school sponsored function going on during that time, in that area.

DELEGATE LONGSTRETH. I am trying to understand it; I may understand it, but thank you for answering that question.

DELEGATE GRAVES. I just want to clarify what the problem was, that this bill attempted to rectify. May I speak to it?

MR. SPEAKER, MR. ARMSTEAD. Lady may proceed.

DELEGATE GRAVES. The problem was, under the terribly written order, by Judge Stucky, if a facility is occasionally used by a school, then it becomes a no go carry, from then on. Even if it's not being used by a school or a school function. If they occasionally use it, well guess what, we just created a completely off limits, no carry zone, forever. And, that's what this bill was attempting to rectify.

Now, it's legal to carry into a rec center if your gun is stored securely. If it's concealed, I heard a lot of talk about guns hanging out and laying it down, while you're going to the bar bells, that is not allowed. And this bill does not make it allowed. It doesn't. You will be asked to leave. If you don't leave, it's a misdemeanor. It is not legal to just leave your gun just hanging around. And, a responsible gun owner is not going to do that anyway. But let's just say the we had an irresponsible gun owner, well guess what, it's illegal. This bill does not just make it to where you can just do that.

Additionally, the Senators who are over the Gentleman from Kanawha's district, had no issue with this rec center that he's speaking of, or any rec center in their area. And, there is a time period where you know, this is being discussed in committee. And, generally speaking, when there is an issue in a particular area, we'll see those people come

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to committee and they are not shy about letting us know that they don't agree with what we're doing.

Not a single rec center facility operator, not the Mayor, no one had an objection to this bill, that was expressed. So, I'd like to just say, let's pass this bill, it's a good bill. It rectifies a terrible order by a judge and we have a chance to restore it to a level playing field and to not create new felonies for otherwise law abiding gun owners in the State of West Virginia. I urge passage.

DELEGATE E. EVANS. Thank you, Mr. Speaker. Will the Chairman yield?

DELEGATE SHOTT. YES.

DELEGATE E. EVANS. Yes, yes. I don't have any rec centers, but I am a former athletic director concerned about a couple of points of this. Maybe I'm over thinking it, I don't know. If my cross country team goes to Twin Falls State Park and participates in the regional cross country meet, they run all over the park, would the entire park then be considered a free zone, or whatever?

DELEGATE SHOTT. I would say ... I'm gonna step into the shoes of the local judge that would probably look at this bill. I think, for the period of time that that function is being used by that function would, for that period of time, be a prohibited zone. That's the way I would interrupt it. I know you have some good judges down your way. I would defer to their judgment on that, but that's the way I would read the bill.

Now, under the current law, if the order that was referred to was in place in McDowell County, it would appear that there would be an argument to be made that, from that point forward, the entire park would be indefinitely, a prohibited zone. I think that is part of the purpose of the bill was to constrict that prohibition to just the area and the time of that event. That would be my interruption.

DELEGATE E. EVANS. So that could apply to any city park being used for a sectional tennis ... for that matter, how about a homecoming parade in downtown, whatever town we're talking about.

DELEGATE SHOTT. I think you really extend that beyond the bounds of reasonable analysis. I mean you rent the street, for instance. I mean, the street is a public highway. I suppose if you had a gathering area where the band was gathered and it was the leased area or owned by the board, you could conceivably say, during that period of time, within that boundary, that area is a prohibited zone. But I just do not read this bill to say that the whole street from start to finish, in all the areas where the spectators would be, would be a prohibited zone. I don't think that ... that ...

DELEGATE E. EVANS. Well, as I said, I don't want to over think it. So, I'm just looking for your opinion on that. And it just occurs to me that there is so many activities that occur off of school property and as I say, speaking of sectional events that are always held at like an armory or something, or tennis events, or even swimming may be held at a park somewhere. Lots and lots of activities that the schools sponsored, are away from the facility itself. So, inherently there are some issues I guess, but I'm just concerned that ... I just wanted, for my own purpose, we're basically saying that this law that the judge passed, or ruling the judge made, says that the places became indefinitely, a free zone.

DELEGATE SHOTT. Yes. And, just let me clarify that was a, I think, a Kanawha County judge and so that would not extend throughout the State. It might be that the other judges might find it persuasive, but it's certainly not binding. This bill would effectively, I guess, trump that ... that ruling. This bill, if it's passed, would constrict that ruling to just that time and place.

DELEGATE E. EVANS. Thank you very much, sir.

DELEGATE FOSTER. Thank you, Mr. Speaker. I would definitely speak in favor of passage of this bill. And, I just wanted to point out something that the gentlemen from the 37<sup>th</sup> mentioned. The municipal rec centers and the issues with, really what the ... being able to ban guns within that municipal rec center and I believe the phrase he termed was protecting little mountaineers. Well, I just wanted to point out something, something these rec centers also have is a swimming pool. And the worry was an accidental



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discharge causing a death of a child. And, I just wanted to point out that in order to protect a child at a rec center, the swimming pool is 15 to 25, or 19 to 25 times more likely to cause the accidental death of a child, under the age of 15. So, I think, that banning swimming pools from rec centers would probably be more effective way to go about it, than putting a sign up, saying a gun was not allowed. And, I would urge passage of this bill.

DELEGATE HORNBuckle. Thank you, Mr. Speaker. I rise today in opposition of this bill. I think that yesterday, the amendment put forth before us would have made a lot of sense. Would have made this bill better. I also respect, very much so, opposing views on this issue. The gentleman from Logan, and the gentleman, right in front of me from Lincoln County, when somebody feels that way, I respect that.

But, I'll tell you another thing, much like my colleague from the 37<sup>th</sup> said, "there's some of us in here that won't be able to shoot themselves out of a wet paper bag." There's some of us in here that really don't believe in this. There's some of us in here that do it for a grade. And that's what I don't like. And that's what I don't like. But I also know that, the way this vote will go and I'm voting because of my district. I also feel there will be some people in here that will be a lot more active in my district because of this with community centers. I hope they will. Because I know I will be explaining to my community centers that they will. Thank you.

DELEGATE SHOTT. Thank you, Mr. Speaker. Let me just see if I can try to synthesize some of the law regarding, in how this bill fits in. I was asked about facilities that might be free of guns, for other reasons. Keep in mind, when we addressed the parking lot bill, recently, the general premise in the statute was that if you're a private property owner, you could ask someone who had a gun on, on your premises, a firearm, to leave. The exception in that bill was basically for those guns, those firearms that are locked in an employee's car. So, there was, sort of, one of those situations where you're balancing competing interests. The privacy right and personal property rights of the employee who securely, secures their weapon in the automobile verses the property rights of the owner of the premises.

Now, keep in mind though, that's a limited exception with regard to employees and employers. If you own property, let's say for instance, the ... we talked about some sports facilities, let's just choose Mountaineer Field, the University has the right, in and of itself to prohibit weapons at that facility. Nothing in this bill overcomes that. Basically what this bill is intended to do is to clarify an area, associated with primary and secondary education facilities. And, the prohibition ... the extent of the prohibition on bringing firearms or other deadly weapons on to those facilities.

And, part of our job as Legislators, is whenever there is uncertainty or lack of clarity in a bill is to try to clean that up and accurately reflect the purpose of the bill. And that's the way I see this bill. I certainly supported some of the amendments that were offered to the bill, which I thought were appropriate. I don't think anybody can accurately describe me as a gun nut. I suspect my rating, after this session, will be F- with the NRA, but I do think, in this particular case, we've been put on notice of some issues with this bill. Some lack of clarity that's been brought to our attention by the decision of the judge of the Circuit Court of Kanawha County. And what this bill basically tries to do, is bring some clarity to that.

So, that ... what we're doing when we enact a law, is try to make it understandable to the people so they can conform their conduct to what the law is. And this particular bill, we're basically saying that the prohibition on school activities, whether they're on ... whether they're outside of the school property, is limited. And its limited to the time that the activity is going on. And its limited to the area in which the activity takes. And that's basically the thrust of the bill and so, if that's ... if you think that's the intent of the original bill and this bill further clarifies it, it's important we pass it. And, I think that's ... it appears to me to be what the bill's intended it to do. There is some additional clarification in other places, but the main focus of the bill is that particular issue. And, I think it provides ... in my mind, it provides needed clarification. Although I voted for the gentleman from the thirty-seventh's amendment yesterday, I intend to vote for this bill because I think part of our job is to provide clarity when none exists. So, Mr. Speaker, I urge passage of the bill.

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## COM. SUB. FOR S. B. 313

REMARKS  
of  
DELEGATE CHANDA ADKINS  
*March 9, 2018*

DELEGATE ADKINS. Thank you, Mr. Speaker. She actually said everything I've been debating about standing up and saying. This was my amendment on this bill, when it came over from the Senate. I didn't like the thought of waving all fees, continually, for those three categories, for the chapter 30 boards, because I'm sure we all agree, like she said and that they are all there to protect the public and nobody wants to not protect the public. However, the gentleman in front of me had said, well you know that these doctors and pharmacists they should just pay their fees. Well, you know I have broke down, I think at every mile marker of I-79. AAA was my best friend and I'll tell you a little funny story since we are all talking about this: The day I went to trade my car in, I was very poor, but the day I went to trade my car in and the guy at the dealership said "Oh, honey, you need to take that car and put it in your driveway with a sign on it, because I can't really give you anything for it." So, all this was, as to relay the sediments from the Gentelady, is that this was a pro-job, pro-licensing professionals, people that are coming here and just to give them a little bit of a break. Because I'll tell you, after I got that first paycheck, me and FICA became really good friends and I learned a lot about him. Okay. So, I'm just saying, this was just good for students and that are coming out wanting to get their license, their initial license ... it was my amendment, because I wasn't okay with waiving it continually. Those under the poverty level, I was 24 when I came here, out of my graduate program, I probably would have qualified, even if you removed 18 to 24, to 25 year olds, I probably still would qualify, potentially under the poverty level, because I had no money. I had lots of school loans and I had a car that couldn't even get me to Morgantown. So, I relay her sediments. Vote yes on this bill. This just shows people in West Virginia we haven't forgotten you. We want to see you professionals come here. We do value your license and who you are. Thank you.

## FAREWELL SPEECHES

REMARKS  
of  
MEMBERS  
*March 10, 2018*

DELEGATE C. ROMINE: I was just sitting here thinking of the years that I have been involved with serving in the Legislature and I want to share with you a way to measure the years that I've been here.

When I was elected the first time, my wife had just given birth to our only daughter. She was two weeks old when I was elected. She's going to shoot me, but she's turning 50, in October. If she's watching and ... I hope you forgive me for that. But, I have been five terms over the 50 years that I have served and it's been a real honor and a privilege to serve. It's been great to be in the majority the last two years and I thank the Speaker for all of his leadership and his leadership team. He's done a great job. I've been honored to be a part of that.

Friendships; we have ... I have made so many ... we, I say we, my wife Phyllis and I, the last two terms, Phyllis has been with me, as you all know, many, many of those times. And ... But, we have made friends with people from every county in this state. And, when I think of a county, I think of a person. It's been a privilege to make the friendships that I have made and as I look around the chamber, I see young faces. I see some people; I have socks older than they are. I'm looking at Josh as I say that. But, anyway, it's going to be fun if the Lord gives me another few years or many years. It's going to be fun for me to watch you young folks grow and prosper and see what responsibilities you come up with.

It, as I said, it has been a great privilege and pleasure to meet each one of you. Some of you, I've gotten to know better than others. But, as I said, I will watch, with interest ... it's ... I just can't tell you how much I have enjoyed these last two years, serving with some folks that I've served with before. Serving with my cousin, Roger. And, we think we're cousins anyway. And ... so ... but as I look around the room, I see some of you that I've gotten to know better than

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others, but, I respect each of you for what you are and what you've done. And, I'm so proud to be a part of this great organization. Sometimes it's not pretty, but we seem to get the job done. So, I thank you for your attention and I will be looking, with interest, as the ... as you all continue the work that we ... the important work that we have to do here. Thank you, very much.

DELEGATE LOVE: Thank you, Mr. Speaker. I just want to take a moment to remark on my friend, Chuck, over there. Having sung the prayer and having Chuck play for me on that guitar and banjo was like, just like being on the Grand Ole Opry. It's been a great job with those five strings buddy. And looking around, Chuck made a comment about the new faces here in the Legislature and the young faces. The young intelligent, intellectual faces, I might say and this is something that I haven't privileged when I was over on the other side for 15 years. Most of those guys were pretty much up in their age. But, oh I don't know, it's a ... it's been a good experience to watch these guys bounce up on issues that it seems like never did happen before. They just spontaneously pick up on it, make good remarks and amendments, as most of them do, from Kanawha County. And, it's been a great experience to see this youth. I'm like Chuck, I'm anxious in the years to come to see what happens, to see what you guys do, as far as legislation and making West Virginia a better place to live. I think it's going to be a plus, I really do. Thank you, Mr. Speaker.

DELEGATE WAGNER: Having chosen not to run about a year ago, I'd like to make a few comments as we close the session. First of all, Mr. Speaker, I'd like to thank you. It's been an honor to serve with you. And, I appreciate how you handle everything with a great deal of dignity and fairness to everyone. Also, I'd like to thank, whomever, four years ago, I made the decision to put me and Delegate McGeehan together in the same office. It's been a pleasure, certainly.

And, to the entire body, I would just like to say, I've been very protective of this group. I witnessed a group that works extremely hard for their districts and have an intense love for their state. And, I have a great deal of respect and admiration for

everyone. And, it certainly has been an honor to serve. Thank you.

DELEGATE FERRO: Thank you, Mr. Speaker. I stand here today a very humble and grateful man. The voters in Marshall County elected me 10 years ago, in 2008 to represent them and I've been fortunate enough to be here for five terms and, as most of you know, that I am not returning. I am running for County Commissioner in Marshall County. But, I just want to just tell all the people here and everyone in the chamber, how much I appreciate everything that you've done. To all my friends, I'm gonna miss a lot of ya. So, the bonds you make down here, the friendships that you make, the honor that you see from your colleagues, is certainly something to be treasured forever.

I want to wish everybody here the best of luck. Thank you, Mr. Speaker for everything, as well and your future endeavors, good luck and, again, I just want to tell you all, thank you and I've certainly appreciated this and all of you.

DELEGATE ELDRIDGE: Mr. Speaker, I guess, first off, I really want to thank a lot of people. I've served this House for twelve years. I started in 2000 ... I started running in 2002 after we were attacked by the airplanes hitting our towers. I felt personally, like I wasn't doing enough for my country. So, I decided to run for House of Delegates. I'd always voted, but I'd never really been involved in politics. And, being from Southern West Virginia, boy did I learn something.

First and foremost, I want to thank the people that has made this possible. It's a journey for me. The people of District, I'm gonna say 19 and District 22, Mr. Speaker, because I served through both. I want to thank them for the support through the years. I want to thank several people here at the Capitol, Mr. Speaker. There is a lady by the name of Tina Burs, in the Senate, that has helped me a lot getting my Resolutions through the Senate. That's been a job. I want to thank Anne for helping me with all my citations. And I want to leave Melinda last. Her and I have been friends for many years. She's up in Education. She helped me become a better Delegate, my first four years

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here. And, I wanted to make sure I thanked her. I know I've left a lot of people out. And, I talked to a couple people on the way here. The Delegate from the 2<sup>nd</sup>. I said, "what do you say," so I'm just gonna thank them all. I'm gonna thank everybody. I really appreciate helping me get through my 12 years here.

I made national news a couple times. Mr. Speaker, you probably remember some of this. I had a Delegate, Carrie Webster, that was the Judiciary Chair, I think, probably back in 2007, maybe. There was a bill on the agenda that we was getting ready to vote on and I hadn't followed up and I looked down at the Delegate from Wayne County, Don Perdue was nowhere to be found. And, it was dealing with chains and stuff on dogs, abuse and stuff like that. But, it had it a tethering the chicken. And, I looked up to Mr. Speaker, which was the Delegate from Wayne County, as well, Rick Thompson and I couldn't get his attention so, I hit my button. And, I ask the Gentlelady to yield. And I ask her, "if tethering my chicken would make it a felony?" She said, "I don't know, have you been choking your chicken?" And, I said, "excuse me?" That was a pretty good one. So, she got the choken chicken of the year award.

In 2009, Mr. Speaker, I introduced legislation to ban all sorts of dolls that does detrimental damage to our kids. And, the news went crazy. A Delegate from Lincoln County trying to ban the sale of Barbie. Over the next four or five days, I probably received close to 10,000 emails and, over 80% of that email was hate mail. I was threatened in several different languages. I had to get translation. But, you know Mr. Speaker, I still get a lot of praise for doing that. I had a lot of women, a lot of women ... the 20% that really sent me emails, thanking me for doing what I did. Said they really appreciated me standing up for women's rights.

The police followed me around for almost two weeks, dealing with that cause the people had threatened my life during that. I think that was before they had the metal detectors installed. 2010, that was in 2009, 2010 I decided to run for state Senate after introducing legislation and I ran against an incumbent, a doctor over on the Senate. And, I don't know what I was thinking. I couldn't ... I couldn't beat him. He beat me by a little over 1,000 votes. But, I won two out of the

four counties and I almost won three out of four counties. So, I give him a good race. So, 2012 I ran back here and I've been here ever since, Mr. Speaker.

I have a four-year-old and a five-year-old, little girls. And, it's hard for me to be here and pick them up from school and do their homework, so I've choose not to run again. And, I've choose to run for County Commission. I've come here, going to be a big part of ... of trying to move this state forward and helping my area. And the twelve years I've been here, I've been the lead sponsor on five bills. And, it looks like I have two more, right now that I could add to that one, which would be House Bill 4214, raising the penalties on ginseng. West Virginia's ginseng is probably the best ginseng in the world. That's the reason it brings a big price and, we're not doing very much to protect that. People like to go ginsenging. My grandfather took me ginsenging all the time. As soon as I'd dig it, he'd buy it from me. He loved it. He got me hooked on it. I still do it. House Bill 2483, transferring 18 year olds, I hope that makes it through this year. We got it by the House, I think, three out of ... maybe four years. It is important. We don't need 21 year olds beating up our 15 year olds.

I've been a co-sponsor of 64 bills that has passed, not counting this year. I want to talk about a few of them. 2007, House Bill 2703, authorizing certain students receiving instructions in fly fishing. I like to fish. And, I've done everything I can down here to push that. That required them not to have a fishing license while they're in instructor training. That's a little bit of instruction to fly fish. It's a little bit different. In 2007, House Bill 2709, requiring installation of fire hydrants of intervals at not more than every 2,000 feet, to be installed on water mains. To me, that's a very important bill. Hopefully I saved many lives.

Two thousand seven, also, House Bill 2944, Enhancing the end-of-life care given to residents of nursing homes. In 2008, House Bill 4150. Requiring the purchase of American made flags, with state funds. I thought that was pretty important. If we are going to be spending the money, we should be buying American made. Passed bill 4406, relating to state board standards for the recommended duration of school bus transportation times for students to and from

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school. How important is that? I know some kids is on the bus over an hour. I had a county commissioner from Lincoln County that helped me with that legislation.

In 2013, House Bill 2626, authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules. House Bill 4335, relating to child's right to nurse. 2015, House Bill 2515, relating to elk restoration. I thought that was a great bill for Southern West Virginia and all across West Virginia. Hopefully it will bring millions and millions of dollars to us in the future. House Bill 2800, in 2016, adding law - enforcement officers contact information and names, family members to a list of exemptions from public records. I think that's important. 2016, House Bill 2826, requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes. 2016, House Bill 4145, relating to carry or use of a handgun or deadly weapon.

I know a lot of people in here are true gun owners. And, I don't come in here vote, just strictly for guns because the NRA or CDL. I truly believe and I believe my friend from the 23<sup>rd</sup> will testify, him and I have headbutts over here all the time about the use and the possession parts of it. I truly believe the only way to deter a bad person with a gun is a good person with a gun. And, God help us if we ever have to be in that situation to do that. But, I hope we would have the courage to do so.

2017, I was a co-sponsor on creating a Silver Alert Program, for senior citizens. 2017, House Bill 2180, authorizing the issuance of special "In God We Trust" on license plates. I have 13 resolutions, not counting this year, Mr. Speaker, on naming roads and bridges. I know that's not a big issue to a lot of people, but I take pride in doing so. Because, it's a part of closure to people that lost their loved ones that went and fought in the war.

I probably haven't named as many as my friend from the 24<sup>th</sup>, but I tried. I'd like to take a few minutes to just mention their names, Mr. Speaker. HCR 59, the Hearts Veteran Bridge. In 2008, HR 2, requesting the State Fire Commission to increase by 6%

in salary to the State Fire Marshal. 2008, HCR 31, The "Sgt. James Allen May Memorial Bridge." 2008, HR 32, Commemorating the passing of Tom "Rose" Tomblin, out of Logan County. A gentleman, businessman, public servant, a volunteer and a great asset to the county and state. I believe he was a Delegate, as well. 2010, HCR 10, The "Sgt. Justin Alan Thompson Memorial Highway", on 119. 2010, HCR 46, The "Staff Sergeant Roger Lee Chambers Memorial Bridge", in Logan County. In 2013, HCR 108, The "Army Specialist Fourth Class Tommy Lee Belcher Memorial Bridge." In 2017, HCR 19, U. S. Army PFC Freeman Ray Meade Memorial Road. HCR 30, U. S. Army PFC Cornelious Wiley Memorial Bridge. I named this last year. We got it out last year and, I sent the family, with the Department of Highway workers and the Department of Highway workers, I believe, gave them the wrong number. So, although the bridge was named, it was named on the wrong bridge and, it took a year to get this out. And, HCR 87, Deputy Sheriff Justin Alan Thompson. I named it a couple ... well, I named it in 2012. But, in 2017 I had a lot of family members come to me and ask me if I could amend that and put the Deputy Sheriff on it. He was a Deputy Sheriff and I said, "I'll try, is all I can do."

In 2006, I think this was important for our area, HCR 60, requesting the United States Congress to include a portion of Highway 10 as a corridor to the Appalachian Highway Development System. That helped us get Federal funding. In 2007, HR 19, designating February 13, 2007, as "Law Enforcement Appreciation Day." In 2007, HR 26, designating February 21<sup>st</sup>, as "Social Work Day." 2008, HR 9, designating January 24, 2008 as "Disability Advocacy Day." In 2008, HR 20, Designating February 13, as Children's Day. HR 25, commemorating the passing of Brian William Linn, West Virginia State Trooper, a soldier, a husband, a father and a great asset to his community, state and country. HR 31, Commemorating the life of Dale Flint Riggs, a gentleman, a businessman and a former member of the House of Delegates.

Well, there is only a few more things I need to say, Mr. Speaker. I'm probably the only Delegate in the history of the House that got married, here on the floor. It was supposed to be a "popup wedding", but we

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was in session and that didn't happen, did it, Mr. Miley?

Mr. Speaker, I guess I have a couple of requests. At last, I'd like to ask whoever the Speaker may be, if the Delegate from the 24<sup>th</sup> and the 23<sup>rd</sup> are still here, I'd like for you to make sure that they sit together. With that being said, Mr. Speaker, I appreciate it and like I said, I'd like to thank everybody that's helped me be a part of this.

DELEGATE PHILLIPS: Thank you, Mr. Speaker. While I'm not going to be quite as long as my colleague down there, but ... I appreciate his comments. Mr. Speaker, first of all I came in, in 2011. This is my eighth session. And, up in the south gallery, my girlfriend has been with me for the last four. I want to give a big thank you to her. I want to thank my little girl. On my first session, on the end of January, she had open ... or not ... yeah, open heart surgery. Broke my heart. But, anyway, she's doing great. She was in here a few weeks ago. But, you know I've made ... got some tremendous friends, being here over the last eight years. You know, I was going back, I first ran in 2008. I lost, as the Delegate down there said, on his Senate race. But, after I lost, I had people call me and ask me, "Rupie, can you do this, can you check on this," I'm like, I didn't win. But I voted for you. And, I started thinking about the little cartoon that you see around the coal mines a lot of the frog getting swallowed by the bird and he had his arms around the birds' neck and never give up. You know what? I never gave up. I was determined. I fought. I won.

2012 election was probably the hardest election I had, but I won. '14, I won. I won in '16. And, you know, ladies and gentlemen, again, it is amazing the friends that you made here. You know my first session, I ... probably there's a couple of us still here, remember Sally Henson? And she is not doing too good right now, bless her heart. But, she was a ... I think she was a secretary for 14 or 16 Delegates down on the East Wing. She was tremendous. I wish everyone in here could have met her and touched her. She is just tremendous. I want to thank all the staff. I'm not going to go over the bills. I've had a few come through and I'm proud of them. Resolutions, I tell you what, when someone asks you to do a Resolution, I'm gonna tell everyone of you, if you're here

next year, the year after, the year after, if someone asks you to do a Resolution, step up and do it. Because, they ask you for a certain reason, that's a family member and they deserve it. And, I've been proud to have been picked on, because I've passed so many Resolutions.

And, ladies and gentlemen, I'll be back here next year. The State of the State, I'm gonna walk right down the middle of that aisle. In my other ... my future job, you make sure you all know my office is always open to anyone from West Virginia. Thank you, Mr. Speaker.

DELEGATE MARCUM: Mr. Speaker, also, many of you know I will not be seeking re-election. I'm going to go home and spend some time with the family, my church family, my wife, my two kids and just enjoy life. But it's been fun, ladies and gentlemen. I've been here since 2012, or really, 2011. I got in a few hours before my Junior Delegate, Phil Diserio. I beat Phil in by a couple hours, so, he's always called me his Senior Delegate.

Mr. Speaker, I want to give a couple shout-outs though, I said first and foremost, to my family whose always been there. As, Delegates Phillips mentioned, Sally Henson, when she was with us on the East Wing, she was a true legend, a true help. She took care of us. I mean, we were like her little pups. So, I want to give a real thanks to Sally. Mr. Speaker, I want to also give a shout-out to a guy that's been like a father figure to me when I was in here. He was the Majority Leader for a long time. We come from Mingo County, both of us, Harry Keith White. As you guys know, Harry Keith and I were ... I was like his son. Harry Keith was a true friend of mine. He's had some surgeries recently; he's recovering very well. Delegate White though, served twenty some years here. We're just really close, still. And, Harry Keith, I come in as a 26-year-old Delegate, who got appointed by Governor Tomblin and Harry Keith put me to work. He's the ... at that time he was the Finance Chairman under Rick Thompson. And, then we had Speaker Miley and H. K. was the Majority Leader and we went to work. I mean he threw me out there giving floor speeches and arguing bills on day one. This new Delegate coming in, so if Harry Keith is listening, I want to give a huge shout-out to him and the former Delegate Steve Kominar. Mr. Speaker,

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without those two, they've really shaped my life, shaped how I would fight for the people of Southern West Virginia. It's been a true honor to serve with each and every one of you. I'm really proud I got to serve with you. I've had a good time. I will be back. I just look forward to going home. I said, it's been eight years now. Spending some time with the family, my church family, just getting some work done in my office and just enjoying life a little bit. It takes a lot of time; people don't realize the time it takes from you to be here.

I want to leave you guys with a few things. It's really been an honor though, to fight for the people of the 20<sup>th</sup> District. I do remember, a lot of progress was made in Southern West Virginia, but we cannot let up, guys. We have to stay together to diversify the economy in Southern West Virginia. We have to focus on the King Coal Highway. And, you've heard it from me numerous times, be bold, stand up. You know, don't let up. And, I've told the Majority Leader numerous times, Delegate Cowles, be bold, you know. Change this, let's do it right, come on. But, I really have a lot of respect for each and every one of you. I thank you for the time to allow me to speak, to allow me to work with this body. We're all in this together. We've got to move West Virginia forward.

I remember, like I said, Sally, when she was here. I even remember when Rupie was a Democrat. I was office mates with him. I mean, Mr. Speaker, I've seen a lot of change, for the good and for the bad. But, I ... I mean, I've seen a lot. I want to thank two people that are still here and that's Delegate Pethel and Delegate Mike Ferro. Those two, I come in, like I said, Harry Keith took me under his wing and threw me under the bus too, said "Here, get to work." But, Mike and Davey, Dave was my first office mate when I got here on the East Wing. And, there was a true honor to come in to these guys. I call these guys the legends, because they've been here, they know how it's done. And, to go in with Dave and Mike, it's truly been a blessing to me. But, thank each of you for your service, please don't give up on the King Coal Highway. Please don't give up on Southern West Virginia. And, Mr. Speaker, thank you for your hard work and dedication. I just want to thank my family, my wife, Tish, my kids, Tenley and Kiptyn. And, every one of you, for serving with me. And, one last thing I

forgot, I've got on my notes, I used to get a lot of bridges named until we got a new Chairman who's not ... I don't see him right now ... but, I used to get a lot of bridge naming's through, Mr. Speaker. I don't know what happened, but thank you, guys. God bless you and I look forward to coming back later in life.

DELEGATE WHITE: Thank you, Mr. Speaker. As you know, I'm not coming back because of our family dynamics, but everybody seems to share good stories when they get up here and talk. But, I'm gonna share a couple of bad things. My life will never be the same because of the Delegate from the 55<sup>th</sup> District. I will never, ever get to share a Christmas ham again with my family, I can assure you of that. And, I always like to walk around with my family and just talk and share their problems and stuff like that. But, over the past year I can't even kick a can with my family anymore, because it's been kicked down the road so many time, from the Delegate from the 16<sup>th</sup>, that's out too.

Some highlights ... or one other bad thing, I'm standing out in the middle of the Capitol and I knew my life had changed for the worse, once a lady tapped me on the shoulder and she goes, "Oh, I'm sorry, I thought you were Governor Tomblin." I was like, Oh my God! I have ... my life ... and I started thinking about it and I thought, I've gotta get out of politics, quick. But, the highlights, I mean, who in the world would have ever thought that I would get to meet a tiny Mountaineer. Delegate from the 50<sup>th</sup>, you go my man. Breeders Cup Winner, over here, nine kids, you go Marshall Wilson.

But, anyways, thank you for letting me get that off. I want to thank the cleaning crew, Delegate Steve Westfall. I really appreciate you keeping my office clean, like you did. Security, State Police, put everyone in here, I mean, I've seen that ... you know, we battle from day-to-day, but man, you know what, when you walk out of here, your class people. And, I'm sincerely, man, appreciative of each and every one of you. You've got hearts of gold and you proved that when my father passed away, so thank you all, God Bless.

DELEGATE AMBLER: Thank you, Mr. Speaker. I just want to say thank you for six

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years of being down here and being around some of the best people in the world. To have the opportunity to serve with many of you. To establish friendships that I will carry out, further than, maybe this world will allow me to do. I am very fortunate to have served with some of the best guys, I've got a great office mate in Roy Cooper. I tell you, it has been a pleasure to be here and to be able to serve the people of West Virginia. And, as a little note, so ... if you're ever on Jeopardy or somewhere and someone asks you who voted the first vote for the Speaker of the House, by name of Tim Armstead, you'll remember it was George "Boogie" Ambler. So, you will be a winner on that. And, I would like to say, just one thing and keep it short and sweet, is that most of you know that I am trying to go from the light side to the dark side. I will try to carry some of the light from this House, to the that end of this Capitol, if I am successful. Gentleman, Ladies, thank you very much. I certainly appreciate every one of you. Thank you.

DELEGATE LOVE: Thank you, Mr. Speaker and, this will probably be my last address to the body. But, Mr. Speaker, our coal industry ... we have spoke about everything from abortion to crows in the past 30 days in this body. But, Mr. Speaker, the one thing we have missed is coal. And, the coal industry and coal miners, has sent a strong message to Washington urging the President and Congress to stop the Federal Environmental Protection Agency from imposing such strong new standards on pollution, air pollution emissions. Now, these proposal or proposed standards have resulted in the burning of less coal, much less. Millions of tons less than we have been burning today.

The Federal EPA Corp of Engineers and the Wild Life Services, have currently, are currently standing in the way for new surface mining. If that's around one-third of all production and that means that one-third of our coal miners, about 20,000 coal miners, are out of work. And, one-third of the \$180 million of annual severance tax is also lost. And, the ... applying negative effect that's rippling through our state's economy was allowed.

Now, this is not about mountain top mining or air pollution, this is about jobs. And, jobs in our area of Southern West

Virginia and our economy of our state and Southern West Virginia. And, it is very unfair for workers to become pawns in the controversy among various interests groups in Washington and elsewhere, that are fighting for revised mining laws. You know, coal has been the life blood of West Virginia and rightfully too, people call it that way. And, to extend that metaphor it could easily be said, that if coal is the life blood, then the men and women of the coal industry are the blood cells of industrialization, because, they alone, have fueled two World War efforts and elevated America to the forefront of productivity by providing cheap and readily accessible source of fuel for the engine of Capitalism.

Since the late 1900's or 1800's, coal has survived in coal production; has withstood the test of time from the mine wars of the early 1900's to the great energy crisis of the 1970's. West Virginia's coal miner, a term that is synonymous with coal, has been there for America. Today, coal provides about 100% of all the electrical generation output in West Virginia. And, due to the relatively low cost, remains the backbone of America's overall energy production capacity. This gives West Virginia a strategic advantage over all the States in the Union, albeit, a long-term strategic advantage. Some say coal reserves will someday run out and that alternative sources of fuel will be the key to our country's future and undoubtedly non-renewable energy reserves will undoubtedly become exhausted. However, surveys have shown that at current production levels the State could continue to mine coal for the next 125 years. And at cost ... well, generally not even approaching the production cost of the other fossil fuels. Indeed, West Virginia's coal reserves are triple and that means that West Virginia was the supplier and is the biggest coal producer in the world.

Coal is ... it provides countless jobs and provides for thousands of families of hard working coal miners. And, it has provided millions of dollars of tax revenue for our state, our county and our municipal governments. Payrolls, education, roads, health cards, miners' pensions, all of these are powered by the coal industry. And, the men and women that work hard to produce it for all of Americans, not just West Virginians. And, on this day, we sort of remember, or we are talking about coal,



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we've got to think about those people that, at this very moment, are harvesting the surface to produce more coal. And, those underneath the Earth, digging out that precious black ... whatever you want to call it, not just coal, but it's money for West Virginia.

You know, Mr. Speaker, I still believe that coal has a great economic future for West Virginia. And if we all should work together, I think we can bring back coal, never like it was, but we can bring it back to a certain point as to where it will provide more jobs for hard working West Virginia coal miners and their families. And, it will bring in more tax dollars for that area and the economy of West Virginia.

Before I close, I want to say a couple of things here, that I appreciate you all. And, to my friends for obliging this Fayette County native with the opportunity to serve with you in this elite body, a heartfelt thank you to each and every one of you. And, I might say to my friend from Cabell County, that one of us will go to Congress, I hope. And, you also can remember, my door is always open to you, really.

And, I've made a lot of friends here that I'll never forget. Made a lot of friends over in the Senate, but seems like the House, over here, is a little more congenial. Made a good buddy in the Delegate from Cabell who plays that banjo and guitar. And, I don't know, it's a ... I appreciate you. You know, to make new friends and to take them back home with you and talk about you with my wife and I talk good about you, I won't say anything bad about you, really. And, the Speaker, I even slipped over there a time or two, you saw my button on the other side, which I don't think that hurt anything at all, do you Mr. Speaker? I don't think so. But, again, I want to thank you and love all of you and I will remember you the rest of my life. Thank you, Mr. Speaker.

DELEGATE SOBONYA: Thank you, Mr. Speaker. I know everybody is probably glazed over ... Yes. Thank you, I got a little ahead of myself. That's a hard act to follow over there, Delegate Love. Today, as I draw to the close of my legislative service, I've been here 16 years and I've been very blessed and honored to service the people of District 18. I've actually been in three different

districts, with redistricting District 15, 16 and 18, so it's hard to keep up with the different district numbers. But, it's been bittersweet for me. Upstairs I served in the Judiciary Committee for 14 of my 16 years. And, that is such a great committee to be on. But, I was cleaning out my desk the other day, my drawers, where I keep all my things and I just really had tears in my eyes thinking of all of the legislation that all of us, whether you're a Republican or Democrat, have impacted here in this body.

You know we've done increased penalties for sex offenders, you know, for children, that sought to hurt our children. I'm reminded of when I first was elected and I was serving here and I shared an office with Delegate Miller. I had a grandmother come into my office and she said, "my grandson was sexually abused. He was killed and, the penalties aren't very high." And, so, we worked together. We got Logan's law passed. It took a couple of sessions, but we got it over the finish line. I had another grandmother come to me after that and she said, "I know how hard you all worked on Logan's law. My granddaughter was six years old getting off of the school bus and her name was Haven and she was tragically killed just getting off the school bus to go home to see her mom. And, we worked in a bi-partisan manor, Republicans, Democrats, there were tears. We cried tears together and hugged each other to get those over the finish line. And, so you think what we do today has a long standing impact for the lives of children and families and those that we represent collectively.

When I was a freshman, elected in 2002, there were 10 Republicans and they said that was unheard of to have two new Republicans. Back then we had, maybe, 30 some out of 100. And, those that are still serving with me are: Craig Blair, in the Senate, in my freshman class, Cindy Frich, Delegate Bill Hamilton and myself and others have been defeated or haven't sought re-election. And, I've been honored to serve with four Governors.

Mr. Speaker, today, when I got this picture taken with you, it brought tears to my eyes because I thought of the times that we've had working together for the common good of the people that we represent. I ... many of you may not know, but I advocated

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for the unborn for 10 years prior to my election. So, 26 years, half of my life, has been walking these halls trying to make a difference. Some of the things that stand out in my mind, you know, one of our reporters with the Herald Dispatch said, "Can you tell me about your service of 16 years?" And, it's really hard to put that in two paragraphs; 16 years of public service. But what stands out in my mind, my little buddy over there from District 50, we were on Industry and Labor together for a number of years and there was a bill, I think I was a freshman, they wanted to outlaw belt air ventilation in coal mines. And, I said, "I don't even know what belt air is, I'm a real estate agent. I've been selling houses for 20 years." I had no clue what belt air ventilation was in a coal mine. As I raised my little hand, I ask the Chairman, back then, I said, "Can we go into a working coal mine? I would like to see what belt air ventilation is. How can we outlaw something if we don't even know what it is?" And so, we scheduled a coal mine tour. Three brave Republican women and three brave Democrat men were the only ones that showed up. And, we went into the face of a coal mine. We got to even operate a longwall, you can help me Delegate, I'm not sure ... ok we operated those. It was a second coal mine tour. So, that stands out in my mind.

The women's caucus, we went to the Neonatal NICU Unit where we saw babies drug exposed in vitro. It was a horrific sight to see. But it's always going to be in my mind that the bills that we did, relating to substance abuse, you know, it's tragic, but that was something that we did together as a bipartisan manor. I've always said I respect people more if they fight to the mat for what they believe in. You know, the Bible says you shouldn't ... you know ... if you're hot or cold, God can understand, but don't be luke warm. And, I'm not saying ... I'm going to point to another individual that I've had the honor to serve with, the Delegate from the 51<sup>st</sup>. You have a far right Republican that fights to the mat. You have a far left or moderate Democrat that fights to the mat. But, we fight to the mat because we have a fire in the belly to do what's right for the people of West Virginia, we may not agree. There's a lot of issues that we don't agree and we'll argue and we'll fight here on the floor, but at the end of the day we represent the people collectively, because we want to make

a better West Virginia. We want our young people to stay in our state.

Now, I'm gonna ... I'm not seeking reelection. It was a hard decision because I have loved being here in this body and serving with all of you. And, I've decided that I don't want to give up public service, so, I'm seeking election to the Cabell County Commission. And, it might be a tough fight, but I'm up for the challenge, as many of you know. And, Delegate Jim Morgan from Cabell County, he's served, he's sat over there, he's served for a number of years with me. And, it was an awesome moment for me when he finally got over to this side of the aisle, because I was always over on that side of the aisle for what, 12 of the 16 years I've served with Jim recently. And, I teased him, I said, "You know I helped put you in the Minority, Delegate." And, he's now in the County Commission. And, I said, "I'm looking forward to putting you in the Minority again with my election." So, I'm hopeful I'll be able to continue public service. I just want to thank everyone, whether you're a staff member, a Delegate, anyone here that has worked to advance legislation, I do want to thank you from the bottom of my heart. And, one more thing to my little buddy, over there, I told him, I said, "I feel left out I didn't get one of those ribbons that you're wearing." And, I said, "I'll buy yours for \$5. And, he said he'll give it to me if I win my County Commission race. So, we have to hold his feet to the fire. I want my ribbon. But anyway, thank you, Mr. Speaker and thank you, everyone for allowing me to serve with you.

DELEGATE HAMILTON: Thank you. Well, it's been 16 years and I finally decided that I was going to make a run for the Senate. That's why I won't be back in this House, next year. Now, I'd like to give some advice to the people that are remaining, hopefully, in the House of Delegates. Number 1, be careful about putting your dibs in for that balcony room, in the East Wing. Because, the Gentleman from the 54<sup>th</sup> reminds me about every two days, when it's really cold, he said, "It's your fault that we got this office." And, the other thing is, in the 16 years, I've met a lot of people and, they're good friends. And I know, at times, my voting record has stressed some people out, mainly in my caucus, but I told them and I've told them several times,

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you all can't vote for me. It's the people back home and I vote with my people.

Sixteen years ago, when I was running, I was knocking doors in part of Buckhannon and I went to this Gentleman's house, he was a ... I was in the insurance business at the time and he was retired. I knew it was a Republican household, because his name was Warren Harding Jackson. Knocked on the door and he invited me in and we talked a little bit and he said, "now are you like all these other people that move into Upshur County?" and he said, "because it's a Republican County, you just register Republican because it is, but you're really something else?" I said, "now Mr. Jackson, I've lived here all my life, but three years." And, I told him where I grew up. I remember your grandparents and your dad and mom, etc. And, I said I'm gonna tell you what, I voted for ... the first President I voted for was Eisenhower, in 1956. He looked at me and he said, "now Hamilton, you're running, you've not been elected yet and you're already lying." He said, "you could have barely been out of diapers in 1956." And, I said, "well, I was out of diapers, it was my first year in grade school, I went with my parents to the polls, which was in my grade school," now see, I'm telling how old I am, because it's no longer called a grade school, it's called an elementary school, "and we went in and they had paper ballots and, Ms. Jack, my Sunday School teacher, she said, "Billy, who are you voting for?" And, I said, "Ike." She said, "put your X right here." Now, I realize, if I'd have been in another county, I won't mention, that might have counted. Sorry about that.

But, anyway we had a good chat. Then after I got down here, the Gentleman, I don't know his district number, but, Delegate Robinson, his father, I was asking for a ... cause Eisenhower is my favorite President. Because, he was the first one that I was old enough to know about anybody and I ask if someone had a picture. Well, the Gentleman's father, Nelson Robinson, brought me a post card, a big one. I took it home and my wife had it matted for me and framed. And it's still hanging ... its hung in every office that I've had down here, from the Court of Claims, to the East Wing, to the end of the East Wing and now back to that cold Balcony office. But, one day, I think it was my second term, this young man came in and was looking at that picture and I started

to tell him, well that's ... because he was young, I figured he didn't know who the President was, at that time and I started to say ... and he says, "you know, you don't look the same with your glasses on." I said, "well, that's not me, that's President Eisenhower." He said oh ... he apologized over and over and over. But, it's been a good ride. I appreciate my friendships that I've made and, some of the bills I've worked on, I guess, some of the low points of my 16 years, was January 2, 2006. When we lost 12 miners at Sago and the hardest part I think I had to do, was when we came back in session and the Speaker and the President of the Senate was forming a task force, you know, to study the mine explosion and I went into the Speaker's office, which at that time was Robert Kiss and of course, they'd chosen me, because that was in my district and he ask me three times, "Are you sure you want to be on this committee?" And, I finally said, "Mr. Speaker, I want to be on the committee, but why do you keep asking me?" And he didn't ... he just looked at me, he never answered me, but I found out why a few weeks later. Because we had to see some things in that investigation that wasn't reported to the public and I think we got some good things to come out of that. It was a shame that we had to lose 12 miners.

But, in the high points, it's just been the comradery with everybody, whether we agree or disagree and I guess the next to the last bit of advice I can give ya is; you know when you have your disagreements with people, especially in the Legislature, let it roll off your back. Don't take it to heart, because tomorrow, you may need that person on a different bill, for a yea vote, or a nay vote. And, I'll end this by sayin, don't worry about November, let's get him in May.

DELEGATE R. ROMINE: Thank you, Mr. Speaker. That's a tough act to follow there, Senator. After 18 years, I've imposed a self-term limit of 18 years. And, I recall back to the first time I run and then, my good Senator, still my good friend, Senator Larry Edgell. And, I went to Larry and I said, "Larry, what advice do you have?" He said, "Well, you have been a school principal, you have been an assistant superintendent, you was a hearing officer for several years; my advice to you is keep your mouth shut." I think I've done that quite well. I tried to let my votes speak for me. And, it's been a great

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ride. I can think back in 2004, I lost my wife of some 36 years and three of the first calls I received was from Senator Edgell, Senator Kessler and Governor Joe Manchin. Now, I don't say that to cast dispersions. But the point I'm trying to make is, that in West Virginia, concern, compassion is not party affiliated. And, I'd just like to thank everybody here for the friendship that you have done and showed me. It's been great on both sides of the aisle. And, I will simply close by saying thank you, to my office mate, Ruth, to my Senator, Bill Hamilton and the other half of the Muppets, Allen V. Evans and as of right now, Delegate Romine is leaving the House, Sine Die.

DELEGATE A. EVANS: Thank you, Mr. Speaker, actually, I wasn't planning on saying anything, but, they twisted my arm back here. But, you know Mr. Speaker, I've had a great ride here. I've enjoyed serving with you and everyone in this body. Everybody is cordial and nice, even though we all don't vote alike, we all sound alike when we get up here and make a point. My friend, over there in number 55, he never has driven that slow, but he gets up here and talks 50 miles an hour. But, I still love him, he's a good man.

I also want to thank this group back here that we have entertained for the last 60 days, right Roger ... Bill. All good friends, Ruth. I just love everybody in here and you know I've served, I'm right up with you John, almost. I've got 28 years in. And, I'm now for term limits. I think, you put it on the board, I'm going to vote for it. But, I have had a great ride and I thank you very much, Mr. Speaker. And, good luck to you and everybody in this House. Thank you.

MR. SPEAKER, MR. ARMSTEAD: Thank you, Mr. Speaker. Hopefully, I can get through this. Fellow members, it's a ... I wish I was funny, like so many people are, in here. They can keep their composure a little bit better, but, I've never been very funny and I know that. So ... And, when I try, I usually bomb, so I won't try tonight. But, I do want to take just a few minutes to try ... to the extent, like I said, to do this to express my appreciation to this House. My appreciation to so many people for the opportunity to be able to serve in this House. I, this will be 20 years, at the end of this year. Not quite as much as the Gentleman from the 62<sup>nd</sup>, but, I

was working for Governor Cecil Underwood and I came up to this House as a part of his legislative team and sat in the back of these committees and listened to the debate and the discussion and I thought; man I want to be a part of that. I don't want to just sit here and watch it. I want to be part of that, I want to help make those laws. I want to be a part of this wonderful process. And so, I went in to him and ask ... and told him that I was interested in running and that was hard because I knew I would be leaving his office and I loved what I was doing there.

But, it was not a mistake on my part. It was one of the best decisions I ever made. And, fortunately, I was able to be elect ... well actually, I was able to be initially appointed by Governor Underwood, upon the death of Delegate Dick Henderson. And, then ran for this seat in the 32<sup>nd</sup> District, with the four horseman, one of which is our Clerk now, Steve Harrison. But, I'm gonna try to brief here, I just want to say this; there is so many people to thank for the opportunity to serve in this House. First of all, my parents, who are no longer with me, but they sat over there where the Gentleman from the 44<sup>th</sup> sits now. He, the first time I was sworn into this House and they're the reason I'm here, they taught me so many things. They weren't a ... they were children of the depression; they weren't even able to finish high school. Neither one of them, because they were the oldest children in their families and, I was the young one to come along last in my family. But, they encouraged me in every area of my life and I'm so thankful for that.

I'm thankful for my teachers. We've had a lot of discussion about teachers. I have a lot of great teachers and I still keep in contact with some of them. I'm thankful for them, for their encouragement. I want to say a special thanks to the people of the 32<sup>nd</sup> District and to the 40<sup>th</sup> District and the people of Elk River, who gave me this opportunity. I'm so honored to represent them. To be their voice here. It's just been a tremendous honor, every day and they're just such great people. They're just such great people. And, I'll miss representing them.

And, I want to thank the members of this House. The members of my Republican Caucus, who gave me the opportunity to serve as your Minority Leader for eight years, in this fight, no offense, but the fight to get

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on this side of the room. And, it was a struggle, it was 27 members when I first got elected. 27 Republican members. And, I can tell you, I had no real hope of ever being able to stand up there when I first got here. I didn't think that was going to happen. Or, at least not, within my time here, but it did and I'm so thankful for that. And, I'm thankful for every member of this House, for giving me the opportunity to be the Speaker of this House, because it's such a tremendous honor. I don't know how I could express that appreciation, adequately. Because, we may not agree on everything and we may not ... you know, we may have our times. And, you know, there's probably some of you who might say, you know ... that things ... who might remember a time where we've been at each other. But, I hope that, in the end, that we all recognize that we have different opinions and very much a passion about those opinions. And that, that's okay, because that's why we're sent here to be. And, so, I'm thankful to all the members of this House, for this tremendous opportunity to be the first Republican to stand in that Speaker's platform. Because, that will always be such a tremendous honor to me.

And then, probably, the people that's going to be the hardest for me to get through here, to thank, one of them is standing right here, to my left. When we took over the Majority ... well, first of all, when I first got elected to Minority Leader, I came in to her office and she remembers this and I said, "Marilyn, you've got another one to train." Because, I knew that she knew what that job entailed and she would help me do it. And, she helps all of us. And, she has been more than a friend and more than an assistant, to all of us. She's been the glue that holds this place together, in so many ways. And, I appreciate, so much, all that she's done. And, Dan and Jeff, Hoff and all of our staff, they live and breathe for this place. And, they value it and make it work for all of us.

And, further, I just want to thank some people there, in the gallery, that ... my wife Anna, my daughter Katie, my son-in-law Aaron, are up there and Aaron's birthday is today, by the way, Happy Birthday, Aaron. And, with them is my is my, yet to be here, grandson, which I am really excited about, in July. I hope to have the opportunity to show him off to each of you at some time in the future. But, none of us could do this without

the love and support of the people that are our family, our spouse, our children, none of us can. And, I so appreciate them, because there have been many things I wasn't able to do, or go to, or be at, just like all of us and they understood, because they were on this team with me, from day one. And, they're the reason that I've been able to be elected to this House and I so appreciate them and love them. And, whatever comes next, they're with me and that's the great thing. So, just in closing, I would say this; it's, as I said, I mentioned my parents a minute ago and I don't talk a lot about background, or anything like that, you know. But, I think I'm probably like a of people that have been elected to this House, or maybe children who are wanting to be elected someday, that you know, we were not wealthy. We were not ... I didn't have an ancestor, dad or granddad, that served in this House. My family, as I said, my parents were neither one able to finish high school, for various reasons, one of taking care of their family, as many people did in that generation. Had to go to work and take care of their family. And, they didn't have money to send us to college, so you know, I had that opportunity to get out and get a job and go to school. I just think the thing that means so much to me is that a kid who has just a great interest in politics and government, you know, is this geeky kid that just kinda had this interest and always thought about this place and came here the first day on Golden Horseshoe day, was the first day I was ever in this Chamber. And, always thought, what an honor it would be to be here and be in this House. And, I hope, that what we all do, is that we inspire the children that come in here and page and the children that stand up in these gallery's, that I see every day when I'm here, that no matter what their background is, you know, like me, maybe they grew up living in a mobile home, most of their life, I did, you know my family wasn't wealthy. None of that matters, because the great thing about this House is that it's the people's House. And, it is available to anyone in this state, no matter what their background is. And, I hope that all of us always recognize that and always share that with the people that come here. And, I truly believe that, from the bottom of my heart, that this House is a place where good things can happen for our state. And, I appreciate the opportunity to be a part of making, I think, good things happen for this state, with so many of you. And, although I won't be here next year, to be a

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part of that, I'll be watching. And, I may be giving you a call every once in a while and saying, hey you know you think about ... you can tell me mind your own business, you're not here anymore, that's okay. But, I appreciate your friendship. I love the relationship I've had with each of you. Again, I'm deeply honored to be the Speaker of this House and I will always, to the day I die, to be honored to be that Speaker and to serve with each of you. And, I know we have more work to do tonight, but, thank you, from the bottom of my heart for what you did for this state, that all of us love. And, I have great confidence, as I go out of the door, that we're in good hands. And, that this House will look out for the people of this state, as it is designed to do. So, thank you.

DELEGATE OVERINGTON: Thank you, Mr. Speaker, you're a hard act to follow. I was elected in 1984 and have been proud to have served for 34 years in this body. We're like one big family. And, or as our Governor would say, 'just filled with goodness'. But, like a family, we at times have squabbles. Especially when you have so many diverse ideas, views and prospectives. But, I think that as the Speaker just pointed out, we all have one goal and that is what is good for the State of West Virginia. I've noticed over the years and we've heard a little bit of this, this evening, that some of our members, at times, feel that the grass is greener on the other side and they decide to move over there. I also notice that some of them, they realize their error and they come back. You know we've had Senator Love, Deem, Rowe, all deciding to come back and I think it shows that the things that we do here.

I will miss all of you. But, as the Speaker just said, see that we have a lot of talent and ability that will continue the good work, because we have one goal, to move the State forward. We have different ways we'd like to see that happen. The one thing that I won't miss, when I leave here, is all those comments that people made about me asking to explain when I was with Abraham Lincoln. You know what he told me years ago, in 198... in the 1890's, or 1860's. You know, as I look around, the people that has served here, we've had a tremendous amount of talent and ability. And, I looked at the ... as the longest serving person of 34 years, I look at people like Bill Anderson and I look at people like Allen Evans and Dave Pethel, that have

served here for a quarter of a century. You know, it's remarkable when you think about the dedication, the amount of time in your life that you've put here and I think that applies to everybody that's here. You have to make a commitment. You have to have a family support system. I think about my wife, who has answered the phone, literally thousands of times, when I'm down here. You have to have a family support system that makes this possible if you want to serve. I'm glad, that as I have watched this, that a lot of people have done some of a lot of things that I have done to keep in touch with our constituents, things like citizens' polls, or having town meetings every year, so you provide a mechanism to keep in touch with the people that you represent.

I also appreciate everything that Tim Armstead has done over the years. We shared an office long ago. I remember ... does anyone remember what his hair color was back then? They said we shared an office and that's where I had my first opportunity to learn about co-tenancy. His ... we got involved in poster rights. His desk was right next to mine and it was no dispute that he had complete control over his desk. But, the side of his desk that was right next to me, sort a became an issue of dispute where I learned about co-tenancy and we never did resolve that issue completely.

I'd like to take a minute or two going down memory lane with you. When I was first elected we would pass bills on voice votes. Most of the bills we passed on and that was one of the first battles that I had where I felt, for accountability, that we should have every vote a recorded vote, so our constituents back home. When I was first elected, you could only have two sponsors on a bill. And, I felt that should be expanded. I remember moving it up to seven and because we had a seven-member district in Kanawha County, made sense to have everybody on that district being able to show their support behind a bill and then I later said, "well, we've got 11 members in Kanawha County, they should all be the sponsor/ co-sponsor of bills. So, we got it up to 11. When I was first elected, we had huge books that were on our desks, notebooks, that would have all the bills listed in it. So, we would get a fat book with all the green publications in it and we could take that home and read it that way. That was before we had our computers like

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this. Things have evolved, over the years. The ... I want to ... for those of you that aren't going to be serving for 34 years, I've got the top 10 observations that I wanted to share with you. Observation number 10 is that, the perfect is enemy the a good ... is enemy of the good, sometimes it's better to get half a loaf than a whole loaf. Number nine is, in the political world passion and emotion often trumps rational thought over the short term. Item number eight, where you're old and your mind is made up, you often don't ... you only listen to those that reinforce your beliefs. Number seven, compromise your position, but never your principles in seeking results. Number six, the majority of statewide leaders did time in the House of Delegates, or the Legislature. Helping people with no expectation of rewards can, never the less, be very rewarding. Number four, often the political process is political theater. I, at times, have felt that as I have looked at some of you during the debates. I've thought that maybe that somebody like, Mike Caputo should be getting an Oscar for some of his theatrical presentations in the House. Listening is more critical to success than speaking and espousing views. Number two, being right doesn't necessarily mean you prevail. And, number one, perception is the reality that politics is based on.

As I said, I've enjoyed my 34 years here. But, there's a couple issues I haven't got completed yet. So, that ... I hereby leave the challenge of the death penalty to Geoff Foster. I'll leave the challenge for him to carry on that tradition. It was a ... it's been 34 years that I've been introducing that and pushing it. So, Geoff, the ball is in your court. I hope that you will be more successful than I have been. The ... having served for 30 years under one party and four years under another party, I can tell you that the last four years have been probably a little more rewarding and satisfying than the first 30 years here in the House of Delegates. And yes, I have come around, finally, to the view that we should have term limits. But, I've just never felt that I'm the poster person for it. I wish you all the best in the years to come. I will never forget the third of my life that ... the third of a century, that I have spent here. And, I wish you all happiness and the best in the future. Thank you.

DELEGATE C. MILLER: Now that I know Marshall's won, I can get over myself being,

slightly saddened, about leaving the House. I was elected in 2006 and have served 12 years with some wonderful people. I think those of you that have been under the classes when I've done orientation and I explained to you how we become family, when you're a freshman you don't really get it. But, this past new freshman class, I think you know now, after two years, that we truly are family. That doesn't mean that we get along all the time. It doesn't mean we don't get aggravated when people are a little rude to each other, but we stay family. And, even when we leave this august body, we never say goodbye because, if you're passing through a County, or you need something, you know who to call. And, I have been so proud to serve with you all for 12 years.

The staff has been fabulous. I don't know what we would have done on our side, without Marilyn, because she truly has taken care of us for so many years, long before I was here and long after I leave. I have to marry ... I don't have to marry ... I have to mention Larry Border, who was the first den mother that I knew. And, when I was down in 4R, I remember every evening, he'd wear that silly hat and coat and come walking through just checking on all his people. And, when Larry passed away, I picked up his mantle of being the den mother. And, our side started growing, larger and larger and so, there were more chickens in my nest. But, I will say the Class of 2012 was my favorite, because they were such a tight group together and they were so excited to be here. I have truly been honored by the Speaker, through my years. After my freshman year, I was the Minority Vice-Chair of Gov. Org. Then I was the Minority Chair of Gov. Org. Then I went to Judiciary and after Larry Border passed away, I then moved on to Finance. And, when we went into the Majority, I became the first Assistant Majority Leader. And, as a woman in leadership, I think it says an awful lot about our leaders here that they do respect women and they do put them in positions of leadership.

I have now completed my second year as the Majority Whip. I didn't push anybody off of a subway in front of a train. I wasn't mean to anybody, but I learned truly what the responsibilities there are in leadership. Without Tim Armstead being at our helm, I don't think any of us would have been as good a leaders as we have turned out to be.

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Again, I want to thank all of you for all of the years I've spent with you and how much I enjoyed all your different personalities and all the gifts you bring. Because, we truly are the body of the people. God bless you all and thank you.

### MARSHALL UNIVERSITY

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REMARKS  
of  
**HON. SEAN HORNBUCKLE**  
*March 10, 2018*

DELEGATE HORNBUCKLE: Thank you, Mr. Speaker. On behalf of the Cabell Delegation, it is truly an honor to announce to you all, that the Marshall University Thundering Herd starring two West Virginia kids and John Elmore and C. J. Burks, have beat the Western Kentucky Hilltoppers, by a score of 67 to 66, to capture their first Conference U.S.A. title. But, more importantly, got their bid to go dancing in the NCAA tournament, for the first time since 1987. Go Herd!

### FIRST EXTRAORDINARY SESSION, 2018

#### PETITION TO RECONVENE

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REMARKS  
of  
**HON. MIKE PUSHKIN**  
*May 21, 2018*

DELEGATE PUSHKIN: Thank you. We were just informed that the... you know, there is a petition going around to ... for us to reconvene and address the banking issue in regards to medical cannabis program. We were just informed that the Senate has, they have the three-fifth signatures, three-fifth of the elected member's signatures on their petition, and we're 24 short over here, so if there's 24 of you who'd like to address this issue, a bill that was addressed during the ... that addressed part of it during the legislative session, had 78 yea votes as it passed out of here during the session, but we've gotta get 24 more signatures we could address the issue. Thank you.